Index

Titles of publications are in italics.

Abbott, F.M. 60
Abbott 51
abuse of patent ownership and China’s Patent Law 188
Act of Protection of Inventions, India 59
Advanced Glycation Endproduct 98
agrochemicals industry, India 13, 101–7
Ahlert, I. 231
Albuquerque, E. 29, 30
Anning, Chen 205
anti-AIDS drugs and patent litigation, Brazil 49–52
compulsory licensing 23–4
anti-cancer drugs, compulsory licensing 64–5
Anti Unfair Competition Law, China 182
Antitrust Law, Brazil 26
ANVISA (National Health Surveillance Agency), Brazil 22
Ashwagandha extract 82
Audi 100 technologies and Hongqi cars 193–4
automotive industry
China 191–217
Thailand 113–14, 133–64
automotive parts, Thailand 137–40
foreign suppliers 150–52
Thai suppliers 152–7

Bajaj vs TVS patent litigation case 93
BASF 105
Bayer Corporation 65, 105
Beall, R. 5
Biodiversity Act, India 81–2
biopesticides research, India 105
Bolar exception 7, 23, 228
Brazil 10–11, 16–53
FDI 32–3
innovation 33–6
innovation, pharmaceutical industry 42–9
IPR and innovation policies 24–6
patent applications post-TRIPS 27–30
patent law 17–24
patent litigation 231
patent litigation, pharmaceutical industry 49–52
pharmaceutical industry 36–52
royalties and licenses 30–31
technology transfer 31–2
burden of proof in infringement cases 230
BYD 212–15
Camson Bio Technologies 105
cancer drugs 64–5
car parts, see automotive parts
carmakers, Thailand, knowledge transfer 147–50
CD piracy measures, China 185
Chaudhuri, S. 93
Chery Automobile Co. 200–206
China 14, 172–219
automotive industry 191–217
economic development and innovation 174–6
economic development and IPR protection 176–7
international pressure and IPR protection 180–86
joint ventures, car industry 193–200
patent litigation 231–2
patent regime reform 186–90
Index

CII (Confederation of Indian Industry) 76–7
Citroen, joint venture with Dongfeng Automobile Company 194
compensation for loss principle, China 188
compliance period 4–5, 223, 227
compulsory licensing 5, 223
Brazil 24, 51
China 187
India 64–5, 228
Confederation of Indian Industry (CII) 76–7
Copyright Law, China 182
Council for Scientific and Industrial Research (CSIR), India 68, 72–6
counterfeit products, automotive industry, Thailand 145–6
criminal sanctions for IPR violation, Thailand 130
CSIR (Council for Scientific and Industrial Research), India 68, 72–6
Daihatsu and Xiali cars 193
Daisin 154–5
data protection limits, India 229
De Negri, J.A. 45
DENSO Corporation 150–51
distant changes due to TRIPS compliance, India 66–7
Donfeng Automobile Co. Ltd 202
and Citroen joint venture 194
Dr Reddy’s 97, 98
drugs
cancer treatment 64–5
costs 93–4
exclusion of patentability 17–24
generic, see generic drugs
HIV/AIDS treatment 23, 49–52
see also pharmaceutical industry
Drugs and Cosmetics Act, India 229
DuPont 105
early working (Bolar exception) 7, 23, 228
economic development, China and IPR protection 176–7
and technological innovation 174–6
Efavirenz 51
Ehlers, M.H. 231
Excel 104
exceptions to patent rights 7, 23
India 228–9
exchange rate effects on royalties and licenses, Brazil 30–31
Exclusive Marketing Rights (EMRs), Indian Patents Act 60
exemptions from patentability 7, 223–7
Brazil 17–24
India 228–9
expenditure
on R&D, pharmaceutical industry, India 94
on royalties and licenses, Brazil 30–31
on technology transfer, Brazil 31–2
exports
automotive industry, Thailand 137
export structure, Thailand 117
pharmaceutical industry, India 96
Farmanguinhos 51
FAW (First Automobile Works), China 191, 194
FDI (foreign direct investment)
Brazil 32–3, 39
joint ventures, automotive industry, China 194–5
Thailand 117, 134
Fiat 210
First Automobile Works (FAW), China 191, 194
flexibilities, see TRIPS flexibilities
foreign firms, patenting activity, Thailand 128–9
foreign investment in pharmaceutical industry, Brazil 39
Frenkel, J. 36
FTAs (Free Trade Agreements), Thailand 120
Geely (Zhjiang Geely Holding Group Co.) 206–9
generic drugs
Brazil 22–3, 41–2, 42–3
definition 41
India 100
Generic Medicines Law, Brazil 22–3, 41–2
Gharda Chemicals 104, 105
Ghosn, Carlos 198
Glivec case 91–3, 227
GM
  joint venture with Shanghai Automobile Company 196
  lawsuit against Chery Automobile Co. 201–2
Goto, A. 222
Goulart, J.E. 231
government policies, see policies
Great Wall Motor Company Ltd 209–12

HAART (Highly Active Anti-Retroviral Treatment), Brazil 23
high-tech exports, Thailand 117
HIV/AIDS drugs, Brazil 23, 49–50
Honda 149
Hongqi brand cars 191, 193–4

ignorance can be forgiven principle, China 187–8
imitation products, automotive industry, Thailand 145–6
imminent infringement, China 187
incremental innovations patenting, India 77
India 11–13, 57–108
  agrochemical industries R&D 101–7
  exemptions from patentability 223–7, 228
  implications of TRIPS compliance 66–89
  incremental innovation 77
  patent litigation 91–3, 232
  patent system 58–65
  patent opposition 90–91, 233
pharmaceutical industry R&D 93–100
  technology licensing 86–9
  Patents Act 58–65
  TRIPS flexibilities 223, 227–9

Industrial, Technology and Foreign Trade Policy (PITCE), Brazil 26
infringement cases, see patent litigation
innovation
agrochemicals industry, India 105–7
automotive industry, China 202–4, 207–9, 211, 214–15, 215–17
Brazil, impact of TRIPS compliance 33–6

and economic development, China 174–6
  pharmaceutical industry, Brazil 42–9
  and TRIPS compliance 8–9, 33–6, 233–4
innovation policy, Brazil 25–6
INPI (Brazilian Patent Office) 22, 26
Intellectual Property Center (IPC), Thailand 121
intellectual property rights (IPR)
  enforcement, China 182–6
  and innovation, China 217–19
  and innovation, Thailand 123–33, 157–64

  and Science and Technology Policy, India 69
  intellectual property rights, see IPR regimes

Intellectual Property Rights,
  Development & Catch-up: An International Comparative Study
  (Odagiri et al.) 2
Intellectual Property Training Institute (IPTI), India 89
international conventions and China 181–2
investment in R&D, see R&D investment
IPR regimes
  Brazil 24–6
  China 175, 176–82
  Thailand 118–23
  see also patent laws
Isagro 105
Isuzu Motor (Thailand) 149–50

Japan
  and Chinese automotive industry, China 196–7
  National Center for Industrial Property Information and Training (NCIPI) 121
Japanese companies
  and technology licensing 144–5
  and Thai automotive industry 144–5, 147–52
Jetta cars 195
Jin Luzhong 220
joint ventures, automotive industry, China 193–200
Kaletra (anti-AIDS drug) 51
Kasai Kogyo 151
Kijima, K. 144
KIPI (Korea Institute of Patent Information) 121
knowledge diffusion, Thailand 120–21
knowledge transfer
automotive industry, Thailand 140–42
impact of changing patent regimes 142–7, 163–4
Korea Institute of Patent Information (KIPI) 121
Kuhn, R. 5

Law 9.272, Brazil 20
Law 9.782, Brazil 22
Law 9.787, Brazil 22–3
Law 10.196, Brazil 21–2
Law 12.529, Brazil (Antitrust Law) 26
Law of Innovation, Brazil 25
lawsuits, see patent litigation legislation
Antitrust Law, Brazil 26
Drugs and Cosmetics Act, India 229
Generic Medicines Law, Brazil 22–3, 41–2
IPR laws, China 180–82
Law of Innovation, Brazil 25
Patent Act, Thailand 118–19
Patent Law, Brazil 17–24
Patent Law, China 177–9, 186–90
Patents Act, India 58–65, 229
Li Shufu 206, 208
Li Shuli 210
Li, Xibao 173
Liang, Zheng 173
licensing, see technology licensing litigation, see patent litigation
Lupin 100

Magalhães, L.C.G. 39
mailbox provision, Indian Patents Act 59–60
Mani, S. 68
market reform
automotive industry, Thailand 134

and national innovation system, China 175
marketing expenses, pharmaceutical industry, Brazil 47–9
Maskus, K. 33
medicinal plants 81–2
Merk 51
microorganisms patenting 9, 230
India 82–6
Miyazaki, K. 144
multinationals and IPR protection 217–18

Natco Pharma 65
National Center for Industrial Property Information and Training (NCIPI), Japan 121
National Health Surveillance Agency (ANVISA), Brazil 22
National Science, Technology and Innovation Act, Thailand 123
National Science, Technology and Innovation Policy Committee, Thailand 123
Natreon Inc. 82
NCEs (new chemical entities) R&D, India 96–100
NCIPI (National Center for Industrial Property Information and Training), Japan 121
neglected tropical diseases (NTDs) 9, 77–8, 234
Nelfinavir (anti-AIDS drug) 51
Nelson, R.R. 222
new chemical entities R&D, India 96–100
Nippondenso 150
Nissan
lawsuit against Great Wall Motor Company Ltd 210
Thailand 148–9
Novartis
and AGE compound 98
Glivec case 91–3, 227
NTDs (neglected tropical diseases) 9, 77–8, 234
Odagiri, H. 2, 222
offering for sale 188–9
Oliveira, N.B. 37
Index

opposition to patents 230, 233
India 90–91, 229
Orsi, F. 51

parallel importation 7, 229
patent activity
agrochemical industry, India 124–30, 162
Brazil 27–30
China 173, 176
China, automotive companies 204, 209, 211, 215
India 68–77
Thailand 124–30, 162
Thailand, automotive companies 142–4, 147–50, 154, 155–6
Patent Cooperation Treaty (PCT)
Brazil 28
China 176, 217
India 76
Thailand 126–7
Patent Facilitating Centre (PFC), India 76
patent infringement cases, see patent litigation
patent laws
Brazil 17–24, 28
China 177–9, 186–90
India 58–65, 229
Thailand 118–20
patent litigation 231–2
automotive industry, Thailand 146–7, 156
BYD 213–14
Chery Automobile Co. 201–2, 204
China 231–2
Geely 207
Great Wall Motor Company Ltd 210
India 91–3, 232
pharmaceutical industry, Brazil 49–52
Sammitr Motor Manufacturing 156
Thailand 130–32
Patent Office, Brazil (INPI) 22, 26
Patent Office reform, India 89
patent regimes, see IPR regimes, patent laws
Patents Act 1970, India 58–65
PCT, see Patent Cooperation Treaty
Pessoa, S. 51
pesticide R&D, India 104
petty patents, Thailand 119, 126, 143; see also utility models
PFC (Patent Facilitating Centre), India 76
pharmaceutical industry 3–4
Brazil 11, 36–42
innovation 42–9
patent litigation 49–52
India 12–13, 93–100
R&D investment 234
pharmaceutical products, patentability, Brazil 17, 21–4
PINCTEC survey of technological innovation, Brazil 33–4
pipeline patents, Brazil 21, 52
piracy prohibition, China 185
PITCE (Industrial, Technology and Foreign Trade Policy), Brazil 26
Pitkethly, R.H. 144
policies
impact of TRIPS compliance, India 66–7
science and technology, China 174–5
technology and innovation, Thailand 116, 121–3
post-grant opposition 230, 233
India 90–91
pre-grant opposition 230, 233
India 90
Thailand 131–2
private sector patenting trends, India 76–7
process innovations, pharmaceutical industry, Brazil 43
product innovations, pharmaceutical industry, Brazil 43
profitability, pharmaceutical industry, Brazil 47
Protection and Utilisation of Public Funded Intellectual Property (PUPFIP) Bill 76
proximate changes due to TRIPS compliance, India 66, 68–89
public, non-commercial use of a patent 6
PUPFIP (Protection and Utilisation of Public Funded Intellectual Property) Bill 76
Queiroz, S.R.R. 36–7

R&D
agrochemicals industry, India 101–7
BYD Chery Automobile Co. 203–4, 205
Great Wall Motor Company Ltd 211, 212
Honda 149
pharmaceutical industry, India 93–100
policy initiatives, India 66–7
see also innovation
R&D investment
of firms granted patents, Thailand 123–4
and innovation rate, pharmaceutical industry, Brazil 47–9
pharmaceutical industry 234
pharmaceutical industry, India 94
Thailand 116
Rallis 104
Ranbaxy 97, 98, 100
Rebouças, M.M. 37
research collaboration policy, Brazil 25
research institutes
India 72, 76
knowledge transfer, Thailand 163–4
patent applications, Brazil 29–30
reverse engineering and imitation, automotive industry, China 191–3
Revitalizing China through Science and Education, Strategy of 175
revocation provision, India 229
Roche 51
royalties and licenses
automotive industry, Thailand 144–5
impact of TRIPS compliance, Brazil 30–33
Thailand 129–30
Salerno, M. 45
Sammitr Motor Manufacturing (SMM) 155–6
Sampat, B. 93
Santana cars 195
Sanyo, lawsuit against BYD 213
SAS (Summit Auto Seat Industry Co. Ltd) 152–3
Science and Engineering Research Board (SERB), India 67
Science and Technology Policy, India 66–7, 69
science and technology regime, China 174–5
SERB (Science and Engineering Research Board), India 67
Shanghai brand cars 191–2
Shanghai–Volkswagen Santana joint venture 194
Shenlong Fukang 194
Siam Cement Group 126
SMM (Sammitr Motor Manufacturing) 155–6
software patents, India 72
Somboon Group 153–4
Sony, lawsuit against BYD 213
South Korea and Chinese automotive industry 196–7
Souza Paula, M.C. 36, 37
Special 301 180–81, 182–5
Strategy of Revitalizing China through Science and Education 175
Summit Auto Seat Industry Co. Ltd (SAS) 152–3
Sunami, A. 222
Suster, R. 30
Syngenta 105
Techakanont, K. 141
technological capabilities of firms, Thailand 115–18
technological innovation, see innovation
technology licensing
automotive industry, Thailand 144–5, 149
impact of TRIPS compliance 9, 234–5
India 86–9
technology transfer expenditure, Brazil 31–2
and transnational corporations, Thailand 117–18
Thai Summit Group 152–3
Thailand 13–14, 113–65
automotive industry 133–40
IPR regime 118–23
Index

243

IPR regime and technological catch-up 123–33
knowledge transfer and patenting activity, automotive industry 140–64
technological capability 115–18
TRIPS transition period 227

Tianjin Automobile Industry Company 193
Torrent 98
Toryod website 121
Toyota
lawsuit against Great Wall Motor Company Ltd 210
Thailand 148
trade agreements
and China’s IPR laws 180–86
Thailand 120
trade relationships, Brazil, impact of weak IPR 17–18
trademarks, pharmaceutical industry, Brazil 44
traditional knowledge 9, 230
India, Traditional Knowledge Library 78–81
transition period 4–5, 223, 227
transnational corporations
and automotive industry, China 195–9
and technology spillovers, Thailand 117–18
TRIPS agreement 57–8, 222–9
effect on innovation 8–9
TRIPS and patent law
Brazil 17–24
China 186–90
India 58–65
Thailand 119

TRIPS flexibilities 4–8, 20, 223–30
Brazil 20–24
India 64–5
see also compulsory licensing
TSRD (Thai Summit R&D Next Technology Co. Ltd) 153
TVS 93

United Phosphorus 104
United States
influence on China’s IPR protection 180–85
US patents granted to Indian inventors 68
universities
knowledge transfer, Thailand 163–4
patent applications, Brazil 29–30
research collaboration, Brazil 25
utility models 77, 230; see also petty patents
Viagra 52
Volkswagen 194, 196

Wang Chuanfu 212
WTO entry, China 185
and competition, automotive industry 195–200

Xiali Model cars 193
Xibao Li 173
Xie Baoxin 205
Xue, Lan 173

Yueh, L. 173

Zhjiang Geely Holding Group Co. 206–9
ZX Auto 210