PREFACE

The World Trade Organization (WTO) Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) is a key document for the regulation of intellectual property worldwide. Understanding its terms, operation and possibilities is of undoubted significance for Member nations of the WTO and their citizens.

The principal aim of this book is to provide the reader with insights into the ways TRIPS has been, and is capable of being, interpreted. There is, then, a focus on TRIPS's text. But the text alone will usually not aid interpretation without an understanding of the context in which it was written and, in some instances, subsequently interpreted. The book therefore attempts to provide a clear and succinct discussion of some of the central debates about the meaning of the various TRIPS provisions.

The processes for interpreting TRIPS are dynamic. For instance, at the time of writing a WTO Disputes Settlements Body Panel was being appointed to deal with a dispute between Australia and a number of other Member countries regarding Australian laws concerning requirements for the plain packaging of tobacco products (WT/DS435, 2012). Any decision of the panel, and possibly the WTO Appellate Body, is likely to impact upon our understandings of the interpretation of a number of TRIPS provisions. So as to allow readers to keep apprised of these matters, the authors will provide additional commentaries at <http://googl.utTGW>.

The authors were the sole author of the chapters they were assigned. Professor Malbon wrote the chapter on interpretation. He also wrote the commentaries on the following provisions of the TRIPS Agreement: Part I (the Preamble, and general provisions and basic principles: Articles 1–8); Part III, Section 1 (general obligations: Article 41); Section 2 (civil and administrative procedures and remedies: Articles 42–49); Section 3 (provisional measures: Article 50); and Section 5 (criminal procedures: Article 61); Part IV (acquisition and maintenance of IP rights: Article 62); Part V (dispute settlement: Articles 63 and 64) and Part VI (transitional arrangements: Articles 65–67).

Dr Lawson wrote the commentaries on the following provisions of the Agreement: Part II, Section 4 (industrial designs: Articles 25 and 26); Section 5 (patents: Articles 27–34); Section 6 (integrated circuits: Articles 35–38); Section 7 (data protection: Article 39); and Section 8 (competition: Article 40); Part III, Section 4 (border measures: Articles 51–60); and Part VIII (institutional arrangements: Articles 68–73).

Professor Davison wrote the commentaries on Part II, Section 1 (copyright: Articles 9–14); Section 2 (trademarks: Articles 15–21) and Section 3 (geographical indications: Articles 22–24).