Index

A & M Records v. Napster 40
Abbott, F.M. 153, 217, 218
Abid, J.G. 21
Abramowicz, M. 214
Adams, C.W. 41
Agrawal, A. 205
AIDS/HIV 227–9, 277–8
Al-Ali, N. 224, 225
Alford, W.P. 115, 160, 163, 164
Allam, A. 226
Allison, J.R. 18
Almeida, P. 205
Alster, N. 10
AMC Entertainment 66
America see United States
American Enka Corp. v. Marzall 183
American Medical Association and gene patents 279–80
Anes Records and Tapes 47, 48
Anand, B.N. 196
Anholt, S. 169, 170
Annand, R. 178
anthrax 277
Anton, J.J. 101
appropriation 276, 277
and foreign direct investment 214–15
Brazil 227–30
Egypt 223–7
ex ante limitations of ownership 218–20
ex post elimination of property rights 215–18
retribution 220–23
Arnotts Lawyers 61
Assafa, E. 170
A.T. Kearney 224
AT&T Corp. v. Excel Communications, Inc. 18
Attaran, A. 217
Australia, secondary liability 48, 49–51
Austria, private copying 71
authorization of copyright infringement 47, 48, 49, 50, 54
avian flu vaccine 271
Aziz, S. 224, 225, 227
Bacardi 169
Bangeman, E. 72, 73
Bartholomew, M. 37, 40, 41
Bartlett, C.A. 198
Bascavusoglu, E. 248
Bass, N.A. 228, 229
Bayer AG 277
Bayer Co., Inc., v. United Drug Co. 177
Bayh–Dole Act 270–71
Beijing Olympic Games 88–9, 170
Bénassy-Quéré, A. 237
Bennett, G. 59
Beran, M.J. 183
Bergsten, C.F. 157, 167
Best Practices to Prevent Film Theft (MPAA) 64
Biemer, T.S. 19
Big Pharma 277, 278, 280
bilateral trade agreements 241–3
biological resources 278–9
bioterrorism 277
bird flu vaccine 271
Bird, R.C. 116
Blakely, T.W. 178
Blass, A. 12
Bloomberg 94
Bloomberg News 62
Blu-Ray Disc Association 68
Boldrin, M. 269
bootlegging 59
Borsuk, R. 11
Bowman 19, 20
Bradic, J. 4
Braga, C.A. 247
Branstetter, L.G. 248
Brazil
compulsory licensing 227, 228, 229–30
foreign direct investment, resistance to 227–30
HIV/AIDS drugs program 227–8, 230, 277
intellectual property rights and growth 11
Brennan, T.M. 229
Index

Bubble (film) 67
Buckley, C. 114
Burgunder, L. 30
Burr, M. 90
Bush, R.F. 9
Business Intell. Svs., Inc. v. Hudson 128
business method and software patents, international unification 17, 33
Europe
business method and software patents 22–3
legislative reform 24–6
patent laws 20–22
Japanese patent law 26–9
United States 30
Bowman and Lundgren decisions 19–20
business methods patentability, USPTO and Congress response 18–19
non-disclosure problem 31–2
patent law 18, 30
patent scope problem 31
reform, need for 30
reform recommendations 32–3
State Street Bank 18, 19, 20, 28
Business Software Alliance 9
Business Today 226
Business Week 198
Bylund, A. 67
Cahan, A. 83
Cahoy, D.R. 30
camcorder piracy 59, 60, 62, 63–5
Canada
Internet and copyright 39
private copying 71
secondary liability 47, 48–9
Cane, A. 25
Capdevila, G. 281
Captain, S. 65
Carroll, R. 230
Carrier 230
Carroll, D.B. 67, 68, 69
Castellano, R.A. 226
CBS Songs v. Amstrad 48
CBS v. Ames Records and Tapes Ltd 48
CCH Canadian Ltd. v. Law Society of Upper Canada 48
CEPII, Institutional Profiles database 243, 244
Chee, H. 169
Cheng, Y. 118
Chery Automobile Co. Ltd 114
Chien, C. 216
China
copyright piracy 59, 62, 161
Cultural Revolution 162–3
economic development 162, 163–4, 165–8
foreign direct investment 156–8
foreign research and development 194–5
global trade 167
intellectual property reforms 158–9
export-driven economy, shift to 167–70
external pressure 159–61
local stakeholder development 165–7
modernization goals 161–4
Internet growth 165–6
Olympic Games 88–9, 170
patent laws 111
pharmaceutical patent laws 225
software industry 165–6
State Administration for Industry and Commerce (SAIC) 83, 84–5, 87
trade secret protection 114–15, 130–31
arbitration 126–7
best practice recommendations 127–30
criminal law 120–21
employment contracts 116–17
Labor Contract Law 117, 128, 131
Labor Law 116
non-compete agreements 126, 128–9
regional laws 121
secrecy agreements 126, 128–9
statutory law 115–22
unfair competition by former employees, case law 122–6
Unfair Competition Law 119–20, 122, 123, 126
workplace, active protection in 129–30
Trademark Law (2001) 83–4, 85, 87, 92, 93
trademark protection 81, 168–70
Unfair Competition Law 84, 91, 119–20, 122, 123, 126
and United States trade agreement 159–60, 162
well known mark protection 81–2, 95
administrative recognition 84–5
Chinese name choice 93–5
controversies 85–6
court system 89–90
criminal laws, ineffectiveness 86–7
IKEA infringement suit 90–92
judicial recognition 85, 89–95
laws and regulations 82–5
Olympic Games 88–9
response to criticism 88
Starbucks infringement suit 92–3
TRIPS compliance 86
WIPO membership 160
WTO membership 116, 161, 166–7
China International Economic and Trade Arbitration Commission (CIETAC) 115, 126–7
Index

China Internet Network Information Center (CNNIC) 92
Chisum, Donald S. 40, 41
Chon, M. 214
Chow, D.C.K. 81, 115, 116, 153, 158, 167
Chrysler Group 114
Chua, E.J. 90
CIETAC (China International Economic and Trade Arbitration Commission) 115, 126–7
CII (Confederation of Indian Industry) 139, 149
Cinemark USA 66
CINET Information Company 91, 92, 96
Cipro 277
Clark 58, 61, 63
Clarke, D.C. 115
Clarke, N.L. 189
CNNIC (China Internet Network Information Center) 92
Co. C.Y. 101
Coca Cola, Chinese name 95
Cohen, J.E. 31
Cohen, W.M. 203
Cohen, W.N. 101
color marks 188–9
Comcast On-Demand 67
Commission on Intellectual Property Rights 159, 194
‘common heritage of mankind’ 278, 279, 280
compulsory licenses 216–18, 220, 222, 223, 230, 231, 277
Brazil 227, 228, 229–30
Egypt 224–6, 227
computer-implemented patent 19, 24–5
see also business method and software patents, international unification
Confederation of Indian Industry (CII) 139, 149
content scrambling system (CSS) 67–8, 69, 71
Continental Group, Inc. v. Kinsley 128
contributory liability 40, 41, 42, 47
Cooper, I.P. 189
copying machines 48
copying taxes 71–2
copyright 5–6
international agreements 7–8
TRIPS Agreement 272
see also Berne Convention
Correa, C.M. 216, 217, 239
counterfeit goods 9, 81, 86–7
see also well known marks
Coupel, M. 237
Cox III, E.P. 5
Coyler, E. 95
CSS (content scrambling system) 67–8, 69, 71
Daly, S. 57, 58, 62, 66
Datta, P.T.J. 100
‘day and date’ release 66–7
Deardorff, A. 273
Defains, B. 101
Deng Xiaoping 162, 165
developing countries
compulsory licenses 216, 217–18
and DVD region codes 68
Brazil 227–30
Egypt 223–7
ex ante limitations of ownership 218–20
ex post elimination of property rights 215–18
FDI disincentives 220–23
FDI losses, susceptibility to 222–3
intellectual property reform
foreign direct investment 239, 240
institutional reform 236–8
intellectual property rights, strengthening 239–40, 243–6
literature 246, 248
treaties and agreements 241–3
World Trade Organization accession 244, 247
intellectual property reform and economic activity, studies 257–8
data and methods 264–6
FDI and international trade 248–50
licensing 251–2
licensing transactions 256–7
regression analysis 252–6
intellectual property rights 10, 11–12
natural resources 278–9
TRIPS 137–8, 241, 272–3
Diamond-Alappat-State Street Bank 19
Diamond v. Diehr 20
Dickinson, S. 96
Digital Millennium Copyright Act (DMCA) 61, 68, 70
digital projection systems 65–6
digital rights management (DRM) 58, 60, 61–2, 71, 74
and fair use 70–72
proprietary formats 72–3
region codes on DVDs 67–70
DiMasi, J.A. 214
distributional foreign direct investment 220–21
DMCA (Digital Millennium Copyright Act) 61, 68, 70
Doctorow, C. 61, 62, 68, 72
Doha Agreement 277
domain names 90–91, 92, 94
Dow Chemical 230
Drajem, M. 59, 62
Dratler, J. Jr. 217
DRM see digital rights management (DRM)
Dunning, J.H. 155
Dupont 92
Duvall, D.K. 3
DVD Copy Control Association 68, 69, 73
DVDs 57, 61–2, 67–70

Economist magazine 270
Eden SARL v. OHIM 186–7
EESC (European Economic and Social Committee) 25
Egypt, foreign direct investment decline 223–7
Electronic Frontier Foundation (EFF) 58, 68
Eli Lilly and Company v. OHIM 188
Enforcement Effectiveness Index 243–4
enforcement inadequacies 10, 11
EPC (European Patent Convention) 8, 21, 22, 218–19
EPO (European Patent Office) 21–4, 25, 32
Erekoisima, O. 61
EU see European Union
EUCD (European Union Copyright Directive) 61, 71
European Economic and Social Committee (EESC) 25
European Patent Convention (EPC) 8, 21, 22, 218–19
European Patent Office (EPO) 21–4, 25, 32
European Union 190
business method and software patents 22–3, 24–6
Copyright Directive (EUCD) 61, 71
intellectual property infringement 9, 49, 54
patent laws 20–22
secondary liability 49
trademark protection 178–9
unconventional trademark protection 179, 189–90
business implications 188–9
color marks 180–82, 188–9
flavors 188
olfactory trademarks 185–7, 189
slogans 183–4, 189
sound marks 182–3, 189
Evans, D.L. 114
Evenett, S.J. 247

Ex parte Bowman 19
Ex parte Lundgren 20
ezPeer 51, 52
Ezpeer+ 52
fair use 5, 58, 61, 62, 68, 70–72
Falvey, R. 159
Family Entertainment and Copyright Act (FECA) 62
Famous and Well-known Marks (Mostert) 95–6
famous marks 96
Fang, R. 52
Fariñas, S. 98, 99
FDI see foreign direct investment (FDI)
FECA (Family Entertainment and Copyright Act) 62
Federation of Indian Chambers of Commerce and Industry (FICCI) 139, 149
Feinberg, J. 63
Feinberg, R.M. 12
Feng, P. 117
Fernandez, D. 116
Ferrera, G.R. 61
FICCI (Federation of Indian Chambers of Commerce and Industry) 139, 149
Fightfilmtheft.org 64
film critics and piracy 65
Fink, C. 154, 155, 156, 164
Fisher, W. 163
Fisk, C.L. 115
Fitzdam, J.D. 58, 61
flavors 187–8
Fogel, K. 202
Food and Agricultural Organization 279, 280
Ford, L.R. 21
Ford Motor 230
foreign direct investment (FDI) 153, 220
destination of inflows 240
and intellectual property relationship 154–6, 213, 275–6
in middle-developed countries 213, 214–15, 230–31, 239
Brazil 227–30
Egypt 223–7
ex ante limitations of ownership 218–20
ex post elimination of property rights 215–18
foreign direct investment disincentives 220–23
foreign direct investment losses, susceptibility to 222–3
Forney, M. 114
Foster, N. 159
Fowler, G. 89
France, secondary liability 49
Francis Day & Hunter Ltd 50
Frischtak, C.R. 164
Frost, R. 177
Fuo Tao Group Ltd Pottery Research Institute v. Jin Chang Pottery Factory 124

Galanz 169, 170
Galetovic, A. 196
Gardiner, B. 58, 67, 69, 71, 72
Gasser, U. 61, 69, 71
Gates, Bill 157, 269
Gates Foundation 278
GE Healthcare 198
Geller, P. 44
General Agreement on Tariffs and Trade (GATT) Uruguay Round 8–9, 135, 267
General Electric 230
General Electric Broadcasting Company 182
General Motors Corporation 114, 131
Geneva Convention 44, 160
Gentile, G. 66
Germany
  patent law 21
  private copying 71
  secondary liability 49
Gershuny, P. 59
Gervais, D.J. 162
Getlan, M. 230
Ghoshal, S. 198
Gilchrist, S. 50
Gillespie-White, L. 217
Gilson, J. 189, 190
Ginarte, J.C. 274, 276
Girsberger, M. 61, 69, 71
Giunta, T.K. 159
Givon, M. 11
Gladstone, Julia Alpert 61, 63
GlaxoSmithKline PLC 278
Gleick, J. 19
global movie piracy see movie piracy
GM see General Motors Corporation
Goans, J. W. 10
Goldman, E. 60, 61, 63
Goldstein, P. 38, 49
Goodman, J.D. 61, 71
Google Video 67
Grabowski, H. 33
Granade, S. 60
Grassmuck, V. 61, 62, 63, 67, 68, 70, 71, 72, 73
Greenaway, D. 159
Greene, N. 126
Griffaton, M.C. 115
Groennings, K. 40, 66

Grokster (MGM v. Grokster) 37, 41, 42–4, 46, 47, 50, 51, 54, 57
Guerrera, F. 224, 226, 227
Guntersdorfer, M. 21
Gupta, R. 218
Haber, S. 58, 71
Hall, B.H. 214
Halverson, K. 90, 116
Hamilton, D.P. 215
Hammersley, F.M. 185, 189
Harris, D.P. 7
Hasenzhal, C. 216
HDI (Human Development Index) 223
HDNet Movies 66–7
Heald, P.J. 154, 155
Heidelberg Bauchemie GmbH 181
Helfgott, S. 5
Helpman, E. 273, 274
Heneghan, B.P. 58
HGP (Human Genome Project) 279
Hidaka, S. 189
Higgins, R.S. 11
Hilts, P. 6
Ho, J. 51
Hoffstadt, B.M. 58, 63
Holbrook, T. 37
Hong Kong, peer-to-peer file-swapping 51
Hong, Xue 92
Horan A. 9
horizontal foreign direct investment 156, 221
Hu, I.C.Y. 164
Huang, Y. 170
Human Development Index (HDI) 223
Human Genome Project (HGP) 279
Hunter, R.J. 220
Hunter, S.D. 18

IKEA, infringement suit in China 90–92
imitation 196, 273
In re Clarke 184–5
In re General Electric Broadcasting Company Inc. 182
In re N.V. Organon 187–8
Independent Film Channel 67
India, patent laws 98, 111, 138
amendment 2005
  apex industry associations view 139–40
  civil society view 141–2
  government view 139
  non-governmental organizations view 140–42
  provisions 142–3
East
  Amendments Act, legal challenge 143–4, 148–9
Index

analysis of case 144–5
court’s decision 145–8
evolution 99–100
exclusive marketing rights (EMRs) 100, 138, 139, 143
mailbox system 100
patent metrics 109–10
pharmaceutical industry 99–100, 102–3, 104, 111–12, 138, 139–40
compounds protection 218
patents 107–9, 111
pre- and post-reform patents 109
process and product patents 109–10
research and development 103–6, 110–11
reverse engineering 103–4
TRIPS Agreement 138, 139–40

Indonesia
anti-piracy laws 11
bird flu 271

industrial property protection agreements 8
innovation and incentive 269–70
institutions 236–8
intellectual property 238–9
intellectual property rights 3–4, 12–13, 267–8
adequacy of 9–10
deficiencies in legal regimes 10–11
differing views 11–12
and FDI relationship 154–6, 213, 275–6
First World hypocrisy 276–80
internalization advantages 221
international copyright agreements 8
International Herald Tribune 114
International Intellectual Property Alliance 153–4
international intellectual property treaties 6–9, 241, 242
international patent law 33
International Rights Owners (IRO) 45–6
International Trade Commission (ITC) 6
Internet 39, 91, 165–6
Internet piracy 9, 60–61
Internet treaties 44, 67

Inwood Laboratories, Inc. v. Ives Laboratories, Inc. 179
IP Justice 67, 68, 69, 72
iPods 72
IRO (International Rights Owners) 45–6
Italy, private copy law 71
ITC (International Trade Commission) 6

Jaffé, A.B. 30, 205
Japan, patent law 5, 26–9, 32
Jensen, P.A. 101
Jesdanun, A. 58

Johansen, Jon 68

Joint Ventures and Strategic Alliances database 256
Jones, C.I. 238
Jones, W.C. 115
Judge, I.M. 64
Jurgens 42
Kahn, J. 165
Kaltman, E. 65
Kanji, O. 86, 89
Kapczynksi, A. 214, 230
Kaplow, L. 30
Kazaa 51, 54
Kelon 170
Kennedy, K.C. 221
Ketels, C.H.M. 3, 4
KFC sauce 198
Khanna, T. 194, 196
Kingston, W. 170
Kiss, J. 58
Kitch, E.W. 31, 162, 168, 214
Klepper, S. 203
Koch & Sterzel 25
Kogut, B. 198, 205
Koosed, B. 61
Korea 9, 52
Kotabe, M. 5
Kremer, M. 214
Krugman, P. 274
Kuo, Y.-I. 51, 52
KURO 52

La Porta, R. 196
Lai, E. 194
Lalonde, A.G. 189, 190
Lam, C. 85, 87
Landes, W. 41
Landes, W.M. 177
Landmark Theaters 66–7
Lanham Act (1946) 177–8, 179, 180, 187, 189–90
Lanjouw, J.O. 101–2, 220
least-developed countries (LDCs) 222–3, 231, 249–50, 267–8, 272–3
see also developing countries
Lee, J.-Y. 101, 223, 248, 275
Lemley, M.A. 31, 40, 41, 53, 214, 222
Lenovo 168–9
Lerner, J. 30
Levine, D.K. 269
Levy, R. 221
Li, H.-C. 51, 52
Libertel 191
Libertel Groep BV v. Benelux-Merkenbureau 180–81
Index

licensing 251–7
  see also compulsory licenses
Lichtman, D. 41
Liedtke, M. 57
Ling, Z. 169
Llewellyn, D. 190
Loan ’N Go services 72
location advantages 221
Long, C. 222
Lundgren 20
Lunney, G.S. Jr. 183
Lyman, J. 58, 60, 65, 66
MacLaughlin, J.H. 169
MacQueen, H. 48
Madrid Protocol 8
Magnolia Pictures 66–7
Main, A. 12
malaria research 278
Mansfield, E. 12, 101, 104, 111, 156, 196, 223, 248, 275
Marques, U.R.Q. 227, 228
Mars UK Ltd. 183–4
Maskus, K.E. 116, 153, 154, 155, 156, 158, 159, 162, 164, 215, 220, 221, 222, 223, 225, 251, 252, 274
Massey, J.A. 160
Mathews, D. 228, 230
May, B. 71
May, C. 216
Mayer, H.R. 225, 230
Mayer, T. 237
McKinnell, H. 277
Melnitzer, J. 189
Merck-Sharp 229
Merges, R.P. 19, 31, 220
Mertha, A.C. 84, 85, 115, 160
Metwally, M.M. 224
Meyer, L. 178
MGM Studios, Inc. v. Grokster, Ltd 37, 41, 42–4, 46, 47, 50, 51, 54, 57
Microsoft 157, 269
Microsoft Research Asia 198
middle-developed countries, intellectual property and FDI relationship 213, 214–15, 230–31
Brazil 227–30
Egypt 223–7
ex ante limitations of property rights 218–20
ex post elimination of property rights 215–18
FDI disincentives 220–23
FDI losses, susceptibility to 222–3
Miller, M.M. 92, 93
Minter Ellison 94
MIPCOM 58
Mody, A. 276
Mohl, B. 64
Moorhouse v. University of New South Wales 48
Morck, R. 196
Morea, L.A. 57, 61, 62, 63, 66
Mossinghoff, G.J. 219
Mota, S.A. 229
Motion Picture Association (MPA) 57
Motion Picture Association of America (MPAA) 57, 59, 63–5, 72
movie piracy 57–9, 73–4
criminal sanctions, industry lobbying 61–3
forms of 59–61
losses 10, 57, 60
piracy’s business model 58
access and price 66–7
no proprietary DRM formats 72–3
no region codes 67–70
personal copying 70–72
supply of films 63–6
moviez 60
multinational enterprises (MNEs) 194, 197–9, 220–21, 225–6
see also national intellectual property policies and research and development
NAFTA agreement 9
Nasheri, H. 57, 58, 59, 61, 62, 63
National Association of Theater Owners (NATO) 63–4
national intellectual property policies and research and development 194–5, 208
endogenous research and development firm heterogeneity 196
R&D across borders 197–9
policy dynamics
market equilibrium 200–201
model set-up 199–200
multinational R&D impact 203–6
policy rules 201–3
rent-seeking and policy implications 206–7
national patent laws 21–2
Nationwide News Pty Ltd 50
NATO (National Association of Theater Owners) 63–4
Navarro, P. 158, 168
Nelson, R.R. 31, 101
Nestlé 183–4, 189
NET Act (No Electronic Theft Act) 61
Netanel, N.W. 163
Nicholas, A. 90
Nimmer, D. 42
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Electronic Theft Act (NET Act)</td>
</tr>
<tr>
<td>non-governmental organizations</td>
</tr>
<tr>
<td>Nordhaus, W.</td>
</tr>
<tr>
<td>North, D.C.</td>
</tr>
<tr>
<td>Norway, DVDs and region locks</td>
</tr>
<tr>
<td>Nott, F.</td>
</tr>
<tr>
<td>Novartis challenge to Indian Patent Amendment Act</td>
</tr>
<tr>
<td>analysis of the case</td>
</tr>
<tr>
<td>court’s decision</td>
</tr>
<tr>
<td>Nunnenkamp, P.</td>
</tr>
<tr>
<td>Nutrexpa see Tianjin Nutrexpa Food Co., Ltd v. Li Shaochang</td>
</tr>
<tr>
<td>OECD</td>
</tr>
<tr>
<td>intellectual property reform and economic activity, studies</td>
</tr>
<tr>
<td>data and methods</td>
</tr>
<tr>
<td>FDI and international trade</td>
</tr>
<tr>
<td>licensing</td>
</tr>
<tr>
<td>licensing transactions</td>
</tr>
<tr>
<td>regression analysis</td>
</tr>
<tr>
<td>triadic patents</td>
</tr>
<tr>
<td>olfactory trademarks</td>
</tr>
<tr>
<td>OLI theory</td>
</tr>
<tr>
<td>Olympic Games, Beijing</td>
</tr>
<tr>
<td>Operation Copycat</td>
</tr>
<tr>
<td>optical disc piracy</td>
</tr>
<tr>
<td>Organisation for Economic Co-operation and Development see OECD</td>
</tr>
<tr>
<td>Organon</td>
</tr>
<tr>
<td>Orts, E.W.</td>
</tr>
<tr>
<td>ownership advantages</td>
</tr>
<tr>
<td>Palepu, K.</td>
</tr>
<tr>
<td>Paris Convention</td>
</tr>
<tr>
<td>in China</td>
</tr>
<tr>
<td>compulsory licenses</td>
</tr>
<tr>
<td>ratifications</td>
</tr>
<tr>
<td>Park, W.G.</td>
</tr>
<tr>
<td>Passarelli, C.</td>
</tr>
<tr>
<td>Patent Cooperation Treaty (PCT)</td>
</tr>
<tr>
<td>patent exhaustion</td>
</tr>
<tr>
<td>patent scope</td>
</tr>
<tr>
<td>patents</td>
</tr>
<tr>
<td>compulsory licenses</td>
</tr>
<tr>
<td>European Union</td>
</tr>
<tr>
<td>human genes</td>
</tr>
<tr>
<td>international treaties</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>national laws</td>
</tr>
<tr>
<td>pharmaceutical products</td>
</tr>
<tr>
<td>as signaling devices</td>
</tr>
<tr>
<td>TRIPS Agreement</td>
</tr>
<tr>
<td>United States</td>
</tr>
</tbody>
</table>

university research 270–71

see also business method and software patents, international unification; India, patent laws

PCT (Patent Cooperation Treaty) | 8 |
| peer referral groups | 71, 72 |
| peer-to-peer file-swapping | 38, 39, 48, 49–50, 51–2, 53 |
| Pegasis 100 |
| Pension Benefit Systems | 23–4, 25, 26 |
| Penubarti, M. | 274 |
| Peters, M. | 38, 44 |
| Pfister, E. | 101 |
| Pfizer | 225–6 |
| pharmaceutical industry | 12, 98, 137, 276–8 |
| appropriation | 218, 219 |
| Brazil | 228 |
| compulsory licensing | 217, 225, 277 |
| developing countries | 225–7 |
| foreign direct investment | 225–7 |
| foreign direct investment (FDI) | 259 |
| India | 99–100, 102–3, 104, 111–12 |
| compounds protection | 218 |
| patents | 107–9, 111 |
| pre- and post-reform patents | 109 |
| process and product patents | 109–10 |
| research and development | 103–6, 110–11 |
| reverse engineering | 103–4 |
| TRIPS Agreement | 128, 139–40 |
| patent exception clauses | 276–7 |
| patent protection | 101–2, 137, 218, 219 |
| secrecy | 198 |
| socially-imported good | 214 |
| Pharmaceutical Manufacturers Association | 9, 228 |
| Pharmaceutical Research and Manufacturers Association of America (PhRMA) | 227 |
| Picker, R.C. | 40 |
| Piquero, A.R. | 62, 63 |
| Piquero, N.L. | 62, 63 |
| piracy see Internet piracy; movie piracy |
| Pirate Bay | 62 |
| pirated goods | 9–10 |
| Pisarsky, N. | 190 |
| Pizza Hut | 83 |
| Porter, II, W.G. | 115 |
| Posner, R.A. | 177 |
| Preston, R. | 4 |
| Prestowitz, C. | 165 |
| Primo Braga, C.A. | 154, 155, 156 |
| Priority Watch List | 81, 121 |
| process-patent regimes | 98, 99, 102, 109 |
| Prod. Action Int’l., Inc. v. Mero | 128 |
protection deficiencies 10–11
Pruzin, D. 229
Puymbroeck, R.V. Van 217

Qualitex Co. v. Jacobson Products, Co. 179–80
Quality Brand Protection Committee (QBPC) 82, 95

Queueing System 23, 24

Rabinowitz, H. 57
Raghavan, C. 229
Ralf Sieckmann v. Deutsches Patent- und Markenamt 185–6
Ramsey, L.P. 183
Rapp, R.T. 274
Reese, R.A. 53
Regal Entertainment 66
Regalado, A. 279, 280
region codes on DVDs 67–70
Regional Coding Enhancement (RCE) 69
regional trade agreements 241–3
Reichmann, J.H. 216

Reimerdes see Universal City Studios v. Reimerdes
Reitzig, M. 3
research and development 103–6, 106–7, 196–9
see also national intellectual property policies and research and development
reverse engineering 103–4, 119, 131
Richardson, M. 9
Rivkin, J.W. 196
Roberts, D. 114
Roche 100
Rodrik, D. 237
Rome Convention 241, 242
Romer, P.M. 194
Rosenblatt, B. 52
Roth, M. 178, 189, 190
Rousslang, D.J. 12
royalty funds 71–2
Rozek, R.P. 9, 274
Rubin, L.E. 6
Rubin, P.H. 11
Russell, S. 227
Russia
Copyright Act (1928) 163
optical disc factories 59

Sag, M. 60
Samuels, J.M. 8
Samuels, L.B. 8
sanctions 136, 228–9, 230
Sarah 67, 68, 69
scent as trademark see olfactory trademarks
Scherer, F.M. 217
Schlender, B. 157
Schwab, S.C. 130, 194
Scotchmer, S. 214
Searing, M.E. 4
Second Treatise of Government (Locke) 101
secondary liability 37–40, 52–4
international arena
Australia, Universal Music Australia Pty Ltd v. Sharman License Holdings Ltd 49–51
copyright infringement in foreign jurisdictions 46–9
Grokster amici briefs, international implications 45–6
peer-to-peer file-swapping, international responses 51–2
peer-to-peer file swapping, post-Grokster 49–52
United States law 40–41
general development 41–2
MGM v Grokster 42–4
secrecy 101
secure viewing groups 71, 72
Sell, S.K. 216, 220, 230
Selling China (Huang) 157–8
Serra, J. 229
service marks 5, 182, 191
Shang, L.H. 159
Shapiro, C. 18
Sharman Networks, Ltd 46, 47, 54
Sharman (Universal Music Australia v. Sharman License Holdings) 49–51
Shaw, Hemant K. 277
Shenkar, O. 167, 168, 169
Sherwood, R.M. 158
Shi, K. 95
Shield Mark BV v. Joost Kist 182–3
Sieckmann, Ralf see Ralf Sieckmann v. Deutsches Patent- und Markenamt
Siegel, J.I. 207
Siemens Germany 125
Silva, R. 68, 69
Singapore, ethics of copying 63
slogans 183–4, 189
Smarzynska, B. 246
Smarzynska Javorcik, B. 194
Smith, P. 194
Smith, P.J. 275
Smith, T. 52
social welfare 268, 272–3
Société des produits Nestlé SA v. Mars UK Ltd 183–4, 189
Soderbergh, Steven 66–7
software patents see business method and
software patents, international unification
Sohn, G.B. 63
Song, J. 205
Sony Corp. of America v. Universal City
Studios, Inc. 41, 42, 43, 46, 49
Sony Ericsson, Chinese trademarked name
94–5
Soribada 52
sound marks 182–3, 189
Spain, peer-to-peer file-swapping 51
Spatz, J. 248
Spero, D.M. 3
Squires, J.A. 19
Starbucks in China 92–3, 96
State Street Bank 18, 19, 20, 28
Sterling, J.A.L. 47, 48, 49
StreamCast Networks, Inc. 43, 46
Subramanian, A. 11, 237, 273
sui generis protection 32–3, 279
Sull, D.N. 169
Sun, A.Y. 91, 92
Sun, C. 157, 166
Sundara Rajan, M.T. 163
Sweden, movie piracy 62
Sweeney, Anne 58
Tackaberry, P. 157
Taiwan, peer-to-peer file-swapping 51–2
‘Take Action’ Reward Program (MPAA) 64–5
Taylor, R. 57
technology and economic growth 11–12
technology transfer 238, 248, 251, 259, 275, 276
Teece, D.J. 196
Tehranian, J. 37, 40, 41
Terto, V. Jr. 229
Thomas, J.R. 37, 44, 220
Thomas, R. J. 6
Thompson, A. 66, 67
321 Studios v. MGM Studios, Inc. 57
Thumm, N. 101
Thurow, L.C. 165
Tiananmen 165
Tianjin Nutrexpa Food Co., Ltd v. Li
Shaochang 123–4
Tiller, E.H. 18
TiVo 72
To Steal a Book is an Elegant Offense (Alford)
162
trade sanctions 136, 228–9, 230
trade secret protection 6, 31, 44
see also China: trade secret protection
trademark protection 5
China 81, 168–70
European Union 178–9
Madrid Protocol 8
TRIPS Agreement 7
United States 177–8, 179
see also unconventional trademark
protection; well known marks
Trebbi, F. 237
triadic patents 106–7
Trilateral Patent System 17, 21, 32, 33
TRIPS (Agreement on Trade-Related Aspects
of Intellectual Property Rights) 7–8,
136–7, 144–5, 217, 219, 236, 267
in China 116, 161, 167
compulsory licenses 224
developing countries 137–8, 241, 272–3
Egypt 226
exception clauses 276–7
pharmaceutical industry 99, 100
technology transfer 238
well known marks 81, 82, 95
Turner, R. 11
unconventional trademark protection 178–9,
189–90
business implications 188–9
color marks 188–9
flavors 187–8
olfactory trademarks 185–7, 189
slogans 183–4, 189
sound marks 182–3, 189
Union for the Protection of New Plant
Varieties (UPOV) 281
United Kingdom
patent law 21
private copying 71
secondary liability 47, 48
United Nations
Convention on Biological Diversity (CBD)
279
Human Rights Commission 229
United States
appropriation 101, 276, 277
Brazil, US sanctions against 228–9
China, trade agreement with 159–60, 162
copyright law 5–6, 41, 42, 61, 220
government policy of appropriation 101
International Trade Commission (ITC) 6
patent law 4–5, 18, 41–2
piracy losses 9, 10, 153–4, 161
sanctions against Brazil 230
secondary liability 41–4
trademark misappropriation by China
114–15
unconventional trademark protection 177–8, 179
unconventional trademark protection 179,
189–90
<table>
<thead>
<tr>
<th>Subject</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>business implications 188–9</td>
<td></td>
</tr>
<tr>
<td>color marks 179–80, 188</td>
<td></td>
</tr>
<tr>
<td>flavors 187–8</td>
<td></td>
</tr>
<tr>
<td>olfactory trademarks 184–5, 189</td>
<td></td>
</tr>
<tr>
<td>slogans 183, 189</td>
<td></td>
</tr>
<tr>
<td>sound marks 182, 189</td>
<td></td>
</tr>
<tr>
<td>United States Patent and Trademark Office (USPTO) 18–19, 20, 183, 189, 195</td>
<td></td>
</tr>
<tr>
<td>United States Trade Representative (USTR) 81, 85–6, 121, 161, 277</td>
<td></td>
</tr>
<tr>
<td>Universal City Studios v. Reimerdes 71</td>
<td></td>
</tr>
<tr>
<td>Universal Copyright Convention 8, 44</td>
<td></td>
</tr>
<tr>
<td>Universal Music Australia Pty Ltd v. Sharman License Holdings Ltd 49–51</td>
<td></td>
</tr>
<tr>
<td>university research, patenting 270–71</td>
<td></td>
</tr>
<tr>
<td>Uruguay Round of GATT 8–9, 135, 267</td>
<td></td>
</tr>
<tr>
<td>USPTO 18–19, 20, 183, 189, 195</td>
<td></td>
</tr>
<tr>
<td>USTR 81, 85–6, 121, 161, 277</td>
<td></td>
</tr>
<tr>
<td>Valach, A.P. Jr. 228, 230</td>
<td></td>
</tr>
<tr>
<td>Vaver, D. 189, 190</td>
<td></td>
</tr>
<tr>
<td>Veiga, A. 57</td>
<td></td>
</tr>
<tr>
<td>Veitch, N. 73</td>
<td></td>
</tr>
<tr>
<td>vertical foreign direct investment 156, 221</td>
<td></td>
</tr>
<tr>
<td>VHS tapes 68</td>
<td></td>
</tr>
<tr>
<td>Viagra 225–6, 278</td>
<td></td>
</tr>
<tr>
<td>vicarious liability 40, 41, 42, 47</td>
<td></td>
</tr>
<tr>
<td>VIVCOM 22–3</td>
<td></td>
</tr>
<tr>
<td>Waelde, C. 48</td>
<td></td>
</tr>
<tr>
<td>Wall, A.M. 87, 89</td>
<td></td>
</tr>
<tr>
<td>Wall Street Journal 194</td>
<td></td>
</tr>
<tr>
<td>Walsh, J.P. 101</td>
<td></td>
</tr>
<tr>
<td>Wang, Y. 169</td>
<td></td>
</tr>
<tr>
<td>warez release groups 60, 61</td>
<td></td>
</tr>
<tr>
<td>Warsh, D. 238</td>
<td></td>
</tr>
<tr>
<td>Watal, J. 217, 225</td>
<td></td>
</tr>
<tr>
<td>Waterborne (film) 67</td>
<td></td>
</tr>
<tr>
<td>Weblisten 51</td>
<td></td>
</tr>
<tr>
<td>Webster, E. 101</td>
<td></td>
</tr>
<tr>
<td>Weinstein, V. 116</td>
<td></td>
</tr>
<tr>
<td>welfare of poor countries 268, 272–3</td>
<td></td>
</tr>
<tr>
<td>well known marks 82, 95–6</td>
<td></td>
</tr>
<tr>
<td>China 81–2, 95</td>
<td></td>
</tr>
<tr>
<td>administrative recognition 84–5</td>
<td></td>
</tr>
<tr>
<td>Chinese name choice 93–5</td>
<td></td>
</tr>
<tr>
<td>controversies 85–6</td>
<td></td>
</tr>
<tr>
<td>court system 89–90</td>
<td></td>
</tr>
<tr>
<td>criminal laws, ineffectiveness 86–7</td>
<td></td>
</tr>
<tr>
<td>IKEA infringement suit 90–92</td>
<td></td>
</tr>
<tr>
<td>judicial recognition 85, 89–95</td>
<td></td>
</tr>
<tr>
<td>laws and regulations 82–5</td>
<td></td>
</tr>
<tr>
<td>Olympic Games 88–9</td>
<td></td>
</tr>
<tr>
<td>response to criticism 88</td>
<td></td>
</tr>
<tr>
<td>Starbucks infringement suit 92–3</td>
<td></td>
</tr>
<tr>
<td>TRIPS compliance 86</td>
<td></td>
</tr>
<tr>
<td>West, C. 169</td>
<td></td>
</tr>
<tr>
<td>Wheeler, D. 276</td>
<td></td>
</tr>
<tr>
<td>Whirlpool 170</td>
<td></td>
</tr>
<tr>
<td>Wild, J. 19</td>
<td></td>
</tr>
<tr>
<td>Wilkinson, D.C. 178</td>
<td></td>
</tr>
<tr>
<td>Williams, M. 57</td>
<td></td>
</tr>
<tr>
<td>Wilson, C.A.D. 229</td>
<td></td>
</tr>
<tr>
<td>Wong, J. 85, 87</td>
<td></td>
</tr>
<tr>
<td>Woo, J. 11</td>
<td></td>
</tr>
<tr>
<td>World Health Organization (WHO) 278, 280</td>
<td></td>
</tr>
<tr>
<td>World Intellectual Property Organization (WIPO) 8, 44, 61, 67, 166, 236, 241, 242</td>
<td></td>
</tr>
<tr>
<td>World Trade Organization (WTO) 7, 135–6, 161, 244, 247</td>
<td></td>
</tr>
<tr>
<td>China’s entry 116, 161, 166–7</td>
<td></td>
</tr>
<tr>
<td>Wurtenberger, G. 178</td>
<td></td>
</tr>
<tr>
<td>Xerox 230</td>
<td></td>
</tr>
<tr>
<td>Xiamen Metal Powder Melting Factory v. Xiamen Hen Zhu Metal Manufacturing Factory, Chen Kun Xi and Chen Men Zong 122–3</td>
<td></td>
</tr>
<tr>
<td>‘Xingbake’ 92–3</td>
<td></td>
</tr>
<tr>
<td>Xinhua News Agency 89</td>
<td></td>
</tr>
<tr>
<td>Xue, H. 165, 166</td>
<td></td>
</tr>
<tr>
<td>Yan, R. 169</td>
<td></td>
</tr>
<tr>
<td>Yang, D. 120</td>
<td></td>
</tr>
<tr>
<td>Yang, D.W. 58, 63</td>
<td></td>
</tr>
<tr>
<td>Yang, G. 252</td>
<td></td>
</tr>
<tr>
<td>Yao, D.A. 101</td>
<td></td>
</tr>
<tr>
<td>Yerkey, G.G. 229</td>
<td></td>
</tr>
<tr>
<td>Yong-shun, Justice Chen 85, 90</td>
<td></td>
</tr>
<tr>
<td>Yongtu, L. 116</td>
<td></td>
</tr>
<tr>
<td>YouTube 57</td>
<td></td>
</tr>
<tr>
<td>Zacharias, N. 98, 99</td>
<td></td>
</tr>
<tr>
<td>Zander, U. 198</td>
<td></td>
</tr>
<tr>
<td>Zhang, J. 115</td>
<td></td>
</tr>
<tr>
<td>Zhao, M. 199, 205</td>
<td></td>
</tr>
<tr>
<td>Zheng, C. 165, 166</td>
<td></td>
</tr>
<tr>
<td>Zheng, Y. 162</td>
<td></td>
</tr>
<tr>
<td>Zhou, J.J. 90</td>
<td></td>
</tr>
<tr>
<td>Zimmerman, J.M. 115, 116</td>
<td></td>
</tr>
<tr>
<td>Zuniga, M.P. 248</td>
<td></td>
</tr>
<tr>
<td>Zweig, D. 163</td>
<td></td>
</tr>
</tbody>
</table>