Preface

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The World Trade Organization (WTO) has become, with the adoption of the TRIPS (Trade-related Aspects of Intellectual Property Rights) Agreement, the principal standard-setting organization in the area of intellectual property rights (IPRs). The Agreement sets forth minimum standards in most areas of IPRs, which have demanded massive changes in national legislation, particularly in developing countries. Few agreements in the WTO system have created so much controversy. Several issues relating to the implementation and interpretation of the TRIPS provisions have given rise to disputes. A Ministerial Declaration has been necessary to clarify the relationship between the TRIPS Agreement and public health (Doha, 2001), which eventually led to an amendment to the Agreement, currently subject to ratification.

The TRIPS Agreement has generated an enormous amount of academic work, as well as numerous analyses by international organizations and civil society groups. There are already a number of books, reports and articles that cover different aspects of the TRIPS Agreement and that provide commentaries on the Agreement's provisions. Many of these analyses, however, do not explore in depth the fundamental issues raised by the treaty, or aim to discuss the impact of such provisions rather than to better understand the content and scope of the imposed obligations in the light of the WTO system as a whole.

This book aims to contribute to filling some of these gaps.

A basic objective of this *Handbook* is to provide a source of high quality original reference material for research, teaching and professional practice on WTO-related issues concerning intellectual property protection. Although it is not intended to be used as a textbook, it would be useful for advanced and postgraduate students as reference points, as well as for scholars and policy-makers. While there has been no attempt to deal with all areas covered by the TRIPS Agreement, the book includes analyses of most of the themes concerning the substantive standards of protection provided for in the Agreement.¹

A group of distinguished scholars and practitioners have contributed

¹ In a separate volume, issues relating to enforcement and dispute settlement

the various chapters that make up this volume. In inviting these authors to contribute, an attempt was made to include scholars and experts from developed and developing countries, as well as to gather both authors with a long experience and also those representing a new generation of talented analysts in the field of intellectual property.

This volume contains 21 chapters divided into two parts. Part I examines the history of the TRIPS Agreement, including its origins and the political context in which it was negotiated. It elaborates on the principles and objectives that underlie the Agreement's interpretation, explains some of the general standards applicable to all the areas covered by the Agreement, and provides studies on the interaction between the Agreement and other areas of law, namely human rights and competition policy. This part also contains an analysis of the relationship between World Intellectual Property Organization (WIPO) treaties and the TRIPS Agreement and offers readers an account of post-TRIPS developments in the context of free trade agreements.

Part II deals with substantive obligations assumed by WTO Members in specific areas. Three chapters are devoted to key issues concerning copyright and related rights – with particular emphasis on the exceptions and limitations currently discussed within the framework of the WIPO – one chapter on trademarks, two on geographical indications, three on issues related to patents, including compulsory licensing for facilitating access to medicines, and a chapter on an often overlooked issue, the protection of integrated circuits.

I am immensely thankful to the contributors for their willingness to be a part of this initiative and for the informed and rigorous analyses they have provided. I am sure readers will appreciate their efforts and the quality of the materials gathered in this volume.

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are addressed, including an analysis of WTO jurisprudence on the TRIPS Agreement.