Index

A2K movement see under knowledge
Abbott, F.M. 55
abbreviated new drug application (ANDA) 116–18
abuse
dominant position, of 188–9, 198, 307, 364
exclusive rights, of 192, 363
rights, of, 105–6, 165
access
benefit sharing, and see under benefit sharing knowledge (A2K), to see under knowledge
medicines and essential medicines see under
medicines and drugs
HIV/AIDS drugs see under medicines and
drugs
technology, to see under technology
Access and Community Rights (2004), Pakistan Draft Law on 244
Access to Learning Materials Project 309–10
Addor, F. 279, 281, 282
administration of IP laws and offices 21, 23–4
advertising
IGOs, and 274
medicines and drugs, and see under medicines and
drugs
misleading 261
regulations, and 365–6
Advisory Committee on Intellectual Property Rights for Trade Policy Matters (IFAC-3) 141
Affordable Prescription Drugs and Medical Inventions Act (HR 1708) 108
Africa 51, 129, 148, 223, 224, 315
eastern and southern
education and access to knowledge, southern Africa in see under southern Africa
 genetic resources see under genetic resources
GURTs, and see under genetic use restriction technologies (GURTs)
informal economy in knowledge goods 313–19
sub-Saharan see sub-Saharan African countries
see also developing countries
African, Caribbean and Pacific (ACP)
countries 398, 399, 401
African Intellectual Property Organisation (OAPI) 31
African Model Law for the Recognition and Protection of Rights of Local Communities 223
African Regional Intellectual Property Organization (ARIPO) 212
Agreement on Trade-Related Aspects of Intellectual Property Rights see TRIPS
agricultural chemical products 5, 98, 273, 371
test data, and 7, 10–11, 15, 370
see also model law for protection of undisclosed data
agriculture 140, 228, 235–6
Asia 241–2, 281
biotechnology 218
China 42, 242
developing countries 140, 218
EPAs 397
hybrid-based 222
innovation funds 357
IP, and 22, 26, 60, 248
GURTS, and 209, 213, 219, 226, 231
ITPGRFA 240–41
material transfer agreements 257–8
organic 259
precision 214
research and innovation 221, 257, 349, 350, 357
SACU, and 322
Thailand 140, 248
traditional knowledge, and see under traditional knowledge
see also innovation and public research in Central America
Agricultural Research in Eastern and Central Africa (ASARECA) 212
agri-food processing 281
agro-biodiversity see under biodiversity
agrochemical products see under agricultural chemical products
agro-forestry 241
Alarcon, E. 355
Algeria 56, 57
Almost Ideal Demand System (Deaton and Muehlbauer) 81–2
alternative technological protection measures 46
Andean Community of Nations Decision 279
Anderfelt, U. 156
anticircumvention provisions 12–14, 312, 313
anticommmons tragedy 246, 247
anticompetitive behaviour and concerns 176, 186, 188, 364–5, 367
South Africa, in see under South Africa
antiretroviral drugs (ARV) and therapy (ART) see ARV under HIV/AIDS
sub-Saharan countries, and see under sub-Saharan African countries
antitrust law and policy 163, 364
approvals see marketing approvals
Arab countries 51–65
copyright 55, 56, 58, 61
development-orientated IP policies 59–64
checks and balances 61
civil society and consumer groups, involvement of 63–4
FTAs, dealing with 64
innovation, creativity and knowledge access, promoting 60–61
integrated IP policy-making, promoting 61–2
IP contentious, recognising 59–60
IP standard setting, participation in 62–3
tailoring IP regimes to circumstances 60
general developments at institutional level 51–3
increasing complexity of international standard-setting 52–3
proliferation of forums and processes in IP standard-setting 51–2
general developments at substantial level 53–5
need to integrate development dimension in IP 53–4
TRIPS Plus trend 54–5
IP protection developments 55–64
association agreements with EU and ENP 56–7, 58
free trade and investment agreements with US 57–9
FTAs 56, 63, 64
EFTA, with 57, 58
TRIPS agreements, adjusting to 55–6, 57, 58–9, 64
TRIPS Plus obligations 56, 57, 58–9, 63, 64
patents 55, 58, 59, 61
trademarks 55, 58, 61
Arab-South American Summit 54

Arfini, F. 294–5
Argentina xxii, 73, 147, 162, 158, 283
Armenia 57
ARV drugs see antiretroviral (ARV)
Asia 30, 51, 61, 123, 368
IGOs, and see under indications of geographical origins (IGOs) and GIs
Southeast see Southeast Asia
sui generis systems, and see sui generis systems of plant variety protection
Asia-Pacific Economic Co-operation (APEC) 141
Aspen-Pharmacare 177–8, 182, 201
Association for Strengthening Agricultural Research in Eastern and Central Africa 212
Association of South-East Asian Nations (ASEAN) 30, 124, 235
Australia 253, 259, 276, 283, 292, 312, 366
Azerbaijan 57
Bahrain 59, 63, 379
Ballance, R. 113–14
Bangladesh 240, 242, 244, 261
Bangs, R.B. 157
Barcelona process 56
Barton, J.H. 258
Basmati 247, 284, 285, 289
Bay, Van 291
Bayer AG 120, 122
Bayh-Dole Law (1980) 344
Belarus 57
Belgium 147
Bellagio Dialogue xxii–iii
benefit sharing 243, 245, 251, 258, 264, 266
access, and (ABS) 236–7, 252–5
international regime 245
multilateral system see under ITPGRFA
traditional knowledge see under traditional knowledge
ASEAN Agreement 235
Bonn Guidelines 239
GURTs, and 229–30
traditional knowledge 261
Berard, L. 277
Beresford, L. 279
Bergsten, C.F. 38
Berne Appendix 320, 322
Berne Convention 28, 37, 311, 320–21, 324, 331
Bhutan 240
Bibile, S. 158
bilateral agreements 47, 140–42, 235, 311, 366, 368, 390, 396–7
enforcement, and 390, 396, 397
FTAs see FTAs
GIs, and  282, 292–3, 296
investment treaties (BITs)  52, 54, 58
biodiversity  52, 255
agro-biodiversity  209, 214, 220, 221, 226–7, 235, 241, 255
Central America see under innovation and public research in Central America
sui generis regimes  224, 225, 228, 239, 241, 253
collecting regulations  230
Convention on see Convention on Biological Diversity (CBD)
IP and, consumer groups discussing  63
management  142, 252, 263
medicines, and  257
TRIPS, and  51, 53
Biodiversity and Community Knowledge Protection Act of Bangladesh (Draft 1998)  244
Biodiversity Management Committee (BMC)  252, 263
bioeconomy  342
Biological Diversity Conservation Act and Bill see under Indian
biological resources  239, 250, 252–3, 255, 257, 265–6, 342, 355, 358
generic use restriction technologies, and  217, 223, 227–8, 230
biopiracy  213, 242, 246, 262, 263
see also piracy and counterfeiting
bioprospecting  242, 254, 264
biotechnological innovations  211–12, 235, 237
biotechnology  15, 42–3, 120, 126, 141, 342, 350
GURTs, and  211–15, 217–18, 222
Biotechnology Industry Organization  141
Blakeney, M.  275, 277, 279
Bleu de Bresse case  279–81
Board of Investment (BOI)  156
Boehringer Ingelheim  176, 177, 179, 186, 190–93, 194
Bolar exemption  109–11, 182
Bolivia  35
Bonn Guidelines  239, 250, 255–7, 265
books see under education and access to knowledge under southern Africa
borders and control measures  23, 225, 390, 392, 393–4
Botswana  200, 305, 328
copyright regime  322, 323, 326, 328–30, 335, 336, 337
brand loyalty  88, 152, 153, 166
branded drugs see under generic drugs
Brasilia Declaration  53–4
Brazil xxii
competition laws  366
compulsory licences see under compulsory licences and licensing
drug production and supply  130, 169
ARV treatment  128, 132
emerging economy  397
IP decision making  23, 24
coordination of enforcement efforts  26–7
interministerial coordination  24–5
public consultations  27
National Industrial Property Institute (INPI)  24, 25
pharmaceutical production  147, 162
utility model protection  44
Brazilian Institute for Agriculture Research (EMBRAPA)  345
breeders
exceptions  228
rights  212, 214, 223–9
domestic (extant) plants  246–9
new plants  245–6
sui generis systems, and  236, 238–9, 242, 245–6
technologically advanced  238
Breyer, Justice Stephen  6–7
broadcasting  23, 28, 29, 328, 332, 333
organizations  23, 29, 52, 57
‘brown bagging’  239
Budapest Convention on the Deposit of Micro-organisms  56
Budapest Initiative (2001)  15
Bulgaria  283, 292
Burk, D.L.  42
Burundi  182
Bush, President  141
business practices, laws focusing on  274–5, 296
Business Software Alliance  141
CAFTA  53
CAFTA–DR  342, 370–85, 389
see also model law for protection of undisclosed data
CAMBIA  259
Cambodia  24, 27, 150, 157
Canada
Bolar exemption  110–11
branded drugs  151
database protection, IPRs and  9
generics sales  116
GIs, and  283, 292
passing off  274
Patent Act  110–11
test data protection  378
capacity-building 21, 218, 349, 357, 403
Caribbean countries 29, 30
Carroll, M.W. 42
Cartagena Protocol on Biosafety 221
Central America Free Trade Agreement (CAFTA) 53
US/Dominican Republic, and (CAFTA–DR) see CAFTA-DR 342, 370–85, 389
Central American Corn Improvement Programme 349
Central American region 341
see also innovation and public research in Central America
certification trademarks (CTMs) 275–6, 279–81, 284, 285, 287, 290, 296
Ceylon tea 289–90
Changtavorn, T. 238
Charles S. Loeb Pipes, Inc, Re [1975] 275
Chaudhuri, S. 81–4
checks and balances 61, 363, 363–9
Chile
collecting societies 30, 35
copyright 23
data protection 372, 375, 378, 379, 382–3, 384
IP decision-making 23
US FTA 379, 384
China
collecting societies 29, 48
copyright 37, 41, 44–5, 46, 48
counterfeiting and piracy in 37–8, 40, 45, 46, 47–8
database protection, IPRs and 9
dispute and relations with US 37, 46, 47
drug supply 169
ARV drugs 130
economic disparity in 40
emerging economy 397
food and medicines 257
functional bureaucratic system 44
generic companies 148, 149
GI obligations, implementation of 284
IP reforms in China 37–49
courts, use of 40–41, 47, 48
enabling environment for IP protection 45–7
improvements, micro-level 47–9
recent 37
regional disparities 38–41
sectoral disparities 41–5
passing off 274
patents 39, 43, 44, 45, 47, 48
pharmaceuticals 148, 151, 162
research 159, 258
trademarks 44–5, 47
UPOV, and 241, 242
WTO accession, effects of 39–40
China United Intellectual Property Protection Centre (CUIPPC) 45
Chow, K.B. 39, 40
CISAC 29, 30
civil society see consumers groups and civil society
click wrap licences 47
databases and IPRs 9
dispute resolution 27–30
India, in 115, 122–4, 127–8, 133–4
collaboration agreements 1–8, 353
research and development 256–7, 349, 355–6, 357
India, in 115, 122–4, 127–8, 133–4
collecting management and societies 27–30, 34–6, 48, 61
Colombia 35, 148, 377
Commission on Intellectual Property Rights (CIPR) xxi, 28, 43, 47, 106, 211
Common Market for Eastern and Southern Africa (COMESA) 176, 197–200, 201
commons, protected 258–9
Commonwealth of Independent States (CIS) 120
Community Forests Bill (Draft 1992, amended 2006), Thailand 244
Community Intellectual Rights Protection Act (Draft 2001), Philippines 244, 261
community rights
Asia, and 263, 266
community, definition of 228
generic use restriction technologies, and 223–5, 227–31
sui generis systems, and 241, 263–4
compact discs (CDs) 30
competition
authorities 364, 366, 367, 369
independent, competition law and 188
sub-Saharan African countries 188, 189, 196, 197, 199–201
IPRs suppressing 5, 7
laws 61, 134, 144, 198, 199, 201, 363–9
access to medicine, and 187–97
developing countries, and 366–7
policy 61, 176, 307
access to medicines, and 187–97
development 197–201, 367–9
enforcement 196, 197, 199–200, 366, 367
monopoly abuse addressing 61
multi-lateral agreement 367
publishing industry 307
regional development 197–200
sub-Saharan Africa, affordable medicines
and 176, 187–8, 192, 193–4, 196, 201
regional policy 199–200
rules 402, 403
competitive funds 358
competitiveness 60, 143, 159, 168, 217, 309
Central American region 341–4, 354, 358
EPA, and 394
compliance 280
Arab countries, IP, and 51, 59
compulsory licence, FTA provisions and 166
developing countries by 45, 185
geographical indications 273, 294
IGO, specifications defining 277
patient 120
plant variety protection 245
TRIPS, and 185, 245, 273
compliant with 98–106, 112, 134–5,
181–2, 185, 225, 289, 324
WTO questionnaire 288
compulsory licences and licensing 12, 71, 78,
87, 170
Brazil, and 180
competition, and 365
compliance, FTA provisions, and 166
developing countries, and 105–6
Doha Declaration 99–100, 106, 108
generic industry in India, and 105–9, 132–3
GURTs, and 227, 228
Kenya 182, 183–4
public
health, and see under public health
protection
interest see under public interest
South Africa, and 180–81, 195
Thailand, and 144–5, 160–61, 164, 165–6
WTO General Council 30 August decision
179
Zambia 185–6, 187
computer
hardware, affordability of 304
programs 13, 24, 144, 328, 334
software 13, 23, 48, 60, 311
open source see free and open source
software (FOSS)
see also data; databases
confidentiality 345–7, 385, 400
Connett-Porceddu, M. 353
Conrad, A. 275, 277, 281
consultation and participation 21, 22, 25, 27
Consultative Group on International
Agricultural Research (CGIAR) 240, 258
consumers and civil society
Arab countries, in 55, 61
development-orientated IP policies 63–4
checks and balances 61
developed countries, in 63–4
generics sales 116
impact of changes in IP system 48–9
perception 294–5
protection of 274, 285
US-Thailand FTA, and 142
Consumer Protection Act of India 285
Convention on Biological Diversity (CBD) xx,
26, 217–18, 221–3, 350
sui generis systems 224–5, 235, 237, 239–40,
245, 250–53, 255
traditional knowledge, and 264
Working Group 227, 264
see also Bonn Guidelines
copyright
access to knowledge 303–4
see also education and access to knowledge
under southern Africa
administration, collecting societies and
27–30
Arab countries, in see under Arab
countries
China, in see under China
databases 8, 9
EU Directive 13
exceptions 314
international trade rules 319–21
photocopying, and see photocopying
piracy and counterfeiting see piracy and
counterfeiting
protection 7, 16, 55, 311, 319, 331, 333–4,
336
periods xx
TRIPS Plus 55
public benefits 6–7, 12–14
regimes 27, 304, 323–5
southern Africa, law in 319–37
exceptions 325–34
regimes 323–5
Copyright Act (1910), UK 322
Copyright Treaty, WIPO (1996) 13
Cornes, R. 278
Correa, C.N. 157, 158, 345
Costa Rica 24–5, 27, 148, 370
Cotonou Agreement 398, 399
Council for Scientific and Industrial Research
(CSIR) 102–3, 124, 139, 133
counterfeiting and piracy see piracy and
counterfeiting
courts, specialized 22, 40–41, 265
Creative Commons (CC) 61
creators’ rights 314
cross-licensing 352
Cuba 29
Cultural Revolution 44
customary
  dispute settlement 265
  knowledge and protocols 170, 264
  laws and practices 228–9, 244, 248, 263–4,
  265, 322
  names 291–2
  protocols 240, 257, 262, 263–4, 265, 266
  rights 237
  societies 224

Darjeeling tea 274, 279, 284–8, 292, 296
data
  copyright protection extended 311
  databases see databases
  exclusivity see data exclusivity
  undisclosed and test data see model law for
  protection of undisclosed data
  data exclusivity 10–11, 15
  Arab countries, and 55, 57, 59
  rules 5, 10
  US-Thailand FTA, and 145, 164
Database Directive 8–9
databases
  copyright protection extended 311
  non-original, IPRs, and 7, 8–9, 15, 60
  traditional knowledge, and 261–3, 264
Deaton, A. 81–2
declaration of origin 228, 229, 230
Decree 2085 377
Decree 30–2005 of Guatemala see under
  Guatemala
Department for International Development
  106
developed countries 63, 342
  access to knowledge 313, 319, 325
  bilateral agreements 140, 241
  checks and balances 61, 363, 364, 365
  collecting societies 29
  competition law, IP and 190
  consumers groups and civil society, IP and
  63–4
  drug patents 120
  enforcement, and 390
  exploitation 213
  FTAs with Arab countries 64–5
  harmonization approach 37
  ICT, and 304
  innovations, protection of 237
  IP protection 60, 363
  life form patents 60, 211–12, 237
  multilateral forums 140
  patent offices 121, 167
  patentability, scope of 101
R&D see under R&D
see also developing countries; least developed
countries
  developing countries 21–32, 51–3
  access to knowledge see education and
  access to knowledge under southern
  Africa
  digital content, restricted use of 312
  checks and balances, IPRs and 61, 142,
  363–9
  competition laws, and 366–9
  compulsory licences see under compulsory
  licences and licensing
  consumers groups and civil society 64
  education see education and access to
  knowledge under southern Africa
  enforcement, and 390, 401
  foreign direct investment 140
  Friends of Development (FOD) group 63
  FTAs 52
  generic industries 71, 168
  see also India; Thailand
  GURTs, and see genetic use restriction
  technologies (GURTS)
  IGOs and GIs, and see indications of
  geographical origins (IGOs) and GIs
  international trade negotiations 166–7
  IPRs and 61, 142, 363–9
  least developed see least developed countries
  less developed 15
  medicines, access to 169–70
  competition law and policy, and 187–97
  natural resources for 170
  prices 365–6
  national variations in IP decision-making
  23–30
  administrative organization of IP offices
  23–4
  challenges and development implications
  30–32
  coordination of enforcement efforts 26–7
  copyright administration and collecting
  societies 27–30
  intellectual property offices (IPOs) 23–4
  interministerial coordination 24–5
  public consultations 27
  patents 89–90, 210–12
  access to medicines 134–5
  life forms 60, 237
  monopoly-inducing, effects of 72–89
  pharmaceutical 71, 134–5, 140
  pharmaceuticals production 147–8
  public policy framework 23
  reform 21–32
  scope of national IP decision-making 21–2
  sectoral disparities 41, 43
Index

soft law, and 52
sui generis systems, and 237
technical assistance, needs and 62, 368
technology transfer 161, 167–8, 218, 368
TRIPS, and 43, 53–4
TRIPS-Plus, and 54–5, 71, 142
UPOV, and 57
WIPO 216–17
WTO General Council 30 August decision 179
see also Arab countries; sub-Saharan African countries
Development Agenda WIPO xxii–xxiii, 52, 53, 60, 61, 403
Arab countries participation 63
technical assistance, and 62
Dhar, B. 241
Diamond v Chakrabarty [1980] 212
digital
content, restricted use of 312, 335–6
environment 140
media 46
rights management (DRM)
anticircumvention provisions, and 12–14, 16
technology 7
works 56, 336
Digital Millennium Copyright Act (1998) (DMCA) 13, 312
digitization 325, 335–6
Diplomatic Convention, WIPO (1996) xxiii, 9, 14
Directives
database protection (96/9/EC) 8–9
harmonizing copyright (2001/29/EC) 13
intellectual property enforcement (IPRED 1 and 2) 391, 394–7, 398–401
disclosure of origin requirement 240
discrimination see non-discrimination
dispute settlement
Canada and European Union 110–11
customary 265
sui generis systems 265
US and China 37, 46
WTO xix, 167, 216, 224, 273, 292, 390
distinctive signs 276, 295
DNA fingerprinting 253
doctors 366
Doha Declaration on the TRIPS Agreement and Public Health (2001) xxii, 52, 53, 142
compulsory licences see under compulsory licences and licensing
developing countries, and 164
drug patents 71
GIs, and 282–3
Ministerial Declaration 99
model law for protection of undisclosed data, and 371, 384
Patent Act, India, and 99
sub-Saharan countries, and see under sub-Saharan African countries
sui generis systems 237
trade negotiations 140
see also public health protection
domestic plant variety protection see under sui generis systems for plant variety protection
domestic regimes 277–8
dominant position, abuse of 188–9, 198, 307, 364
Dominican Republic 342, 351
see also CAFTA-DR
Dougherty, S.M. 44, 45–6
Dr Reddy’s Laboratories 114, 117–19, 121, 123, 125, 127, 133
Drahos, P. 292, 303
drama rights 28, 30
Drug Development Promotion Foundation (DDPF) 126–7
drug master files (DMF) 117–18
drugs see generic; medicines and drugs
Drugs Price Control Order (DPCO) 124–5
duration of a patent 188
‘DUS’ requirements 238, 242, 248, 251
Dutfield, G. 54, 238, 239
East African Community (EAC) 182, 201, 231
Eastern Europe 40, 151
eastern and southern Africa (EAS)
genetic resources see under genetic resources
GURTs see under genetic use restriction technologies (GURTs)
southern Africa see southern Africa
sub-Saharan Africa see under sub-Saharan African countries
Eby Konan, D. 76
Economic and Social Commission for Asia and the Pacific 162
Economic Commission for Latin America and the Caribbean (ECLAC) 370
Economic Community of West African States (ECOWAS) 391, 397–403
economic control, localizing 273, 287, 293–4
Ricardo Meléndez-Ortiz and Pedro Roffe - 9781849803458
Downloaded from Elgar Online at 09/01/2019 02:40:53PM
via free access
economic literature, review of 71–90
  current econometric analysis 80–84
  parallel imports, impact of 84–7
  first generation partial equilibrium models 72–7
  second generation partial equilibrium models 77–80
economic partnerships agreements see EPA enforcement provisions
Economides, N.S. 275
Economist 151
ECOWAS 391, 397–403
Ecuador 35
education and access to knowledge 61, 63
  southern Africa in see under southern Africa
see also knowledge
EEC Treaty 294, 296
Egypt 56, 57, 63, 147
  IP decision-making 23, 26, 27
  Eli Lilly 115, 119, 122–3, 141
  emergencies see under public health protection
  enabling environment for IP protection 45–7
  Enaleni Cipla 178
encryption technology 46
enforcement
  Arab countries 51, 55, 57, 59
  Asia and GI origins, and 280, 288
  Central America 342, 345, 347–8, 350
  China 38–9, 41, 44–7, 49
  competition laws 367–9
  coordination efforts 21–3, 26–7
  developing countries 26–7, 366
  development of 367–9
  EPAs, of see EPA enforcement provisions
  GURTS, and 224–5, 229–30
  India 99
  southern Africa 196–7, 199, 311, 313–14, 318–20, 337
  sui generis systems, and 237, 244–5, 265
  TRIPS, and 390–94, 397–8, 401–2
  undisclosed data, and 374
  UPOV Convention 216–17
  WIPO 216
  WTO 216
enhanced market access 363
environment 53, 58, 61–2, 141, 143, 184, 235
  genetic use restriction technologies, and 211, 217–21, 223, 226–8
EPA enforcement provisions 390–403
ECOWAS countries, and 397–403
  Cotonou Agreement 398, 399
  damages basis 400–401
  evidence gathering 400
  free trade zones 401
  intermediary liability 400
  loss of flexibility 398–9
  positive agenda 401–3
  third party rights 399–400
EU intellectual property enforcement framework 391, 394–7, 399–403
  TRIPS enforcement framework 391–4
Ernst and Young 39
essential facilities 364
  medicines see medicines and drugs
  essentially derived varieties (EDVs) 238
  Ethiopia 182, 223, 229–30
Euro-Mediterranean association agreements (AAs) 56–7
Euro-Mediterranean Free Trade Area (EMFTA) 56
  Europe 119, 242
  European Agency for the Evaluation of Medicinal Products 376, 385
  European Commission 394, 396, 398, 399
  European Court of Justice 8–9
  European Free Trade Association (EFTA) xix, 56, 57
  European Neighbourhood Policy (ENP) 57
  European Parliament 396
  European Patent Convention 57
  European Patent Office (ENO) 121
Euro-Mediterranean Free Trade Area (EMFTA) 56
  Europe 119, 242
  European Agency for the Evaluation of Medicinal Products 376, 385
  European Commission 394, 396, 398, 399
  European Court of Justice 8–9
  European Free Trade Association (EFTA) xix, 56, 57
  European Neighbourhood Policy (ENP) 57
  European Parliament 396
  European Patent Convention 57
  European Patent Office (ENO) 121
Euro-Mediterranean association agreements (AAs) 56–7
  exports to 291
  FTAs xix, 52, 56, 124
  GIs, and 283
  harmonization approach 37
  IP standard setting 56
  licences 364
  pharmaceuticals 71
  technical assistance 368–9
  WTO decision (30 August 2003) 382
evergreening 144
exception, national emergency as 132
excessive prices see under medicines and drugs
exclusion from patentability 58, 221
exclusionary acts 189–90, 192, 195
exclusive marketing rights (EMRs) 98–9
exclusive rights 71, 75, 164, 165, 275
  checks and balances, and 363–9
  South Africa, and see under South Africa

Ricardo Meléndez-Ortiz and Pedro Roffe - 9781849803458
Downloaded from Elgar Online at 09/01/2019 02:40:53PM via free access
<table>
<thead>
<tr>
<th>Index</th>
<th>443</th>
</tr>
</thead>
<tbody>
<tr>
<td>test data, and see model law for protection of undisclosed data</td>
<td></td>
</tr>
<tr>
<td>exhaustion of rights 71, 182</td>
<td></td>
</tr>
<tr>
<td>expenditure on R&amp;D 126, 113–20, 133, 159, 169, 222, 358, 365</td>
<td></td>
</tr>
<tr>
<td>experimental use exception 110</td>
<td></td>
</tr>
<tr>
<td>export prohibition 162, 165</td>
<td></td>
</tr>
<tr>
<td>extension of patent term 58, 143, 145, 164</td>
<td></td>
</tr>
<tr>
<td>fair dealing 311, 313, 315, 322, 325–34, 337</td>
<td></td>
</tr>
<tr>
<td>Fair Trade movement 259</td>
<td></td>
</tr>
<tr>
<td>Falcon, W.P. 248</td>
<td></td>
</tr>
<tr>
<td>FAO International Treaty see under Food and Agriculture Organization (FAO)</td>
<td></td>
</tr>
<tr>
<td>farmers exemption 223, 225, 239</td>
<td></td>
</tr>
<tr>
<td>GURTs, and 213, 221</td>
<td></td>
</tr>
<tr>
<td>networks 235, 236</td>
<td></td>
</tr>
<tr>
<td>organizations 142, 260</td>
<td></td>
</tr>
<tr>
<td>privilege 225, 228, 239</td>
<td></td>
</tr>
<tr>
<td>research, and 227</td>
<td></td>
</tr>
<tr>
<td>rights 221, 222, 235, 239, 241</td>
<td></td>
</tr>
<tr>
<td>definition of 226</td>
<td></td>
</tr>
<tr>
<td>sui generis systems 245</td>
<td></td>
</tr>
<tr>
<td>Asia, and 236, 243–4, 259–60, 261</td>
<td></td>
</tr>
<tr>
<td>domestic (extant) plants 246–9</td>
<td></td>
</tr>
<tr>
<td>GURTS, and 224, 226–9, 230–31</td>
<td></td>
</tr>
<tr>
<td>local plant varieties 250</td>
<td></td>
</tr>
<tr>
<td>seeds 213–14, 218, 222, 225, 227–9, 239, 259–60</td>
<td></td>
</tr>
<tr>
<td>exchange networks 252, 258</td>
<td></td>
</tr>
<tr>
<td>smallholders 221, 222</td>
<td></td>
</tr>
<tr>
<td>technologically advanced 238</td>
<td></td>
</tr>
<tr>
<td>traditional knowledge 261</td>
<td></td>
</tr>
</tbody>
</table>
| variety-use restriction, and see genetic use restriction technologies (GURTs) see also plants; seeds and seed industry Federal Drug Administration see Food and Drug Administration, US (FDA) Federal Food, Drugs and Cosmetics Act (1938) (FDA) Federal Register 38–9 Feist Publications v Rural Tel. Serv. Co [1991] 6, 8 film industry 30 Fink, Carsten 47, 58, 78–80, 81, 84 first-line ARV drugs 131–2 fixed-dose combinations (FDCs) 129, 185 flexibilities see under TRIPS Flitner, M. 244, 248 folklore 23, 55, 217–18, 219, 237, 326 food 257 safety and standards 274 security and resources 141, 209, 214, 218–20, 226–9, 235, 260–61 sovereignty 215, 254–5, 260–61 Food and Agricultural Organization (FAO) xxi, 216, 218, 220–21, 226, 231, 235, 240 International Treaty see International Treaty on Plant Genetic Resources (ITPGRFA) Food and Drug Administration, US (FDA) 101, 102, 116–18, 119, 121–2, 151, 377 sub-Saharan countries, and 175, 177–8, 181 foreign direct investment (FDI) see under investment Fowler, C. 248 France 30, 116, 147, 148, 151 franchise contracts 24 Frank, R.B. 88 free and open source software (FOSS) 304, 310, 354–5 free trade agreements (FTAs) xix, 52, 58, 141, 142, 363, 390 Arab countries, and see under Arab countries EFTA, and see under EFTA EU, and see under EU IPRs compulsory licences, and 12 data exclusivity 10–11 expanded description of exclusive rights in xx nature of legal protection 5 protection periods xx least developed countries, and 54 TRIPS-Plus, and 54–5 US, and see under United States Free Trade Area of the Americas (FTAA) 9, 54 free trade zones 401 Friends of Development (FOD) group 63 Frischtak, C.R. 42 FTA Watch 142 functional bureaucratic system, China in 44 funds 357–8 Fungizone matter 193–4, 196 G8 xx, 390 General Administration for Quality Supervision Inspection/Quarantine (AQSIQ) xiii, 284 General Agreement on Tariffs and Trade (GATT) 217 see also Uruguay Round of Trade Negotiations General Council 30 August Decision, WTO see under sub-Saharan African countries generic drugs 151–4 advertising see under medicines and drugs
ARV see under HIV/AIDS
brand loyalty 88, 152, 153, 166
branded 151–3, 164
companies and producers 71, 87–9, 103–5, 148, 149
South Africa, in see under South Africa
competition and competitors 71, 125, 149, 164, 168, 193
development of innovative drugs 120–2, 133
entry 117–22, 145, 164, 195, 370
industry see under India; Thailand
novel drug delivery systems (NDDS) 119–20, 122, 127–8, 133
prices see prices and pricing under medicines and drugs
voluntary licences see under Kenya; South Africa
generics 116–22, 291–2
 genetic resources 345, 350,
eastern and southern Africa, and 211, 217–18, 220–21, 223–29, 30
Intergovernmental Committee on 217
 International Treaty on Plant Genetic Resources for Food and Agriculture 240–41
misappropriation measures 60
 sui generis systems for plant variety protection 235–7, 239, 242, 248
see also plants
genetic use restriction technologies (GURT s) xxv, 46, 243, 260
eastern/southern Africa, sustainable development and 209–31
assessment of impact 226–7
benefit sharing 229–30
breeders’ rights 223–9
CBD, and 217–18, 221–5, 227
community rights 223–5, 228–31
definition of GURT s 214
developing countries, and 210–13, 219–20
development agenda 219
ESA approach to IP protection 222–4
farmers’ rights 221–4, 226–31
GURT s, nature of 214–16, 220–21
implementation and regulation 227, 230–31
international trends 216–18
IP protection, impact in ESA of 221–2, 226–7
IPRs, and 220–21, 229
seeds, development and 209–13
 sui generis regimes, and 224–7, 228–31
system costs, IP 218–19
TRIPS, and 220–21, 227
WIPO 216–18, 231
 WTO Development Agenda 219
genetically modified crops and organisms 214, 221, 235, 238, 260
Geneva Convention 37
geographical indications see indications of geographical origins (IGOs) and GIs
Geographical Indications Act (2000), Malaysia 289
Geographical Indications Act (2004), Thailand 290
Geographical Indications of Goods (Registration and Protection) Act (1999), India 279, 285
Geographical Indications of Goods (Registration and Protection) Bill, Pakistan 289
Georgia 57
Germany 49, 116, 147, 148, 150, 151
Gervais, D.J. 273
Ghana 26, 27, 162, 318
GlaxoSmithKline
generic industry in India, and 103, 108, 113, 115, 119, 123, 130
Kenya, and 182, 183
South Africa, and 176–9, 190–93, 194
global
 information system 241
knowledge economy 342
pharmaceutical market and producers 115, 175
Global Fund to Fight AIDS Tuberculosis and Malaria 118, 129, 175
Goeschl, T. 46
Goldberg, P.K. 81–4
Goodman, D.S.G. 38
government
incentives for R&D, Indian 126
 licences see licences
procurement 141
subsidies 357–8
use provisions
 competition, and 365
enforcement, and 390–91
Kenya see under Kenya
Zambia see under Zambia
Government Pharmaceutical Organization (GPO) xv, 149–50, 152, 154–6
Grabowski, H.G. 87–8
Graham, J.L. 41
Grameen Bank 261
grant-back 162
Grazioli, A. 279, 281, 282
Guatemala 379, 384
Guinea-Bissau 23
Index

Gulf War 157
Gupta, A.K. 251, 261
Halsbury, Lord 274
Hamre, J.J. 38
handicraft industries 281, 289, 290
Hart, Keith 318
Harte-Bavendamm, H. 275
Hayden, E.W. 264
Hazel Tau and Others v. GlaxoSmithKline and Boehringer Ingelheim 190–93, 194, 196
Heald, Professor 43, 45
health see public health protection
HIV/AIDS 142, 175–6, 179, 185, 191, 193, 384
drugs 98, 103, 177, 179, 188, 191–2, 193, 211
antiretroviral (ARV) drugs and therapy access to
excessive pricing, and 190–94
free ARV treatment 128
Indian pharmaceutical industry and 128–33, 134
Brazil 130
China 130
generic 117–18, 128
price 118, 128, 129, 131–2, 134
product patents and future of ARV 130–33
Thailand, and 150
treatment, free 128, 129
sub-Saharan African countries, and see under sub-Saharan African countries
see also medicines and drugs
holographic labels 46
Honeybee Network 263
Hong Kong 49, 241–2, 274
Horner, Mark 311
Horsley, J.P. 47
Human Development Index 185
Hungary 292
incrementally modified drugs (IMDs) 100, 101–2, 121–2
India
competition laws 366
Darjeeling tea 284–8
drug supply 128–33, 169
emerging economy 397
food and medicines 257
FTA 124
generic pharmaceutical industry 97–135, 147, 148, 149, 162
Patents Act see Indian Patents Act (1970)
recent performance 112–24
alliance-building efforts 122–4, 133
history 112–13
R&D organization 115–16
R&D spending 116–22
technology and R&D 113–15
GIs, and 283, 284–8
government, role of 124–8, 133
IP decision-making 23
collecting societies 30
coordination of enforcement efforts 26–7
interministerial coordination 25
public consultations 27
ITPGRFA, and 240
opposition proceedings, India 101, 109
passing off 279
piracy 316–17
prices of pharmaceuticals 154
see also prices and pricing under medicines and drugs
PVP laws 242, 244–9, 255, 259–61, 265
research and development 113–24, 258
alliance-building efforts 122–4, 133
government promotion of 124–8, 133
public-private partnership 126–8
innovative drug development 120–22,
133
novel drug delivery systems (NDDS) 119–20, 122, 127–8, 133
organization 115–16
pharmaceutical industry, in 146–7
spending on generics 113–20, 133
seed exchange networks 252
sui generis systems see Asia under sui generis systems for plant variety protection
traditional knowledge 261–3
Indian
Biodiversity Information System (IBIS) 263
Biological Diversity Conservation Act 252–3, 255, 263, 265
Bill (2002) 244
Council of Medical Research (ICMR) 126
Patents Act (1970) 124, 125, 129, 131, 132, 133, 134
amendments under TRIPS 98–101
analysis of amendments 101–12
Bolar exemption 109–11
future of generic producers 103–5
history 97
opposition proceedings 109
parallel imports 111–12
patentability, scope of 101–3
Protection of Plant Varieties and Farmers’ Rights Act (PVPFR) 243
indications of geographical origins (IGOs) and
GIs 273–96
bilateral agreements 292–3
developing countries 273
domestic considerations 281–2
designing domestic regimes 277–8
economic control, localizing 293–4
generics 291–2
implementation, Asia in 284–91
China 284
India 284–8
Indonesia 288
Malaysia 288–9
Pakistan 289
Sri Lanka 289–90
Thailand 290
Vietnam 290–91
international legal obligations 278–81
laws focusing on business practices 274–5
levels of protection, 273, 282–4, 290, 291
segment markets 294–5
special means of protection 276–7
trademark law 275–6
TRIPS, and 52, 60, 273, 274–84, 285
WTO study 276–7, 279, 296
indigenous communities 218, 221–2, 224, 227–8,
239–40, 244, 248, 254–5, 261, 263–4
see also community rights
copyright 323–4
knowledge 213, 278
languages 308
laws see under customary
material and resources 23, 170, 254
medicines 170
pharmaceutical industries 97, 148
plants 286, 290
R&D 124–6, 158
rights 241
Indigenous Peoples Rights Act (1977),
Philippines 244
Indo-China 157
Indonesia 26–7, 30, 141, 242, 250, 288
induced innovation 76, 89–90
industrial designs 24, 212
industrial property 212
sub-Saharan Africa countries 181–4, 200
Thailand 145, 157, 160
undisclosed data, and 375, 378, 383
Industrial Property Law No. 19.996 (1996),
Chile 378, 383
information technologies 304, 312, 342–3
innovation xxi
Bayh-Dole Law (1980) 344
Central America see innovation and public research in Central America
development of innovative drugs 120–22, 133
funds, agriculture 357
IPR impact on 5–8
national innovation systems 341, 358
non-exclusive use of 355
promoting 6, 59, 60–61, 394
regulations, organization and internal 349
trade agreements, developing countries and
140
innovation and public research in Central America 341–59
agro-biodiversity and plant breeding 343–4, 349–50
Bayh-Dole Law (1980) 344
CAFTA-DR 342
confidentiality, preservation of 345–7
environment, IPRs for 342–3
IP acquisition, maintenance and
enforcement 347–8
IPR management 343–5
non-IPR mechanisms encouraging 353–5
promotion of 355–8
regulations, organization and internal 349
third-party ownership of IPRs, impact of
350–53
Instituto Nacional da Propriedade Intelectual,
Brazil (INPI) 24, 25
intellectual property (IP)
acquisition, maintenance and enforcement
347–8
Arab countries, and see Arab countries
decision-making see developing countries
developments and trends 51–5
institutional level, at 51–3
increasing complexity of international
standard-setting 52–3
proliferation of forums and processes in
IP standard-setting 51–2
substantial level, at 53–5
need to integrate development
dimension in IP 53–4
TRIPS Plus trend 54–5
disputes see dispute settlement
EFTA FTAs 57
enforcement see enforcement
Euro-Mediterranean association agreements, and 56–7
international trade rules 319–21
legislation 21, 61, 209, 220
management committees 349
offices (IPOs) 23–4
see also offices under patents
Index

policies, integrated 61–2
protection, GURTs and see genetic use
restriction technologies (GURTs)
outside IP regime 46–7
reforms see Arab countries; China
rights acquisition 345, 347–8
standard setting 56, 62–3
system costs 218–19
Intellectual Property Act (2003), Sri Lanka 289
intellectual property rights (IPRs)
checks and balances, and 61, 142, 363–9
commodification of information 5–6, 8, 15
competition suppressing 5, 7
data exclusivity see data exclusivity
databases protection see under databases
developing countries 61
digital rights management see digital rights
management
domestic enforcement xix–xx
Euro-Mediterranean association agreements, and 56
GURTS, and see under genetic use
restriction technologies (GURTs)
information access and data control 5–9
innovation, impact on 5–8
licences, compulsory 12
management 343–50, 351, 353, 355, 358
patents on basic research tools see under research
protection, nature of 5, 216
public benefit and interest 5–14, 61
purposes 6–7
rights in basic information 5–16
new proposals 14–16
sustainable development, and 210–13
third party ownership, under 350–53
trade and investment frameworks, and 57–8
TRIPS, and 363–9
Intergovernmental Committee on Intellectual Property,WIPO (IGC) 217–18
intermediary liability 400
International Agricultural Research Centres (IARCs) 240, 257
International Centre for Trade and Sustainable Development (ICTSD) xxi, 237, 370, 245
International Centre of Economic Policy for Sustainable Development (CINPE) 370
International Confederation of Societies of Authors and Composers (CISAC) 29, 30
International Convention for the Protection of New Varieties of Plants see UPOV
International Court of Justice 216
International Federation of Phonographic Industries (IFPI) 30
International Intellectual Property Alliance (IIPA) 37, 141
international legal obligations 21, 236–41, 244, 278–81
international trade rules 319–22
International Treaty on Plant Genetic Resources (ITPGRFA) xxi, 223, 226, 235, 250, 252
multilateral system 240–41, 257–9
International Union for the Protection of New Varieties of Plants see UPOV
China, and 37
INTERPOL 390
‘inventions ownership definition’ 348
investment
Arab countries, in 53, 58, 59
agreements with US 57–8
bilateral investment treaties see bilateral investment treaties (BITs)
China, in 40–42, 46
climate 156
data exclusivity 10, 15
database protection 8
foreign direct (FDI) 41, 140, 166
patents, and 156–8
IPR, as 58
open 358
pharmaceutical research, in 146, 366
trade-led 124
United States-Thailand FTA, and see under Thailand
Iran 29
Iraq 29
Israel 57
Italy 116, 147, 150, 151, 154, 158
Jamaica 23, 24–5, 29
Japan 9, 29, 30, 49, 116, 241, 291, 368
pharmaceuticals 147, 148, 151
Jasmine rice 249
Jia, P. 81–4
Jordan 29, 56, 57, 58, 59, 379
Kandan, Dato, V.L. 288
Kenya 29–30, 229–30
COMESA 197
Darjeeling tea 285, 286
drug prices 182
GIs, and 283
government use provisions 184–5
Industrial Property Act (2001) 181–3
pharmaceuticals production 148
UPOV Convention 212, 223
voluntary licences 182, 183, 184
WTO General Council 30 August decision implementation 181–5
Intellectual property and sustainable development

Kenya Industrial Property Institute (KIPI) 183, 184
Knaak, R. 273
knowledge access to (AK2) 60–61, 63, 303–4
digital content 312
southern Africa, in see under southern Africa
cust omary 170, 264
dissemination 61, 218, 319, 347, 367
see also technology dissemination
economy 303, 304
‘On the Shoulders of Giants’ (OTSOG) 7–8
traditional see traditional knowledge
see also education and access to knowledge
Kodak 45
Korea 48, 159, 241, 366
Kyrgyzstan 241

labour rights and unions 141, 142
Laird, S. 264
Lall, S. 158
Lam, N.M. 41
Lam, Thanh 291
landraces or wild varieties 238, 247, 250–52
Laos 148, 150, 157
Latin America 29, 30, 51, 61, 64
learning materials, access to see education and access to knowledge
least developed countries (LDCs) 23, 54, 60, 62, 182, 321
enforcement, and 390, 398, 401, 402
less developed 15
Lebanon 29, 30, 56, 57
legal and regulatory reform see reform under developing countries
Leibman, B.L. 47
Lemley, M.A. 42
Leskien, D. 244, 248
Lesotho 200, 305, 321–2, 323–4, 326, 330–32
less developed countries 15
Li, Lawrence 316–17
Libya 57, 58
licences 28, 46, 47, 108, 364
compulsory see compulsory licences and licensing
voluntary see under Kenya; South Africa licensing
competition law, and 364–5
contracts 162–3
educational, impediments to 312–13
technology transfer departments, and 345
vertical licensing practices 364
lobbying 141, 304, 314, 363
local plant variety protection see under sui generis systems for plant variety protection
localizing economic control 273, 287, 293–4
lower-technology goods and services 42
Lunney, G.S. 42
Luxembourg 150

M.S. Swaminathan Research Foundation (MSSRF) 247
Madrid Agreement concerning International Registration of Marks 56
mailbox 98, 101–3, 109, 132, 182
major global pharmaceutical firms 115, 123
malaria 185, 262, 384
tuberculosis, and 118, 129, 153, 179
Malaysia 141, 150, 242, 248, 288–9
Mali 251
Mansfield, Edwin 42, 45
Manuel, Peter 317
Marchenay, P. 277
marketing see below
market
access 7, 282, 343, 363, 368
approvals 116–18, 133
exclusivity 118, 122
GI products, for 282–4
segmentation 88, 313, 321, 349
marketing approvals 145
econ omic literature 85, 87, 90
India 98, 101, 104, 110, 117, 131
Thailand 145
undisclosed data, and 371–2, 375–6, 381, 389
marketing practices 149, 152–3
marks
 certification 275–6, 279–81, 284, 285, 287, 290, 296
collective 275–80, 284
see also trademarks
Mashelkar, R.A. 102, 126
Maskus, K.E. 76
IP reforms in China 38, 39, 41, 42, 43–4, 45–6
mass-market contracts 46
Massey, Joseph 39
material transfer agreements 255–8, 349, 353
Standard Material Transfer Agreement (MTA) 240, 242, 253, 255, 257–8
Mauritania 23
Mauritius 23
mechanical reproduction 28, 30
Médecins Sans Frontières 182
medicines and drugs 22, 52–3, 64
access to 31, 61, 100, 111, 128, 144, 154, 164, 227, 371
affordable pricing see below
campaign 304
competition law and policy, and 187–97
data exclusivity, and 10, 59
policy on 169–70
sub-Saharan African countries, and see under sub-Saharan African countries
advertising 152–3, 155, 166, 168, 365–6
branded drugs see under generic
development of innovative drugs 120–22, 133
food, and 257
generic see generic drugs
HIV/AIDS drugs see under HIV/AIDS
incrementally modified drugs (IMDs) 100, 101–2, 121–2
natural resources, use of 170
novel drug delivery systems (NDDS) 119–20, 122, 127–8, 133
patents 120, 130
developing countries, and 71, 134–5
scope see under patents
prices and pricing
competition 87, 90, 116, 154, 365–6
controls 168–9
developing countries, and 365–6
excessive, abuse of dominant position and 188, 189–94
generic entry, and 87–9, 108
India, in 97, 129, 133
patents, impact of 154–6
Thailand, and 144, 164
see also price
sub-Saharan African countries, and see under sub-Saharan African countries
United States-Thailand FTA, and see under Thailand
see also economic literature, review of:
pharmaceuticals; public health protection
Medicines and Healthcare Products Regulatory Agency (MHRA) 119
Merck, Sharpe and Dohme 110, 115, 123, 130, 141, 179, 180, 182
MERCOSUR 124
Mertha, Andrew 39, 44, 45–6
‘me-too’ drugs 133, 151–3
Mexico 148, 292
Micronesia 29
Microsoft 45
Middle East countries 29
Middle East Free Trade Area (MEFTA) 57–8
Middle East Free Trade Initiative 57–8
minimum standards, TRIPS 43, 105, 141, 183, 319–20
misappropriating 242
misuse 5, 247, 294
IP rights 105–6, 165
monopoly powers 215
patents 134
traditional knowledge 263
mode of production 278, 281, 294
model law for protection of undisclosed data 370–85, 389
applicability 371–2
model provisions 372–85
Model Plant Variety Protection (PVP) 235, 237, 238, 241–4
Moldova 57
Mongolia 30
monopolies 25, 40, 61, 127, 285, 316
copyright 312
economic literature 74, 76, 81, 84, 90
generics 152, 193
GURTs 211, 214, 215, 222, 224
monopolization 141, 307
open source biological materials 355
patents 72–3, 100, 131, 134, 164
publishing 312
United States 142
Monopolies and Restrictive Trade Practices Act, India 285
monopolization 141, 307
Moran, W. 276, 277
Morocco 53, 56, 57, 58, 59, 313, 382
most-favoured-nation treatment 237, 244–5
Mozambique 185
Muellbauer, J. 81–2
Muller, R. 279
multilateral negotiations, WTO 140, 141, 166–7
Music Copyright Society of China 48
music sector 28, 29, 30, 316–17
Musunga, S. 54
Myanmar 150, 157
Namibia 34, 305, 201–2, 223
copyright regime 322, 323, 324, 326, 332–3, 335, 337
nanotechnology 342–3
National Biodiversity Authority, India 263
National Biodiversity Institute (INBio) 355
National Industrial Property Institute (INPI) 24, 25
national innovation systems 341, 358
national treatment, principles of 237, 244–5
neem tree 262
neglected diseases 128, 134
Nepal 150, 285, 286
Netherlands, The 147
new chemical entity (NCE) 98, 101, 102–3, 114, 371, 377–9
new plant variety protection see under sui generis systems for plant variety protection
new uses or methods, patents for 143, 144, 185
New Zealand 253, 283
Nigeria 29–30, 162, 182, 315
non-discrimination xxiii, xix, 43, 220–21, 226
non-exclusive use of innovations 355
non-original databases see under databases
non-proprietary software 61
non-voluntary licensing of IP rights see compulsory licences and licensing
North African countries 29
North American Free Trade Agreement (NAFTA) 141
novel drug delivery systems (NDDS) 119–20, 122, 127–8, 133
novelty loss 347
Oddi, A.S. 158
OECD 108, 111, 275, 276, 390, 397
Okiy, B.R. 315
Oman 58, 379
‘One Tambon One Product’ (OTOP) initiative 258, 290
open access 14, 261, 310–12, 316, 337, 355, 358
source software see free and open source software (FOSS)
Ordinance on Plant Varieties (2004), Vietnam 242
Organisation for Economic Co-operation and Development (OECD) see OECD
Organization of African Unity (OAU) Model law 223–4, 235
other products 240, 280, 282–3, 285, 289
outstanding implementation issues 283
‘overnight’ patent 72, 75, 77, 82, 84
‘over the counter’ (OTC) market 117, 151, 152, 153
Oxfam 259
Pakistan 23–4, 242, 289
Pakistan Draft Law on Access and Community Rights (2004) 244
Palestinian Authority 56, 57
Panitchpadki, Director-General 283
paracopyright see anticircumvention
Paraguay 36
parallel imports (PI) and trade 71, 84–7, 111–12, 313
Paris Convention 37, 100, 105, 144, 166, 248, 348, 375
Parma Ham case [2001] 277
passing off 274–5
Patent Co-operation Treaty 37, 56, 121, 348
patents applications and grants 160
Arab countries, in see under Arab countries
basic tools and findings, on 7, 11–12, 15–16
biotechnology 211–12
China, in see under China
drugs 71, 72, 120, 124, 165
see also medicines and drugs
duration 186
examination 22, 127, 263
extension of patent term 58, 143, 145, 164
foreign direct investment, and 156–8
FTAs, and 13
India, and see India
infringement suits 105, 119
inventions and utility models 24
law and harmonization 52, 188
litigation 103
new uses or methods 143, 144, 185
offices 100, 102, 109, 121, 131, 144
role 167–8
‘overnight’ 72, 75, 77, 82, 84
patentability and criteria 353
exclusion from 58, 221, 224, 236–7
plants and animals 59, 211–12
scope of 71, 101–3, 165, 223
software 60
US-Thailand FTA, in 144
pharmaceuticals, and see under pharmaceuticals
pools 215
revocation 143, 144, 165
rights, abuse of 105–6, 165
technology, impact on see under technology
thickets 107–8
TRIPS Agreement see TRIPS
discriminatory protection see non-discrimination
pay-per-use information commerce 7, 9, 13
PCR enzyme protein 11
People’s Biodiversity Registers (PeBRs) 263
performance rights and royalties 28, 30
Performances and Phonograms Treaty, WIPO (1996) 13
performing rights in dramatic works 28
Peru 27, 36, 254, 384
Pfizer 48, 119, 123, 141, 154
Pharmaceutical Research and Development Committee (PRDC) 126–7, 133
Index

pharmaceuticals
- advertising regulations, and 365–6
- agrochemical test data see under agricultural chemical products
- checks and balances, and 365–6
- competition law, and 363–9
- data exclusivity, and 7, 10–11, 15
- generic producers see under generic innovations see innovation
- industry and manufacturing
- structure and characteristics 146–53
- see also India; Thailand
- international trade in 148–9
- patents
  - drugs, and see drugs under medicines and drugs
  - prices, impact on 154–6
  - production 146–8
  - registration, test data and see model law for protection of undisclosed data
- regulation 53
- sector 191, 401
- checks and balances 363, 365–6
- India 97, 107, 130
- Thailand 146, 151, 163, 169
- substance 103
- TRIPS, and 71, 370
- see also economic literature, review of; medicines and drugs

Philippines, 141
- indigenous peoples 263–4
- IP decision-making 23
- coordination of enforcement efforts 27
- public consultations 27
- PVP laws 244
- seed exchange networks 252
- sui generis systems see Asia under sui generis systems for plant variety protection
- UPOV-style laws 242
- utility model protection 44

Philippines Indigenous Peoples Rights Act (1997) 244

Phillips, T. 45
- phonograms 13, 28, 29, 57
- photocopying 28
- informal economy and access to learning materials 315–19

Phu Quoc 291

piracy and counterfeiting 304, 337
- Arab countries, and 57, 59
- biopiracy 213, 242, 246, 262, 263
- Brazil anti-piracy strategies 26
- China, in see under China
- definition 313

educational material 318–19
- enforcement, and 402
- criminal procedures and penalties 394, 395
- ENP Action Plans 57
- India, anti-piracy cells in 26
- informal economy context 314, 316, 318
- music sector, and 316–17
- parallel trade 313
- Peru anti-piracy strategies 27
- photocopying, and 315–19
- Plant Varieties Protection Act (2004), Singapore 242
- Plant Variety Protection Act (1999), Thailand 243

plant-derived pharmaceutical (phyto-pharmaceuticals) products 356
- plants
  - breeders’ rights see under breeders
  - breeding 247
  - Central America, in see under innovation and public research in Central America
- definition 225–6, 237–8
- Model Plant Variety Protection see Model Plant Variety Protection (PVP)
- protection 212, 215, 217, 219, 222–5, 229, 344, 351, 354
- sui generis systems see sui generis systems for plant variety protection
- varieties 57, 23–5, 225, 228–9, 345, 347, 348, 351
- protection and innovation 353–4
- plao noi shrub 262
- policy space 54, 140, 189, 202, 203
- Politics of Piracy (Mertha) 44
- poverty, rural 260–61
- pre-grant opposition 22, 109
- prohibited 143, 144, 165–6
- post-grant reviews 22
- President’s Emergency Plan for AIDS Relief (PEPFAR) 118, 128
- sub-Saharan African countries, and 177, 180
- price
  - competition 87, 90, 116, 154
  - controls 61, 72, 75, 78–9, 81–2, 85, 89, 124, 156, 168–9
  - excessive, books in southern Africa 306–8
  - medicines, of see under medicines and drugs; pharmaceuticals
- Price Control Law (1995), India 78
- Priest, E. 48
- Primo Braga, C.A. 47
- principal-agent problem 366

Ricardo Meléndez-Ortiz and Pedro Roffe - 9781849803458
Downloaded from Elgar Online at 09/01/2019 02:40:53PM
via free access
Intellectual property and sustainable development

Print Industries Cluster Council (PICC) 307, 312, 318–19
printed works 28–9
prior informed consent (PIC)
GURTs, and 228, 229, 230
material transfer agreements and 255–8
sui generis systems, and 236, 237, 239, 242, 253, 255–8, 261, 266
traditional knowledge, and 261, 264
Priority Watch List, Section 288, 301, 397, 399
private-public linkages 342
process patent regime 98, 108–9, 113, 134
product commercialization 342, 356
products patents
India 98, 99, 101, 130–31
regime 97, 99, 100, 103, 108–9, 130–31
Thailand 154, 163
prohibited practices 189, 195
Proinnova Programme 346–7
PROMECAFE Network 351–2
Promotion and Protection of Thai Traditional Medicinal Intelligence (1999), Act 244, 248
Protection of Plant Varieties and Farmers' Rights Act see under Indian
Pterocarpus 262
public
awareness 21
consultations 21, 22, 25, 27
domain xx, 14, 216
education and access to knowledge 303, 308, 326, 331–2
innovation and research in Central America 348, 355, 358
sui generis systems 246, 251, 253, 261
undisclosed data 375, 384–5, 389
funding 357–8
health see public health protection
interest and benefit 5–14, 61, 100, 165, 184, 266, 320
access and compulsory licences 228, 229, 344, 346
technical assistance, and 368–9
undisclosed data, protection of 371, 383, 384
participation 21, 22, 25, 27
performance rights 28
policy 23
objectives 49, 53, 58–62, 64, 348
space 54, 140, 187, 200, 201
private alliances and partnerships, and 22, 126–7, 355–6, 396
research centres 240, 341, 342–9, 353, 357, 358
public health protection 60
compulsory licences, and 106, 108, 382
GURTs, and 228, 229
HIV/AIDS see HIV/AIDS
IGOs, and 274
IP and, consumer groups discussing 63, 64
policies and objectives 54, 61, 140
competition law and policy, and 187–97
programmes 365
TRIPS, and 43, 51, 52–3, 55, 61, 99, 382
see also Doha Declaration; medicines and drugs
Public Health Emergency Medicines Act (HR 3235) 108
Public Library of Science 15
publication 15, 104, 109, 396
education and access to knowledge 317, 321, 324, 330, 332–4
innovation and public research 345, 347
undisclosed data 376, 379, 385
PVP laws see sui generis systems of plant variety protection
radio-frequency identification (RFID) 46
Ramsey pricing structures 365
Rangnekar, Dwijen 238, 273, 276, 279, 280, 281, 282, 285, 292
Rao, Niranjan 285
regional
bilateral IP negotiations, and 140–41
competition policy 176, 197–201
trade talks 141
registers and registries 38–9, 161–3, 164, 263, 281
regulations, organization and internal 349
Reichenmiller, P. 58
Reichman, J.H. 43
Reiflen, D. 88
related rights 29
reform in developing countries see developing countries
remedies 13–14, 198–9, 265, 390, 392–5, 400
research and development (R&D)
breeder's exceptions 228
collaborations 256–7, 349, 355–6, 357
India, in 115, 122–4, 127–8, 133–4
developed countries 146–7, 148, 158, 159
developing countries 89–90
exceptions 71
expenditure 126, 113–20, 133, 159, 169, 222, 358, 365–6

Index

Genetic resource innovations 239
GURTs, effect of 227
India, see under India
innovation, and see innovation and public research in Central America
intensity 114, 120
investment in 366
IP protection, and 42, 235
patents on basic tools and findings 7, 11–12, 15–16
plant genes 251
public sector 227
sharing 255
tax incentives 355–7
Thailand, see under Thailand
traditional knowledge, and 257
research centres 240, 341, 342–9, 353, 357, 358
resistance to IP reform see China
restrictive business practices 162–3
classes 162, 164, 168
practices 189, 320
vertical licensing practices 364, 366
revocation of patents 143, 144, 165
RiceTec patent 284–5, 289
Roche Products Inc v Bolar Pharmaceuticals Co. Inc. [1984] 110
Romania 292
Rome Convention for the Protection of Performers 57
royalties and royalty payments 161, 166, 186, 200, 317, 318, 345, 346, 357
ARV drugs 131
collecting societies 28, 29, 30
compulsory licences, and 107–8
GURTs, and 229–30
patents on basic research tools 11
royalty stacking 108
rule of reason 364
rural poverty 255, 260–61
Russia 397
Rwanda 29, 179, 182
Sagar, R. 253
St Kitts and Nevis 29
Salkever, D.S. 88
San Paulo consensus 54
Sandler, T. 278
Santikarn, M. 162
Saudi Arabia 29
Scafidi, S. 46
scope of patentability see under patents
Second South Summit 63
second-line ARV drugs 131–2
sectoral disparities 41–5
seeds and seed industry 46, 213, 214, 227, 235
see also farmers; genetic use restriction technologies (GURTs)
segment markets 294–5
Senegal 30
services 26, 42, 118, 217, 253, 336, 397
Asia 253, 274–6
innovation and public research 343, 345–7, 354–5, 357
pharmaceutical industry in Thailand 141, 158, 167, 169
rights in basic information 8, 13
sub-Saharan African countries 181, 187, 189–92, 196
Sheff, David 47
Sherwood, R.M. 45
shrink-wrap licences 46
Singapore 12, 49, 159, 241, 384
small and medium enterprises (SMEs) 341
soft law 52
software see computer software
Somalia 29
South Africa
abuse of dominant position 188, 195
excessive prices and 189–94, 195
ARV therapy 177, 177–9, 181
bilateral agreement with EU 292
books, in 306–10
open access 311
broadcasting 333
collecting societies 29–30
Competition Act (1998) 179, 188–94, 201
amending 194–6
Competition Commission 176, 179, 190–94, 364
copyright regime 312, 318–19, 322, 323, 324, 333–4, 335, 336, 337
Doha Declaration 176
education, and see education and access to knowledge under southern Africa
emerging economy 397
exclusive rights 188–9, 191
generic pharmaceutical companies 177–9
parallel trade 313
Patents Act (1978) 180, 181, 183, 192, 200
royalty payments in 108
SACU and SADC 197, 200
UPOV Convention 212, 223
voluntary licences 176–7, 178, 179–80, 195
Intellectual property and sustainable development

WTO General Council 30 August decision, implementation of 176–81
Patents Act (1978), and 180–81
South African Customs Union (SACU) 179, 197, 198, 199–200, 201
access to knowledge see education and access to knowledge under southern Africa
copyright law see copyright law under southern Africa
US FTA 54, 311–13
South America 54
South Korea 49, 148
Southeast Asia 40
see also Asia
southern Africa
copyright law 31, 319–37
digitization 335–6
exceptions 321–2, 325–34
importation 355
international trade rules 319–21
learning materials, impact on 325–37
multilateral agreements, SACU and 321–2
regimes 323–5
education and access to knowledge 304–37
excessive pricing of books 306–8
government resource constraints 309–11
informal economy in knowledge goods 313–19
IP, changes to 311–13
open access 310–11
photocopying, access mechanism as 315–19
problems 304–13
unavailability and unsuitability of books 308–9
US–SACU FTA 54, 311–13
digital content, restricted use of 312
educational licensing and adaptation.
impediments to 312–13
extension of copyright term 312
parallel trade, impediments to 313
enforcement, and see under enforcement genetic resources see under genetic resources GURTs, and see under genetic use restriction technologies (GURTs)
see also Africa; sub-Saharan African countries
Southern African Development Community (SADC) 177, 179, 197, 199, 201
competition policy, and 196–7
Spain 116
specialized courts 22, 40–41, 265
Sri Lanka 242, 285, 286, 287, 289–90
Standard Material Transfer Agreement see under material transfer agreements
State Intellectual Property Office 48
state-run collecting societies 29–30
stockpiling 110–11
Subramanian, Arvind 72–5, 76, 78, 80
sub-Saharan African countries 29
competition
authorities 188, 189, 196, 197, 199–201
law 176, 187–97
policy development, regional 197–8
enforcement 199–200
Doha Declaration, and 175, 187–8
eastern and southern Africa (ESA) 175–6
GURTs, and see under genetic use restriction technologies
HIV/AIDS, in 175
medicines
access to 175
competition law and policy, and 187–97, 198
ARV therapy 175
prices 175, 176
regional competition policy 176
SADC, competition policy and 196–7, 197–8
TRIPS flexibilities, and 175–201
voluntary licences
Kenya, and see under Kenya
South Africa, and see under South Africa
WTO General Council 30 August decision 175–6, 382
Kenyan implementation see under Kenya
South African implementation see under South Africa
Zambian implementation see under Zambia
see also Asia; developing countries; southern Africa
sui generis regime
data, and 8–9, 15, 370
see also model law for protection of undisclosed data
minor and incremental innovations 43–4
plant variety see sui generis systems for plant variety protection
sui generis systems for plant variety protection 235–66
Asia, national initiatives in 241–4
PVP and TK systems 242–3
UPOV-style 241–2
components and elements of 244–66
access and benefit sharing 252–5

domestic (extant) plant variety protection 246–9

enforcement and remedies 265

farmers’ rights concerns, addressing 259–60

indigenous community rights and customary protocols 263–4

local plant variety protection 249–50

minimum requirements and scope of protection 244–5

new plant variety protection 245–6

promoting domestic and local plant innovations 258–9

traditional knowledge protection and promotion 261–3

wild plant variety protection 250–52

farmers’ exemption and rights see under farmers

GURTs, and 224–7, 228–31

plant breeder’s exception and rights see under breeders

UPOV, as 223, 225

see also UPOV Convention

Sun, C. 48

supply chain GI products 273, 282–4, 287–8, 290

sustainable development see under genetic use restriction technologies (GURTs)

Swanson, T. 46

Swaziland 29, 199, 200, 305

copyright regime 319, 322, 323, 324, 327, 334, 337

Sweden 87, 88, 89, 147

Switzerland 147, 148, 150, 151, 283, 292

Syria 29, 57, 58

Taiwan 49, 159, 242

Tanzania 30, 182

tax incentives 355–7

technical advice 31, 368

technical assistance 229, 265, 403

assessing 62

innovation, and 354

IP, and 21, 31, 368–9, 399

legislative process, and 325

medicines, and 169

TRIPS, and 62, 368

WIPO 26, 52, 323, 403

technology

access to 162, 209

dissemination xxi, 216, 218, 320, 347, 365, 391–2, 402

see also knowledge dissemination

generation 133

genetic use restriction see genetic use restriction technologies (GURTs)

innovations see innovation

markets 162–3

meaning 158

protection mechanisms 316

technological

capability, patents impact on 158–63

development and research, patents and 158–61

protection measures 46, 56, 312, 316

service expenses 355

transfer xxi, 24, 59, 166, 229, 235, 365, 368, 402

departments 345

developing countries, and see under developing countries

innovation and public research, and 345, 349, 353

meaning 161

new technologies 140

patents, and 44, 164

public policy objectives 53, 402

Thailand, and see under Thailand

trade agreements, developing countries and 140

ten Kate, K. 264

terminator technologies 213

test data see model law for protection of undisclosed data

Thai Plant Variety Protection Act (1999) 243

Thai Rak Thai government 259

Thailand

collecting societies 30

food and medicines 257

GIs, and 283, 290

international trade negotiations 166–7

investment, foreign 150, 156–8, 166

medicines, natural resources for 170

pharmaceutical industry

characteristics 149–51

generic and branded drugs 152–4

mid-level producer 148

prices 154–6, 164, 166, 168

TRIPS-Plus policies and 140–70

PVP laws 242–6, 248–51, 259, 260, 265, 266

research and development 158–61, 163–4, 258

seed exchange networks 252

sui generis systems see Asia under sui generis systems for plant variety protection

traditional knowledge 261–3

transfer of technology 162–3, 165–8

US FTA 54, 140–46, 163–4

non-transparent negotiations 142–3
pharmaceutical inventions protection 143–6
compulsory licences 144–5, 160–61
data exclusivity 145
drug registration 145
investment 146, 156–8
patentability 144
patents 144, 145, 163–4
prices see above
trademarks 145, 166
potential effects 140–42
third party rights 399–400
tie-ins 162–3
trade 61
description 274, 288
international 5
investment frameworks (TIFAs), and 57–8
led investment 124
losses 37
negotiations 15
secrecy 10
see also China; free trade agreements
Trade Description Act (1972), Malaysia 288
Trade Mark Act (1999), India 285
Trademark Act (1976), Malaysia 288
Trademark Act (2001), China 284
Trademark Law No. 15 of 2001, Indonesia 288
Trademark Law Treaty 56, 145
trademarks and trademark protection 294
Arab countries, in see under Arab countries
China, in see under China
IGOs, and 275–6
misuse see misuse
United States-Thailand FTA, and see under Thailand
traditional knowledge 217–19, 221, 229
access and benefit sharing 254–5, 264
agriculture 241
customary knowledge and protocols 170, 264
Intergovernmental Committee 218
IP and, consumer groups discussing 63
medicines 170, 241
misappropriation, 60
plant varieties 251, 259
prior informed consent 255
protection and promotion 55, 235–7, 261–3
registries and databases 161–3, 164
research, and see under research and development
WIPO 217, 263, 264
see also education and access to knowledge
transitional arrangements and periods 54, 98–9, 103
transnational corporations (TNCs) 79, 142, 149, 154, 155, 156, 162, 169
Treatment Action Campaign v Bristol-Myers Squibb 193–4, 196
Tregear, A. 294
TRIPS Agreement (1994) xix, 51, 141, 311, 370
Arab countries, and see under Arab countries
Articles
1 273, 319
3 245
7 99, 216, 319–20
8 43, 99, 319–21, 364–5
9 319–21
13 12, 319, 321
22 273, 282, 292
23 273, 282, 292
24 291
27 43, 57, 220–22, 225–6, 235–7, 260, 283
31 365, 393
39 374, 375
40 319, 321, 365
41 46
42 392
44 390–91
46 393
63 322
65 273
69 25
70 101
barriers not covered 46
Brazil, and 15
collecting societies 28, 30
community rights 225
competition law 364–7, 369
compliance 185, 245, 273
compliant 98–106, 112, 134–5, 181–2, 185
225, 289, 324
confidentiality 345
data exclusivity, and, 7, 10–11, 15
database protection 9
dispute settlement US/China 37
enforcement see under enforcement
flexibilities 223, 227, 311, 365, 366–7
GIs see under indication of geographical origins (IGOs) and GIs
implementation 25, 53, 59
Indian Patents Act, and see under Indian Patents Act (1970)
IP review xxi-xxii
IPRs
data exclusivity 10–11
database protection 9
expanded description of exclusive rights in xx
sustainable development, and 210–13
least developed countries, and 54
non-discrimination, and 43, 226, 245
objectives xxi
obligations 28, 156, 279, 288, 289
parallel imports and trade see under parallel
imports and trade
patents, and 156
patentability, exclusion from 224
pharmaceuticals 71, 156
protection periods xx, 10, 165
public health and see under public health
protection
sui generis protection of plant varieties
236–7
technical assistance 62, 368
test data protection 370, 371, 374, 375,
384
TRIPS-Plus
agenda 15, 84
Arab countries, and see under Arab
countries
bilateral agreements 292–3
commitments 54, 140
defined 54
developing countries, and 54–5
enforcement 390, 391, 395, 397–8, 400–401
FTAs, and 54–5, 363
EFTA 57
IP review xxi–xxii
IPRs, compulsory licences, and 12
minimum standards, TRIPS 43, 105, 141,
183, 319–20
pharmaceuticals 71, 370, 371
provisions 12, 58, 143, 145, 146, 164–6
sub-Saharan countries, and see sub-Saharan
African countries
test data protection 370, 371
Thailand pharmaceutical industry, and see under
Thailand
trade and investment frameworks 57–8
tuberculosis 103, 177, 384
malaria, and 118, 129, 153, 179
Tunis Model Law on Copyright for Developing
Countries 323–4
Tunisia 56, 57
Turkey 162
turmeric 262, 285
Twain, Mark 48–9
Ukraine 57
unfair competition 274, 288, 292, 370
UNIDO 167
unilateral measures 402
United Arab Emirates 58
United Kingdom 106, 150, 151, 274
Commission on IPR see Commission on
Intellectual Property Rights (CIPR)
generics sales 116, 119
pharmaceuticals 147, 148, 151
United Nations
Asian and Pacific Development Institution
(UNAPDI) 153
Centre on Transnational Corporation 162
Conference on Trade and Development
UNCTAD xx, 54, 167, 237, 245, 370
Convention on Biological Diversity (CBD)
xx, 26, 217, 223, 235, 239–40, 350
Development Programme (UNDP) 182,
185, 305, 306, 357
Educational Scientific and Cultural
Organization (UNESCO) xx, 26, 323
Environment Programme (UNEP) 216
Food and Agricultural Organization see
Food and Agricultural Organization
(FAO)
Millennium Development Goals xxiii
United States (US)
administration 57, 118, 141
anticircumvention provisions, DRM and
13–14, 16, 313
antitrust policy 364
Bayh-Dole Law (1980) 344
Bolar exemption 109–10
Bureau of Alcohol, Tobacco and Firearms
292
China, relations and dispute with 37, 46,
47
compulsory licences 108
Constitution 7
copyright 13, 312
counterfeiting and piracy losses 37
database protection, IPRs and 8, 9
Digital Millennium Copyright Act (1998)
(DMCA) 13, 312
Emergency Plan see President's Emergency
Plan for AIDS Relief (PEPFAR)
enforcement, and 390, 397, 399, 402
Federal Drug Administration see Food and
Drug Administration, US (FDA)
Federal Food Drug and Cosmetics Act
377
Federal Trade Commission (FTC) 118
Food and Drug Administration see Food
and Drug Administration, US
(FDA)
FTAs xix, 141–2, 177, 242, 363, 370
Arab countries 56, 57–9
Australia 312, 366
Bahrain 58, 63, 379
Central American countries 53
Dominican Republic, and see CAFTA-DR
developing countries, with 52
Chile 379, 384
DRM, and 13
IPRs, and 5, 9
Jordan 57, 58, 59, 379
Korea 366
Morrocco 53, 58, 313, 382
Oman 58, 379
Peru 27, 36, 254, 384
SACU 54, 311–13
Singapore 12, 384
Thailand 54, 140–46, 163–4
Vietnam 290
generic entry studies 72, 87–9
generics sales 116–19, 120, 121–2
GURTs, and 220
harmonization approach 37
health 108
investment agreements 57–9, 150
IP protection, improved 49
licences 364
Middle East Free Trade Area 57–8
Pakistan IP decision-making, and 24
Patent and Trademark Office, US (USPTO) 121
patent law 108, 110
patent protection of research tools 10–11
pharmaceuticals 71, 147, 148, 151
plan for AIDS Relief see President’s Emergency Plan for AIDS Relief (PEPFAR)
research personnel 159
Section 301 Priority Watch List see Priority Watch List, Section 301
technical assistance 368–9
Trade Representative (USTR) 10, 38–9, 40, 47, 143–5, 311–13, 382, 399
United States Agency for International Development (USAID) 26
United States Drug Price Competition Act see Hatch-Waxman Act
universities 29, 126, 150, 158, 169, 310–11, 330, 337
IPR, and 341–50, 353, 357–8
University of Costa Rica 346–7
UPOV Convention 56, 57, 212, 216–18, 237–9, 253, 348
sui generis protection, as see under sui generis systems for plant variety protection
Uruguay 36, 283
use-restriction of a specific trait (T-GURTs) 214
utility model protection 43–4
utility models 24, 44, 344, 358, 396
Uzbekistan 241
Van Bay, N. 291
Van Caenegem, W. 276
variety-use restriction (V-GURTs) 214
Venezuela 36
Vernon, J.M. 87–8
vertical licensing practices 364
video compact discs (VCDs) 39
Vietnam 39, 148, 150, 157, 241–2, 261, 290–91
Vivas-Eugui, D. 54, 279
voluntary licences see under Kenya; South Africa
Wagle, S. 284, 288, 290, 291
Ward, M.R. 88
wars and civil conflict 29
Watal, Jayashree 77–8, 273
wild plant variety protection see under sui generis systems for plant variety protection
wines and spirits 250, 273, 280–84, 289–90, 292
World Bank 42
Institute (WBI) 370
World Customs Union 390
World Health Organization (WHO) xxi, 148, 149, 151, 175, 182
Intergovernmental Working Group on Public Health (IGWG) xxi
see also medicines and drugs; public health protection
World Intellectual Property Organization (WIPO) xx, xxi–xxii, 26
benefit sharing 239
collecting societies 29
Copyright Treaty (1996) 13, 311, 321
Development Agenda see Development Agenda
development dimensions 63
Diplomatic Convention xxxiii, 9, 14
enforcement, and 390
history and role 216–17
IGC on Intellectual Property and Genetic Resources 217
IP, and xxi–xxiii, 311, 363, 368
negotiations and debates 62–3, 167
Performances and Phonograms Treaty (1996) 13
role and IP standard setting 52, 56
soft law, and 52
Standing Committee on Copyright and Related Rights 9
technical assistance see under technical assistance
trademarks 56, 145
traditional knowledge, and see under traditional knowledge
TRIPS Plus 55
World Trade Organization (WTO) xix, xx, xxi, 219, 311
accession to 39–40, 54, 55, 56, 370
Agreement on Trade-Related Aspects of Intellectual Property see TRIPS
disputes settlement see under dispute settlement
enforcement see TRIPS under enforcement
General Council 30 August decision see under sub-Saharan African countries
multilateral negotiations 140, 141, 166–7
Secretariat 274, 275, 276, 277, 279, 296
sui generis systems 244–5
Wu, T. 47
Xiaoping, Deng 38
Yu, Peter K. 39, 41, 44, 46, 48
Zambia
books 308
COMESA 197
compulsory licensing see under compulsory licences and licensing
Doha Declaration, and 185, 186, 187
education, and see education and access to knowledge under southern Africa
government use provisions 185, 186–7
HIV/AIDS in 185
least developed country, as 185
Patents Act 186, 187, 200
patents, duration of 186
WTO General Council 30 August decision implementation 176, 185–7
Zimbabwe 185