Please note that 'IP' stands for 'Intellectual Property', while 'IPR' represents 'Intellectual Property Rights'.

AANZFTA see ASEAN-Australia-New Zealand FTA (AANZFTA)
Abbott, Frederick M. 51, 78, 83, 248, 318, 394, 398
on forces of change, 6–7, 8, 13, 14, 15, 26, 31
Abbott, Ryan 31
ABC (Brazilian Cooperation Agency) 115–16
Abuja summit, African Union Assembly Decision (2005) 264
ACTA (Anti-Counterfeiting Trade Agreement) 8, 189, 190, 338
and United States 402–3
world patent order, geo-politics 46, 52, 55–6, 60
Action Plan on Agriculture (2011) 113
Actuarial Society of South Africa (ASSA) 269
Adcock, A. 306
Africa
healthcare 261–2
Patent Office 266–7
pharmaceutical sector 262–3
plans to increase production 264–6
sub-Saharan Africa 255, 261, 262
see also South Africa
African Regional Intellectual Property Organization (ARIPO) 266, 287
African Union, Pharmaceutical Manufacturing Plan for Africa 265
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) see TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights)
Agreement on Trade-Related Investment Measures (TRIMS) 21
Airbus Consortium, EU 32
Al-Ali, N. 340
Allison, J.R. 158
Alter, Karen 47, 52
America Invents Act (AIA), 2011 397
amphotericin B (antifungal) 280
Anatomical Therapeutic Classification (ATC) 279
Andean Community 47
Andhra Pradesh Pollution Control Board 258
antibiotics 258
anticoagulant medicines, Thailand 26
“anti-commons tragedy,” biomedical research 69
Anti-Counterfeiting Trade Agreement (ACTA) see ACTA (Anti-Counterfeiting Trade Agreement)
antiretroviral (ARV) medicines 26, 108
South Africa 256, 257, 258, 259, 268–9, 277, 284–5
ANVISA (Brazilian drug regulatory authority) 5, 14, 16, 139–40, 148, 149
Apple Computer, conflict with Samsung 28–9
Appleton, Arthur F. 231
Arab Middle East region 5, 26–7
biotechnology research-pharmaceutical manufacturing park, Dubai 27
capacity and resources 344–6
checks and balances, lack of 343–4
data exclusivity 337
Emerging markets and the world patent order

IP policy 329–49
lack of coordination and
fragmentation of policy-making
339–43
lack of regional and international
agenda 346–7
main challenges in patent policy
333–4
patent protection 330–3
R&D investment 343, 347
regime flexibilities, utilization and
use 334–5
states comprised of 331
TRIPS Agreement 330, 337, 338–9, 340
TRIPS-Plus standards 336–9
Arab Spring 329, 347
Arbitration Court for Intellectual
Property Rights (Patent Court),
Russia 22, 235, 236
ARIPO (African Regional Intellectual
Property Organization) 266, 287
Ariyanuntaka, V. 321
Arrow, K. 62, 82
ASEAN see Association of Southeast
Asian Nations (ASEAN)
ASEAN Economic Community (AEC) 306
ASEAN Working Group on
Intellectual Property
Collaboration (AWGIPC) 306, 307
ASEAN-Australia-New Zealand FTA
(AANZFTA) 308–13
patents, trademarks and copyright
309–12
protection of genetic resources,
traditional knowledge and
folklife 312–13
Asian Tigers 394
ASPEC (ASEAN Patent Examination
Collaboration Program) 307, 323
Aspen-Pharmacare Oral Solid Dosage
facility, Port Elizabeth (South
Africa) 264
ASSA (Actuarial Society of South
Africa) 269
Association Agreements (AAs) 336
Association of Southeast Asian
Nations (ASEAN) 5, 220

composition 25
Economic Blueprint 307
Framework Agreement on
Intellectual Property
Collaboration 306
IP integration 306–8
IP Right Action Plan, 2004–10 307
Patent Examination Collaboration
Program 307
Secretariat 307
and Thailand 305–25
TRIPS Agreement 309, 311
Austin, Graeme 51
authoritarian capitalism 6
Avafia, Tenu 280
AWGIPC (ASEAN Working
Group on Intellectual Property
Collaboration) 306, 307
Ayres, I. 83
Ayyangar, Justice N. Rajagopala
191–2
Babu, A.K. 311
Baev, Andrei A. 228
Balkin, J. 298
Banerjee, S.B. 119
Bannenberg, Wilbert 31
Barton, John 127
Battistelli, B. 129
Bayer v. Union of India (2013) 21
Benhabib, J. 105
Benkler, Yochai 10
Benoliel, Daniel 248
Benvenisti, Eyaly 50, 59–60
Berger, Jonathan 280
Berthels, N. 364
Bespalov, Nikolay 240
Bessen, I. 157
beta-lactam antibiotics 258
Bhagwati, Jagdish 49
Bilateral Investment Agreements
(BITs) 336
bio-diverse developing countries 51
biotechnology
bio-fuels 121
bio-piracy 54
biotechnology research-
pharmaceutical manufacturing
park, Dubai 27
impact of emerging market filings on Europe 363
re-examination of balance of interests, Brazil 147–8
Biotechnology Association (patent lobby) 17
Bird, Robert C. 234, 239, 242
Blignaut, L. 298
Blueprint, ASEAN Economic Community 306
Boehringer-Ingelheim, cases brought against 24, 278, 280
Bolar exception, patent infringement 174–5, 176, 281–2
Boldrin, M. 61, 84, 98
Bond, Patrick 54
Borges Barbosa, Denis 13, 14, 138, 141, 146, 147
Borschiver, S. 142
Bourgeois Democratic Reform Movement, China 159
Braharnyk, Alexander 246
Braithwaite, John 4, 78, 83–90, 95, 400
Braithwaite, V. 88, 90
Branstetter, L.G. 70
Brazil 135–51
ABC (Brazilian Cooperation Agency) 115–16
ANVISA (Brazilian drug regulatory authority) 5, 14, 16, 139–40, 148, 149
biotechnology balance of interests, re-examination 147–8
‘Buy Brazil Act’ (2010) 15
divided standpoint to local-centred perspective 135–6
domestic market 4
emerging actors 139–40
history and current situation 13–16
Industrial Property Code, 1996 136, 142
Industrial Property Law, 1996 300
Innovation Law 140
Interdepartmental IP Steering Group (GIPI) 140
and international patent regime 3
Ministry of Health 140, 148
new policy perspectives 136–7
Patent and Trademark Office (INPI) 14, 16, 141
as source of problems 142–5
patents in
patents and changing local interests, re-examination 148–9
patents as local demand 140–1
patents versus PVPs 146–7
pharmaceutical sector 5
“pipeline” provision 136
PTO patent examiner as relevant player 145–6
R&D investment 147, 149
re-examination of biotechnology balance of interests 147–8
technology transfer debate 106
TRIPS Agreement 14, 136, 137–9
and WIPO 137, 138, 139
BRICS (Brazil, Russia, India, China and South Africa) 4, 5, 8, 19, 23, 86
and India 188
situation in 11–12
Summits 113
see also emerging markets; specific countries
Bristol-Myers Squibb (BMS) 280
Broad Institute 89–90
Broadbent, Christian L. 232
Budylin, Sergey 226
Burn-Murdoch, John 238
Burrell, T. 286, 287
Burris, S. 88
Cahoy, Daniel R. 234, 239, 242
Cancun talks (2003) 52
capitalism, authoritarian 5
capreomycin (drug) 277
carbon capture, patenting in 122, 125
Carson, Rachel 84
Castells, Manuel 22
Castro, A.C. 145
catch-up, economic 101
CBD (Convention on Biological Diversity) 51, 172, 313
central banks 83, 89
cephalosporin 258
CET (clean-energy technologies) 121, 122, 123
chaebols, South Korea 29
CHAI (Clinton Health Access Initiative) 258
Chang, H. 66, 67, 301
Chang, Ha-Joon 49
change, impact of
background 3–11
reaction in developed countries 27–9
situation in the emerging markets 11–25
Charnovitz, Steve 232
Chen, Tony 59
China 11, 155–79
abuse of patent rights, preventing 170–5
Bourgeois Democratic Reform Movement 159
Chinese Patent Law
establishment (1979–1984) 159–61
first amendment (1992) 159, 161–3, 163
provisions of Patent Law 1984 160–1
second amendment (2000) 159, 163–4, 170
third revision (2008) 159, 165–75
clean-energy technologies (CET) 122
codification of pre-litigation evidence preservation 167
competition law 18
compulsory disclosure rules for inventions relying on genetic resources 172–4
compulsory licensing system 18, 162–3
improving 170–2
concept of ‘patent’ in 158
co-owned patents, encouraging exploitation 169
whether a developing country 5–6
domestic market 4
economic research and patent system, gap between 64
enhancement of innovation capability 165–6
Ethiopia, pharmaceutical collaboration with 108
exceptions to patent infringement
Bolar exception introduced 174–5, 176
parallel imports explicitly permitted 174
exclusive rights to offer for sale granted to design patentees 167
facilitating dissemination of patent information 168
Five-Year Plan (2010) 57
founding of People’s Republic (1949) 159
and geo-politics of world patent order 56–9
geothermal technology 123
and Germany 160
historical development of patent system 158–64
history and current situation 16–18
increased infringement damages 167–8
Interim Regulations on Award for Devices (1912) 159
and international patent regime 3
litigation experience 58, 59
Medium- to Long-Term Plan for Scientific and Technological Development (2006) 56
as middle-income economy 39, 44–5
MLP (National Outline for Medium and Long Term Science and Technology Development Planning (2006–20) 155
National Economic and Social Development, 12th Five-Year Plan (2011–15) 156
National Intellectual Property Strategy (NIPS) 57, 169
OECD IP practices, embrace for strategic advantage 48, 56–60
patent boom in 37, 39, 155–6, 164
Patent Office 16, 69
cross-national investors and
patent quality challenge facing 156–8
ownership of patents 124–6
prior art defence, adding provisions
development strategies of emerging
on 169
economies 119–29
as ‘Priority Foreign Country’ 161
patent statistics 121–6
promoting utilization of patents
patents and clean energy, study
169–70
121–4
public, safeguarding legitimate rights
patenting across countries 123–4
and interests of 170–5
trends over time 122–3
R&D investment 16–17, 156, 168
role of IP offices 128–9
Regulations to Promote Industrial
suggestions 126–9
Property (1898) 159
and technology transfer debate
removal of approval requirements
120–1, 128
for technology transfer to
transparency improvement 128
foreigners 170
Climate Change Summit, Copenhagen
safeguarding legitimate rights
(COP 15), 2009 120
and interests of public and
Clinton Health Access Initiative
preventing abuse of patent
(CHAI) 258
rights 170–5
clopidogrel (drug) 319–20
South-South technological
Cohen, Jillian Clare 277
collaboration 114
Collier, Paul 48
State Council National Intellectual
Colombo, M.G. 63
Property Strategy 57, 164
COMESA (Common Market
State Intellectual Property Office
pharmaceutical project for
57
Eastern and Southern Africa) 264
strengthening of patent protection
command economies 5
167–8
Commission on Intellectual Property
technology transfer debate 106, 107
Rights, Innovation and Public
TRIPS Agreement 17, 163, 174
Health (CIPIH) 260, 284
and United States 71, 395, 399
Companies and Intellectual Property
utility model and design patents 16,
Commission (CIPC), South Africa
42, 56, 58, 157, 160
282
trends over time 122–3
WTO accession (2001) 17, 56, 163
compensatory liability-based models
Chint (Chinese firm) 58
Clinton Health Access Initiative
Chitemerere, Chris 259
(CHAI) 258
CIMMYT (International Maize and
Collier, Paul 48
Wheat Improvement Center) 96,
Colombo, M.G. 63
97
COMESA (Common Market
CIPIH (Commission on Intellectual
pharmaceutical project for
Property Rights, Innovation and Public
Eastern and Southern Africa) 264
Health) 260, 284
Command economies 5
Companies and Intellectual Property
Commission (CIPC), South Africa
127, 212
282
competition law
Climate Change Summit, Copenhagen
China 18
(COP 15), 2009 120
emerging markets, competition in
Competition Commission, India 209
innovation from 404–6
Competition Commission, South
India 209
Africa 24, 279
new form of competition 394–6
unfair competition, addressing
South Africa 24, 279, 280–1
398–9
in United States 394–6, 398–9, 404–6
complexity 79–80
compound annual growth rate
(CAGR) 262
confirmation patent concept 26
Convention on Biological Diversity (CBD) 51, 172, 313
Cookson, Clive 11
Cooper, R.N. 85
cO-owned patents, China 169
Cornelli, F. 66
Correa, Carlos M. 31, 78, 79, 293, 321, 366, 367
Cottier, Thomas 6–7
counterfeit trademarks 338
counter-harmonization strategy 54
Court of Appeals for the Federal Circuit (CAFC), Japan 376
credit card services 28
cross-national investors and ownership of patents 124–6
cryptococcal meningitis 280
Cuban pharmaceutical biotech and national health system 260
cycloserine (drug) 277
Dechezlepêtère, A. 95
Dehli Declaration (2012) 113
Delmastro, M. 63
Department of Defense, US 32
Department of Intellectual Property (DIP), Thailand 316, 318–19, 322, 323
Department of Trade and Industry, South Africa 24
Desidério, M. 145
design patentees, exclusive rights to offer for sale granted (China) 167
developed countries 5, 119
influence on policies and practices 288–9
reaction to emerging markets 27–9
developing countries 5, 9
bio-diverse 51
forum-shifting 50–1
least developed countries 107, 108, 109, 112
outside emerging markets 25–7
technology transfer debate 101, 107, 108
see also emerging economies/markets
Development Agenda (2007), WIPO 52
diabetes (type 2), and genetic differences 90
dialogue, responsive regulation 87
Dietz, Adolf 233
DIP (Department of Intellectual Property), Thailand 316, 318–19, 322, 323
disclosure rules, compulsory
China 172–4
and patent rights 62
dispute settlement, and WTO 55
DOCDB (master documentation database), EPO 124
docetaxel (cancer treatment) 290
Doctrine of Equivalents, Japan 382, 383
Doha Declaration on TRIPS and Public Health (2001) 24, 51, 52, 54, 64, 172, 298
Downs, George 50, 59–60
Drahos, Peter 61, 128, 149, 158, 310, 345, 361, 367
emerging markets and world patent order 4, 6, 7, 27, 29, 30–1
patent offices 80, 84, 85
responsive regulation 88, 89
and United States 398, 400
world patent order, geo-politics 46, 49, 56, 57, 58
Dreyfuss, Rochelle 47, 52, 53
Dronina, Olga 235
Duncan, Jeffrey 58
Dybul, Mark 257
East African Community Regional Pharmaceutical Manufacturing Plan of Action 2012–16 265
EBay Inc. v Mercexchage L.L.C. 547
Eberhardt, M. 157
econometric studies 75
economics perspective, patent system 61–77
basic economic theories behind patent system 62–3
catch-up, economic 101
Index

413
cross-country economic growth, and 
patent protection 72–3
debate on patent system 63–4
gap between economic research and 
patent system 64
monopolies, potential 62, 63
past economic studies, knowledge 
gained and limits of knowledge 65–74
policy suggestions 74–5
and United States 396–7
efavirenz (EFV), drug 258, 278, 319
Egypt
fragmentation of policy-making 339–40
hepatitis C 335
People’s Assembly 340
Eisenberg, R. 67, 69, 358
El Said, Mohammed 8, 86, 330, 335, 
336, 339, 345
Eli Lilly and Company v. Government of 
Canada (2012) 8
elite, global 29–30
Embrapa (agricultural agency) 14, 146, 
147
emerging economies/markets
developing countries outside 25–7
development strategies (climate 
change) 119–29
governmental initiatives, examples 114–16
historical overview 5–6
incentives, local production 12
new intergovernmental initiatives 
within 113
patent offices in 85–6
situation 11–25
technological exchange, facilitation 
of 111–16
enforcement pyramid 87–8, 99
Ensign- Bickford (South Africa) 
(Pty) Limited and Others v AECI 
Explosives and Chemicals Limited 
1998 BIP 271 (SCA) 281, 288
EPO (European Patent Office) 7, 85, 
94, 121, 197, 316, 357, 363, 364
impact of emerging market filings 
on Europe 361–2
master documentation database 124
‘Scenarios for the Future’ (2007) 127
Technical Board of Appeal 364
Escobar, A. 120
Ethiopia, pharmaceutical collaboration 
with China 108
Eugster, Esprit 226
Europe, impact of emerging market 
patent systems on 366–8
filings 356–66
horizontal regulatory function, 
revitalizing (dynamic 
perspective) 364–6
vertical regulatory function, 
revitalizing (static perspective) 
361–4
European Commission Market Access 
Database 15
European Patent Convention (EPC) 
7, 356
European Patent Office (EPO) see 
EPO (European Patent Office)
European Union Chamber of 
Commerce (EUCCC) 156, 176
European Union (EU) 
and Netherlands 55
patent validation agreement with 
Morocco 26
and United States 401–2
evergreening practice 47, 54
FAO (Food and Agriculture 
Organization) 313
FDI (foreign direct investment) 4, 11, 
13, 18, 105, 295
and technology transfer 71, 104, 105, 
109
Federal Trade Commission, US 25
Fernandes, Ana Margarida 199
Filoche, G. 137, 148, 150
financial crisis (2008) 46
financial instability, persistent global 
86
Fink, Carsten 70, 82
Flynn, Matthew 257
Food and Agriculture Organization 
(FAO) 313
foreign direct investment (FDI) see 
FDI (foreign direct investment)
forum-shifting 48, 50–3
horizontal 51, 52
fossil fuels, reliance on 120
Free Software movement 90
Free Trade Agreement (FTA) provisions, US 47, 336–7, 343
Free Trade Area of the Americas (FTAA) 138
Freeland, Chrystia 30
free-rider problem 62
“Friends of Development” coalition (SPLT) 52
Frost, Robert 78
Gambrill, Sara 27
Ganea, P. 161
Garnsey, E. 80
GATT (General Agreement on Trade and Tariffs) 50, 139, 394
Panel 392
see also Uruguay Round of Trade Negotiations (1986–94)
Gautier, C. 306
Gehl Sampath, Padmashree 32, 86, 102
General Agreement on Trade and Tariffs (GATT) 50, 139
Generalized System of Preferences (GSP) 49
genetic resources, inventions relying on (China) 172–4
geothermal technology 122, 123
Germany, and China 160
Gervais, D. 88
Ghidini, G. 84
Ginarte, J.C. 73
GIPI (Brazilian Interdepartmental Steering Group) 140
Glass, J.A. 71
GlaxoSmithKline (GSK) 248
cases brought against 24, 278, 279
Global Fund for AIDS, TB and Malaria (GFATM) 256
Global Innovation Index Ranking (2012) 333
global interest patterns emerging markets 30–1
global elite 29–30
global payment services 28
globalization 75, 84, 396
Good Manufacturing Practices (GMP), WHO 265
Gopalakrishnan, N.S. 311
Goto, A. 380
Gould, D.M. 72
Govaere, I. 366
Government Procurement Agreement (GPA), 1994 15, 274
governmental initiatives, examples
114–16
Graham, Stuart J.H. 404
Grassley, Chuck 91
Grau-Kuntz, K. 147
Green, J. 66, 226
Griswold, Daniel 234
Gruben, W.C. 72
GSP (Generalized System of Preferences) 49
Guang Xu (Chinese Emperor) 159
Guellec, D. 360
Guo, S. 160
Gurry, Francis 6–7
Hague Conference, adoption of Article 5A(2) in 1925 12
Hall, Bronwyn H. 37, 198, 362
Hardin, Garrett 69
harmonization, patent law 7–8, 47
Hartzenberg, Trudi 280
Hasan, Shahid 256
Hayek, F.A. 78–9
‘headquarter effect’ 126
healthcare
Africa 261–2
South Africa 267–8
Helfer, Laurence 47, 51, 52
Heller, M. 67, 69, 358
Helmers, C. 157
Helpman, E. 72
Henninger, T. 173
hepatitis B, medications 55
Heydon, K. 309
HIV/AIDS 53–5, 238–9, 255, 256, 257, 258, 261
antiretroviral medicines 26, 108, 256, 257, 258, 259, 268–9, 277, 284–5
and China 18
and Indonesia 55
pandemic 51, 54
and Russia 238–9
and South Africa 24, 53–4, 255–60, 279
Index

tuberculosis, in AIDS patients 269–70
Hope, J. 90
Hu, A.G. 164, 295
Huawei (Chinese firm) 59
Huys, I. 364

ICTSD (International Centre for Trade and Sustainable Development) 121
Idris, K. 61
IGCC (integrated gasification combined cycle) 122
IMPACT (International Medical Products Anti-Counterfeiting Taskforce) 190, 220
import substitution policy 12
IMSA (Innovative Medicines of South Africa) 267
incentives, local production 12
India 183–221
   Biological Diversity Act, 2000 215–16
   and clean energy technologies 123, 124
   competition law and IPRs 209
   compulsory licensing 196
   Decade of Innovation (2010–20) 213
   domestic market 4
   engagement with multilateral processes in field of IP 189–221
   history and current situation 18–21
   innovation
      domestic, stimulated by system or inhibited 196–9
      type of ecosystem needed 213–21
      and international patent regime 3
   litigation 208
   Monopolies and Restrictive Practices Act, 1969 209
   National Innovation Council 213, 221
   Open Source Drug Discovery 212, 214
   Patent Act, Section 3(d) 20, 54
   Patent Appellate Body 211
   Patent Office 203–4, 205–7
   patenting in 199–204
      legal system capacity to address advances in patent law 207–9
   patent system 191–6
   whether political economy of patents 209–12
Patents (Amendments) Act, 2005 193
Patents Act, 1970 193, 196, 211, 299
Patents and Design Act, 1911 191
R&D investment 19, 191, 197, 198, 218
restriction of information technology imports 21
Supreme Court 20–1
technology transfer debate 106, 107
trade-related indicators 185
traditional knowledge resource classification system 20
TRIPS Agreement 190, 210, 212
and United States 21
world, engagement with 184–7
and world economic order 187–9
India – Certain Measures Relating to Solar Cells and Solar Modules (2013) 21
individual consumer 31
industrial designs 43, 44
Industrial Development Corporation (IDC), South Africa 273
Industrial Property Code (1996), Brazil 136, 142
Industrial Revolution, UK 9
information
   China, dissemination in 168
   gathering of, patent offices 89–90, 94
   information asymmetry, patent life 65
   technological, free revealing 89–90
information and technology (ICT) sector, Brazil 15
infringement of patents
   China
      damages, increased 167–8
      exceptions to infringement 174–5
      exceptions to
         Bolar exception introduced 174–5, 176, 281–2
   China 174–5
   parallel imports explicitly permitted 174
innovation blocking by patents 10
domestic, stimulated by system or inhibited (India) 196–9
enhancement of capability (China) 165–6
institutionalism for 84, 98
under-investment in 63
and IP statistics 82
“stepping-stone” 67
technological 81
trade-offs, potential monopolies 62
type of ecosystem needed (India) 213–21
Innovative Medicines of South Africa (IMSA) 267
Inoue, Y. 378, 379
INPI (Brazilian Patent and Trademark Office) 14, 16, 141
as source of problems 142–5
integrated gasification combined cycle (IGCC) 122
Intellectual Property Basic Act, 2002 (Japan) 374
intellectual property rights (IPRs) see IPRs (intellectual property rights)
Intellectual Property Strategic Programs, Japan 374–5
Intellectual Property Strategy Headquarters, Japan 374
intergovernmental initiatives, new (within emerging economies) 113
Interim Regulations on Award for Devices (1912), China 159
intermediate technologies 30
International Centre for Trade and Sustainable Development (ICTSD) 121
International Code of Conduct on Transfer of Technology 100
International Development Cooperation Law (LCID), Mexico 114
International Forum on the Geopolitics of Culture and Technology 119
International Medical Products Anti-Counterfeiting Taskforce (IMPACT) 190, 220
International Patent Classification System 20
International Trade Commission, US 234
international trade flows, and protection strength of IPRs 70–1
International Treaty on Plant and Genetic Resources for Food and Agriculture (ITPGRFA), FAO 313
International Union for the Protection of New Varieties of Plants (UPOV Convention), 1991 137, 313
inventions, non-rival and non-excludable 62
IP-based nation defined 371–3 of Junichiro Koizumi (Japanese Prime Minister) 374–80, 386–7
IPRs (intellectual property rights) 8, 28, 48
economics perspective 64, 70, 71, 72
and India 207–8
protection strength and international trade flows 70–1
and Russia 232
technology diffusion, effects on 71–2
technology transfer debate 100, 102, 112, 116
Ireland, Microsoft transfer of IP assets to subsidiaries in 91
ITPGRFA (International Treaty on Plant and Genetic Resources for Food and Agriculture), FAO 313
Jacobs, Michael 58
Jaffe, Adam B. 37
Janewa Osei-Tutu, J. 47
Japan 11, 74
Act for Establishment of the Intellectual Property High Court, 2004 376
Code of Civil Procedure 376
Copyright Act, 1985 381
Court of Appeals for the Federal Circuit (CAFC) 376
decline in patenting since 2001 40
Doctrine of Equivalents 382, 383
history of legal system for IP 380–6

Frederick M. Abbott, Carlos M. Correa and Peter Drahos - 9781783471256
Downloaded from Elgar Online at 09/16/2019 12:01:06PM via free access
Intellectual Property High Court 377–8
Intellectual Property Strategic Programs 374–5
Intellectual Property Strategy Headquarters 374, 375
IP High Court, establishment 375–9
IP-based nation of Junichiro Koizumi (Prime Minister) 374–80, 386–7
evaluation 379–80
‘Lost Decade’ 372
measures taken in 1990s for reinforcement of IP protection 381–6
Patent Act amendments 381, 384, 385
Patent Office 85, 316, 371
patent scope 70
state of IP Laws prior to 1990 380–1
Structural Impediments Initiative talks 382
TRIPS Agreement 387
ultimate objective of IP laws 373
Unfair Competition Prevention Act 382, 386
and United States 70, 371–3
‘Jasmine Revolution,’ Tunisia (2010) 329
Jazz Photo v. ITC (2001) 393
Jefferson, H.G. 164
Jilkins, William J. 92
Joint United Nations Programme on HIV/AIDS (UNAIDS) 239, 257, 269–70
joint ventures, and firm-level collaborations 107–8
Jordan 342
JP Morgan 93
Junichiro, Koizumi (Japanese Prime Minister) 374–80
‘junk patents,’ China 58, 166
Kahn, Tamar 256
Kapczynski, Amy 54, 339
Kaplan, D. 295
Kaplan, Warren 272
Karachalios, Konstantinos 78, 119, 121, 129
Kawada, A. 378, 379
Kher, Rajeev 19
Khor, Martin 54
Kim, Daria 22
Klopper, H. 288
Knake, Robert K. 17, 392
knowledge diffusion of and rewarding of innovators 70
economic studies 65–74
as key strategic asset 100
traditional see traditional knowledge upstream stages in chain 126
knowledge-based products 62, 70
Krikorian, G. 334, 341, 345
Krishna, V.K. 194
Kuanporth, J. 309, 311, 315, 321
Kudlinski, Andre 9, 24
Kumar, Swarup 243, 244
Kuoﬁntang Government, Chongqing (China) 159
Lai, E.L. 72
Laing, Richard 272
Lancet, The 257
Lanjouw, J.O. 108
Latif, Abdel 341, 345
Latin American countries, import substitution policy 12
Lau, D. 170
law, and property rights 78–9
LCID (International Development Cooperation Law), Mexico 114
LDCs (least developed countries) 107, 108, 110, 112, 331
Lee, C.Y. 156
Lessa, M. 141, 146
Levine, D. 61, 84, 98
Lewis, A. 103
Lewis, Theresa Beeby 234
Liang, Zheng 58
liberty 78–9
licensing, compulsory 12
Arab world 335
China 18, 162–3, 170–2
India 196
Russia 242–6
Thailand 26, 55
under TRIPS Agreement 12–13, 54, 242–4
Lim, Stephen S. 262
Lin, L. 158
Liu, Xiaohai 241, 386
Logendra, Ramya 262
lopinavir/ritonavir (drug) 319
Lund University 90
Lybecker, Kristina M. 277

Ma, J. 172
Ma, K. 155
Macrory, Patrick F.J. 231
Magubane, Khulekani 256
Mak, T. 170
Makkai, T. 88, 90
Malavota, L.M. 135
market failure 63
Martin, S. 62
Maskus, Keith E. 9, 70, 71, 72, 74, 127, 294
Matthijs, G. 364
Matutes, C. 66, 67–8
Maurer, William C. 229
McDaniel, C. 74
McGlade, J. 80
McGregor, James 58
McMillan, M. 102
McMillan, A.M. 232
Measures for Implementing Compulsory Licensing of Patents Relating to Public Health Issues (2005 Measures) 171
Melendez, Ricardo 8
mercantilist theory 10
Merck, Sharp & Dohme (MSD) 278, 279
Merges, R. 67, 68–9
Mexico, International Development Cooperation Law (LCID) 114
Microsoft, transfer of IP assets to subsidiaries 91
Milgram, S. 96
Millennium Development Goals (MDGs) 120
Ministry of Commerce of the People’s Republic of China (MOFCOM) 170
MLP (National Outline for Medium and Long Term Science and Technology Development Planning (2006–20), China 155
Moir, H.V.J. 63, 84
Molnlycke AB and Another v Proctor & Gamble Limited and Others 1994 RPC 49 (CA) 115, 288
monetary policy 83
money supply 83
monopolies, potential 62, 63
Moore, Meredith 258
Morales, A. 119
Morocco
national exhaustion regime 334
patent validation agreement with EU 26
Morrison, Natalie 258
multinational corporations (MNCs) 202
multinational enterprises (MNEs) 83, 92, 120
Myrdal, G. 103
Nader, Ralph 84
NAFTA countries 402
Nair, P.S. 311
Nakayama, N. 380
National Health Insurance (NHI), South Africa 267
National Innovation Council, India 213, 221
National Intellectual Property Strategy (NIPS), China 57, 164, 168
Nelson, R. 67, 68–9
Netherlands 55
network governance, and patent offices 91, 93, 95, 96
nevirapine (NVP), drug 259
New Delhi Agenda for Cooperation
and Plan of Action (IBSA initiative) 114
New International Economic Order 3
Newfarmer, R. 367
newly industrializing countries 102
Ng, L. 170
NGOs (non-governmental organizations) 139, 282–3
NNRTI (non-nucleoside reverse transcriptase inhibitor) 259, 279
Non-Aligned Movement (NAM) 218
Nonet, P. 86
non-excludability 62
non-rivalry 62
Nordhaus, W. 65
Novartis 89–90, 195
Ocampo, J.A. 101, 105
Ochekpe, Nelson 263
Odagiri, H. 380
OECD (Organisation of Economic Co-operation and Development) 5, 105
world patent order, geo-politics 46, 48–9
Officescape (British-owned company, Russia 231
Okejide, R.L. 329
one-size-fits-all policies 47
Open Source Drug Discovery (OSDD), India 212, 214
optimal patent life model 65
Organisation of Economic Co-operation and Development (OECD) see OECD (Organisation of Economic Co-operation and Development)
OSDD (Open Source Drug Discovery), India 212, 214
Osipova, Yulia 226
Ostergard, Robert L. 276
Outline of the National Intellectual Property Strategy, China 164, 168, 169
ownership of patents, and cross-national investors 124–6
Pacón, A.M. 145
PAIPO (Pan-African Intellectual Property Organization) 266
Pakes, A.S. 66
Palley, Thomas 391
Pan-African Intellectual Property Organization (PAIPO) 266
Paris Convention for the Protection of Industrial Property (1883) 3, 6–7, 136
Article 5A(2) 12
and Brazil 13
and China 160
and South Africa 287
Park, W.G. 73
partnership principle of regulation 96
Patent and Trademark Office, US 85
Patent Appellate Body, India 211
Patent Cooperation Treaty (PCT) see PCT (Patent Cooperation Treaty)
patent family 121
‘patent hijacking,’ China 166
Patent Law Treaty (PLT) 7
patent mapping 79
patent offices 78–99
Brazil 142–5
and complexity 79–80
in emerging markets 85–6
India 203–4, 205–7
information gathering 89–90, 94
and network governance 91, 93, 95, 96
as regulatory agencies 81–2
as responsible regulators 88–97
role 82, 83
selection bias 89
and tax offices 89, 91–3
Thailand 316–17
third parties, state of flux 78
and uncertainty 78–9, 80
Patent Prosecution Highway (PPH) 207
patent protection
Arab Middle East region 330–3
China 167–8
and cross-country economic growth 72–3
index of patent protection strength 73
positive and negative aspects to 74
in Russia
as part of negotiations 235–8
prior to WTO accession 226–35
Russian Empire 226–7
see also patent systems; patents
Patent Re-examination Board (PRB) 169
patent social contract 80–4
patent systems
in China 155–79
debate on 63–4
economics perspective 61–77
economic theories behind patent system 62–3
gap between economic research and patent system 64
in India 191–6
international 3, 6–11, 37–45
patent life 65, 157
real world costs 97
in South Africa 275–83
competition law, using to achieve prior reductions of off-patent drugs 280–1
focusing on aspects pertinent to pharmaceutical sector 275–7
Patents Act vs Competition Act 277–9
revision of South African IP policy and legislation 281–3
see also patents
patentability requirements 74
patentability standards, China 166
patents
abuses of 91, 170–5
in Brazil see under Brazil breadth (scope) 66, 68, 69, 70
defined 62
as ends in themselves 10–11
fees, annual 65–6
first and subsequent filings, distinguished 40
incentives 67, 70
index of patent protection strength 73
narrow protection 67
optimal patent life model 65
origin of term 128
procedures 74
versus PVPs 146–7
re-examination of, and changing local interests (Brazil) 148–9
surge in 38–42
as value asset 10
see also patent protection; patent systems
Patrick, Hugh 49
PATSTAT statistics database 124
Pattloch, T. 161
Paunov, Caroline 199
Pavitt, K. 105
Pavlovskiy, A. 227
payment services, global 28
Payosova, Tetyana 22, 23
PCT (Patent Cooperation Treaty) 3, 7, 57
and ASEAN 310
and China 163
and India 190
National Phase applications 204
and Russia 229
and South Africa 287
Peer to Patent pilot program (2007), USPTO 96
Pendleton, M.D. 158, 159, 160
 penicillin 258
 Penrose, Edith Tilton 9, 31
 Penubarti, M. 70
 Perlooth, Nicole 392
 persuasion, and punishment 87
 Petersen, Douglas 234
 Pharmaceutical Business Plan 2007–13 (SADC), South Africa 265
 Pharmaceutical Manufacturers Association (PMA), South Africa 275, 276
 Pharmaceutical Manufacturing Plan for Africa (PMPA), African Union 265
 Pharmaceutical Research and Manufacturers Association (PhRMA) 55, 276
 pharmaceutical sector
 Africa 262–3
 plans to increase production 264–6
 Brazil 5
 evergreening practice 47, 54
 patent social contract 81
 Russia
 essential drug reimbursement subprogram (ONLS) 249
impact of WTO accession on pharmaceutical sector 241–2
local production of pharmaceuticals and promotion of R&D 246–51
Pharma 2020 program 23
and public health 238–40
very severe diseases (VZN), drugs for 249
South Africa
economy 270–1
off-patent drugs, using
competition law to achieve price reductions 280–1
patent system aspects pertinent to pharmaceutical sector 275–7
size and structure of pharmaceutical market 268–70
sustainable pharmaceutical industry issues 272–4
taxation issues 93
Thailand 26, 319–20
Pharmstandart (Russian company) 240
Pharmsyntes (Russian company) 240
Philippines 54
PIC (prior informed consent) 215
Pilenko, A. 227
Piot, Peter 257
pirated copyright goods 338–9
plant variety protection see PVP (plant variety protection)
Plessis, L. du 298
Plummer, Michael G. 231
plurilateral forums 402–4
PMPA (Pharmaceutical Manufacturing Plan for Africa), African Union 265
Png, I.P.L. 295
Portnova, Marina 228, 231, 236
Pouris, A. and A. 294
PPH (Patent Prosecution Highway) 207
PPP (purchasing power parity) 4
Prebisch, R. 103
pre-litigation evidence preservation, codification (China) 167
Primo Braga, C.A. 70
prior art defence, China 169
prior informed consent (PIC) 215
PRIS (Patenting and Realization of Inventions) company, Russia 228
production networks, and South-South value chains 106–7
property rights, and law 78–9
Prud’homme, D. 156, 158
public health, Russia 238–40
Puerto Rico, Microsoft transfer of IP assets to subsidiaries in 91
punishment, and persuasion 87
purchasing power parity (PPP) 4
Putin, Vladimir V. 32–3
PVP (plant variety protection) 14, 140, 141
versus patent 146–7
pyramidal regulation 87–8, 93, 95, 99
Qatar, Law on Intellectual Rights Border Measures (2011) 338
Qiao, D. 162, 163, 198
Quality Chemicals Industries Ltd (QCIL), Uganda 108, 264–5
Questions Concerning the Application of Law to Pre-litigation Injunctions to Cease Patent Infringement Activities Several Provisions, Supreme People’s Court, China 167
Quoita, M.K. 340
R&D investment 56
Arab Middle East region 343, 347
Brazil 147, 149
China 16–17, 156, 168
climate change 121, 124, 126
economics perspective, patent system 62, 66, 68, 71, 73
emerging markets and world patent order 14, 15, 17, 22, 23, 32
India 19, 191, 197, 198, 218
intellectual property activity worldwide 40, 41, 42
Russia 246–51
technology transfer debate 107, 112
United States 396, 404
Ramos, Guerreiro 136, 138
Rapp, R.T. 72
RCEP (Regional Comprehensive Economic Partnership) 220
Regibeau, P. 66, 67–8
Emerging markets and the world patent order

Regional Comprehensive Economic Partnership (RCEP) 220

drug regulation, responsive see responsive regulation

Regulations to Promote Industrial Property (1898), China 159

Reichman, Jerome H. 14, 26, 47, 52, 53, 127

Reis, R. 300

responsive regulation 83, 84, 86–8
contextual understanding 86–7
and duties of regulator 82–3
ideal of responsiveness 86, 94–5
partnership principle 96
patent offices as regulatory agencies 81–2
responsible 88–97
pyramidal regulation 87–8, 93, 95, 99
standards-based 94
theory 88
reverse engineering 197

Ricardo, David 396

rilpivirine (RIL), drug 259

Robinson, D. 311

Rockett, K. 66, 67–8

Rodrik, D. 102

Rodrik, Dani 48

Roffe, Pedro 8, 32, 86, 102

Rospatent (Russian patent authority) 22, 235

Rozek, R.P. 72

RPX (company) 80

Rushing, F. 73

Russia 225–51
access agreement with United States 232

Arbitration Court for Intellectual Property Rights 22, 235, 236

Civil Code of Russian Federation 233, 244, 245

Customs Union with Belarus and Kazakhstan 234, 237, 238, 241, 250

Empire, patent protection in 226–7
history and current situation 21–3
and international patent regime 3–4
licensing, compulsory 244–6
modern period 231–5


Patent Office 22

patent protection before WTO accession 226–35

pharmaceutical sector 238–40
essential drug reimbursement subprogram (ONLS) 249
impact of WTO accession on 241–2
local production of pharmaceuticals and promotion of R&D 246–51

Pharma 2020 program 23

very severe diseases (VZN), drugs for 249

public health and pharmaceutical sector in 238–40

Side Letter on implementation of legislation on IP protection and enforcement 232, 233, 234

Soviet period, dual protection system 227–30

Civil Code of USSR (1964) 229, 230

Decree of the Central Committee of the USSR No. 3, 1931 228

Statute of Privileges for Inventions and Improvements, 1896 226

TRIPS Agreement 241, 242–4, 251

WTO accession 225
elimination of discrimination between patent fees 22
impact of negotiations on IP protection 231–5
patent protection prior to 226–35
patent protection as part of negotiations 235–8
pharmaceutical sector, impact on 241–2

SADC (Southern African Development Community) 261, 265

Saggi, K. 71

Sakakibara, M. 70

Salah, H. 341

Salama, Bruno 248

Samsung, conflict with Apple Computer 28–9

Sanger, David E. 392

Schankerman, M. 66
<table>
<thead>
<tr>
<th>Index</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schenpf, R. 147</td>
<td></td>
</tr>
<tr>
<td>Scherer, F.M. 65, 196, 358</td>
<td></td>
</tr>
<tr>
<td>Schneider Electronics 58</td>
<td></td>
</tr>
<tr>
<td>Schumacher, Ernst Friedrich 30</td>
<td></td>
</tr>
<tr>
<td>Schürmann, Marianne 31</td>
<td></td>
</tr>
<tr>
<td>science, government funding 82</td>
<td></td>
</tr>
<tr>
<td>scientific journal publications 110</td>
<td></td>
</tr>
<tr>
<td>Scott, J.T. 62</td>
<td></td>
</tr>
<tr>
<td>SEAA (Ethiopian company) 108</td>
<td>108</td>
</tr>
<tr>
<td>Seeds of Discovery (CIMMYT) 97</td>
<td>97</td>
</tr>
<tr>
<td>SEGOB (Secretaría de Gobernación) 114</td>
<td></td>
</tr>
<tr>
<td>SEIs (strategic emerging industries) 168</td>
<td></td>
</tr>
<tr>
<td>Selivanova, Julia 231</td>
<td>231</td>
</tr>
<tr>
<td>Sell, Susan K. 6, 7–8, 52</td>
<td>52</td>
</tr>
<tr>
<td>Selznick, P. 86</td>
<td></td>
</tr>
<tr>
<td>Senate Permanent Subcommittee on Investigation, United States 91</td>
<td></td>
</tr>
<tr>
<td>Seuba, Xavier 8</td>
<td></td>
</tr>
<tr>
<td>Shadlen, K.C. 140, 149, 334</td>
<td></td>
</tr>
<tr>
<td>Shafadden, M. 103</td>
<td></td>
</tr>
<tr>
<td>Shanker, Thom 392</td>
<td></td>
</tr>
<tr>
<td>Shapiro, C. 358, 365</td>
<td></td>
</tr>
<tr>
<td>Sharma, Amol 21</td>
<td></td>
</tr>
<tr>
<td>Shearing, C. 88</td>
<td></td>
</tr>
<tr>
<td>Shen, Yuanlin 58</td>
<td></td>
</tr>
<tr>
<td>Sherwood, Michelle 58</td>
<td></td>
</tr>
<tr>
<td>Shi, W. 159</td>
<td></td>
</tr>
<tr>
<td>Shijian, Z. 71</td>
<td></td>
</tr>
<tr>
<td>Shilovskij, Leonid 246</td>
<td></td>
</tr>
<tr>
<td>Shokhina, Yekaterina 235</td>
<td></td>
</tr>
<tr>
<td>Sidibé, Michel 257</td>
<td></td>
</tr>
<tr>
<td>Silberglitt, R. 127</td>
<td></td>
</tr>
<tr>
<td><em>Silent Spring</em> (Carson) 84</td>
<td>84</td>
</tr>
<tr>
<td>Silma (Russian company) 240</td>
<td>240</td>
</tr>
<tr>
<td>Silva, J.G.S. 142</td>
<td></td>
</tr>
<tr>
<td>Singapore, Microsoft transfer of IP assets to subsidiaries in 91</td>
<td>91</td>
</tr>
<tr>
<td>Siwek, S.E. 101</td>
<td></td>
</tr>
<tr>
<td>small and medium-sized enterprises (SMEs), changing global interest</td>
<td></td>
</tr>
<tr>
<td>patterns 30–1</td>
<td></td>
</tr>
<tr>
<td>smartphones, patent litigation (Apple and Samsung) 29</td>
<td>29</td>
</tr>
<tr>
<td>Smith, Adam 396</td>
<td></td>
</tr>
<tr>
<td>social contract, patent 80–4</td>
<td></td>
</tr>
<tr>
<td>social value, patent social contract 80</td>
<td></td>
</tr>
<tr>
<td>society rewards 212</td>
<td></td>
</tr>
<tr>
<td>Soete, L. 105</td>
<td></td>
</tr>
<tr>
<td>solar photovoltaics (PV) 121, 122, 123</td>
<td></td>
</tr>
<tr>
<td>Solomon, S. 119</td>
<td></td>
</tr>
<tr>
<td>South Africa 255–85</td>
<td></td>
</tr>
<tr>
<td>BRICS, joining of (2011) 23</td>
<td>23</td>
</tr>
<tr>
<td>Competition Commission 24, 279</td>
<td>24</td>
</tr>
<tr>
<td>Department of Trade and Industry</td>
<td></td>
</tr>
<tr>
<td>healthcare 267–8</td>
<td></td>
</tr>
<tr>
<td>history and current situation 23–5</td>
<td></td>
</tr>
<tr>
<td>HIV/AIDS pandemic 24, 53–4, 255–60, 279</td>
<td></td>
</tr>
<tr>
<td>Medicines Act 23–4, 47</td>
<td></td>
</tr>
<tr>
<td>National Health Insurance 267</td>
<td></td>
</tr>
<tr>
<td>patent law see South African patent law</td>
<td></td>
</tr>
<tr>
<td>patent system 275–83</td>
<td></td>
</tr>
<tr>
<td>competition law, using to achieve prior reductions of off-patent</td>
<td></td>
</tr>
<tr>
<td>drugs 280–1</td>
<td></td>
</tr>
<tr>
<td>focusing on aspects pertinent to pharmaceutical sector 275–7</td>
<td></td>
</tr>
<tr>
<td>Patents Act vs Competition Act 277–9</td>
<td></td>
</tr>
<tr>
<td>revision of South African IP policy and legislation 251–3</td>
<td></td>
</tr>
<tr>
<td>pharmaceutical sector</td>
<td></td>
</tr>
<tr>
<td>off-patent drugs, using competition law to achieve price reductions</td>
<td></td>
</tr>
<tr>
<td>280–1</td>
<td></td>
</tr>
<tr>
<td>patent system aspects pertinent to 275–7</td>
<td></td>
</tr>
<tr>
<td>size and structure of pharmaceutical market 268–70</td>
<td></td>
</tr>
<tr>
<td>South African economy 270–1</td>
<td></td>
</tr>
<tr>
<td>sustainable pharmaceutical industry issues 272–4</td>
<td></td>
</tr>
<tr>
<td>TRIPS Agreement 287</td>
<td></td>
</tr>
<tr>
<td>voluntary licensing 24</td>
<td></td>
</tr>
<tr>
<td>South African patent law</td>
<td></td>
</tr>
<tr>
<td>Act 17 of 1860 286</td>
<td></td>
</tr>
<tr>
<td>background 286–8</td>
<td></td>
</tr>
<tr>
<td>Competition Act 89 of 1998 280, 298–9</td>
<td></td>
</tr>
<tr>
<td>developed countries, influence on policies and practices 288–9</td>
<td></td>
</tr>
<tr>
<td>draft IP policy 295–7, 299</td>
<td></td>
</tr>
</tbody>
</table>
Emerging markets and the world patent order

Draft Policy on Intellectual Property of South Africa 282

government policies
whether component of national development strategy 295–8
draft new IP policy 295–7
extent to which designed to address social welfare concerns 298–9

industrial policy developments 297–8

jurisprudence 290–2

traditional knowledge 289–90

patent policies, extent to which effective in curing defects found in mature systems 292

implications for access, innovation and investment 292–5

Patents, Designs, Trade Marks and Copyright Act 9 of 1916 286–7

Patents Act 37 of 1952 287

Patents Act (Act 57 of 1978) 24, 281, 288

see also South Africa

South Korea 29, 60, 400

Southern African Development Community (SADC) 261, 265

South-South nations
dynamics of ongoing interactions 108–11
evolution of trade 104
intra-South trade 103

technological exchange 105–8

trade and investment, rise in 103–5

value chains and production networks 106–7

Spiegel, M. 105

SPLT (Substantive Patent Law Treaty) 7

world patent order, geo-politics 52

State Intellectual Property Office (SIPO), China 57, 156, 168, 173, 176

state power, distribution 49

statistics, IP 37–8, 82

climate change 121–6

Staussner Chemical Co & Staußner Chemical (SA) (Pty) Ltd & FBC Agrochemicals (Pty) Ltd v Safsan Marketing & Distribution Co (Pty) Ltd & Chemtrade (Pty) Ltd v Kempton Produce Supply (Pty) Ltd 1983 BP 140 149D–150D 289

stavudine (ARV drug) 277

STI (science, technology and innovation) 113

Stiglitz, Joseph E. 30

Strandburg, K. 365

strategic emerging industries (SEIs) 168

sub-Saharan Africa 255, 261, 262

Substantive Patent Law Treaty (SPLT) see SPLT (Substantive Patent Law Treaty)

Sun, J. 173

Sun, Y. 160

Sunami, A. 380

Suttmeier, Richard 56, 57, 59

Tamura, Yoshiyuki 11, 386

Tata Chemicals, India 19
tax offices 89, 91–3

Taylor, M.S. 108
technological information, free revealing 89–90
technology transfer debate

China, removal of approval requirements for technology transfer to foreigners 170

and climate change 120–1, 128
developing countries 101, 107, 108

facilitation of greater technological exchange, emerging economies 111–16

and FDI 71, 104, 105, 109

firm-level collaborations and joint ventures 107–8

governmental initiatives, examples 114–16

intergovernmental initiatives, new (within emerging economies) 113

international 100–3

IPRs 100, 102, 112, 116

new growth prospects for emerging economies 103–8

new impetus for discourse 108–16

North-South-South dynamic, new 111, 116
Index 425

and role of emerging economies 100–18
South-South nations
dynamics of ongoing interactions 108–11
evolution of trade 104
intra-South trade 103
technological exchange, cases of 105–8
trade and investment, rise in 103–5
value chains and production networks 106–7
tenofovir (TDF), drug 258
Thailand 25–6
and ASEAN 305–25
backlog of applications and incomplete patent documentation 317–19
compulsory licensing in 26, 55
economy 314–15
IP law 315
IP&IT Court (Intellectual Property and International Trade Court) 320, 321, 322
Patent Office 316–17
patents and access to medicines 319–20
pharmaceutical sector 26, 319–20
research policy and technology diffusion 315–16
specialized IP Court 320–1
technical assistance and IP 321–3
Traditional Medicine Act B.E. 2542, 1999 315
TRIPS Agreement 315
Thompson, M. 73
Thornton, Songok Han 6
Thornton, William H. 6
total factor productivity (TFP) 73
TPPA (Trans-Pacific Partnership Agreement) 8, 189
and United States 403–4
world patent order, geo-politics 27, 53, 60
trademarks 42, 43
traditional knowledge
ASEAN-Australia-New Zealand FTA (AANZFTA) 312–13
resource classification system (India) 20
South African patent law 289–90
“tragedy of commons” (Hardin) 69
Trajtenberg, Manuel 37
transfer pricing strategies 91, 93, 98
Trans-Pacific Partnership Agreement (TPP) see TPP (Trans-Pacific Partnership Agreement)
Travers, J. 96
Treatment Action Campaign (TAC), South Africa 277, 290, 291, 292
Trilateral Offices (USPTO, EPO and JPO) 85, 316
TRIMS (Agreement on Trade-Related Investment Measures) 21
and Arab world 330, 337, 338–9, 340
and ASEAN 309, 311
and Brazil 14, 136, 137–9
and China 17, 163, 174
compulsory licensing under 12–13, 54, 242–4
Council meeting (2010) 55
Doha Declaration on TRIPS and Public Health 24, 51, 52, 54, 64, 172, 243, 298
economics perspective 64
flexibilities 47, 54, 170, 210, 212, 243, 251
South Africa 299, 300
and India 190, 209, 212
and Japan 387
and least developed countries 108
“minimum” standards for IP protection 64
negotiation of (1986–93) 3, 7, 14, 33
“paragraph 6” provisions 51
patent offices 85
and Russia 241, 242–4, 251
and South Africa 287
and Thailand 315
TRIPS-plus standards 47, 49, 50, 52, 53, 137
Arab world 336–9
and United States 394, 400
Emerging markets and the world patent order

see also WTO (World Trade Organization)
‘Trolliburger’ (sweet toy) 362
tuberculosis, in AIDS patients 269–70
type 2 diabetes, and genetic differences 90

UK Commission on IPR 64
UNAIDS (Joint United Nations Programme on HIV/AIDS) 239, 257, 269–70
uncertainty 78–9, 80
UNCTAD (United Nations Conference on Trade and Development) 4, 101, 105, 106, 108
UNEP (United Nations Environment Programme) 121
unfair competition 382, 386, 398–9
UNFCCC (United Nations Framework Convention on Climate Change) 101, 120
United Nations Conference on Trade and Development (UNCTAD) 4, 101, 105, 106, 108
United Nations Environment Programme (UNEP) 121
United Nations Framework Convention on Climate Change (UNFCCC) 101, 120
United Nations General Assembly Special Session on HIV/AIDS, Declaration of Commitment (UNGASS Declaration) 238–9
United States Patent and Trademark Office (USPTO) see USPTO (United States Patent and Trademark Office)
United States (US) 391–406
America Invents Act (AIA), 2011 397
bilateral negotiations/forums 8, 49, 399–401
business models 79–80
and China 71, 395, 399
competition, new form of 394–6
digital and other integration of US IP framework 397–8
EU–USA bilateral 401–2
and evolving international scene 394–7
Federal Trade Commission 25
Free Trade Agreement (FTA) provisions 47, 336–7, 343
hegemony 49
and India 21
and international economics 396–7
International Trade Commission 234
and Japan 70, 371–3
legal background 393–4
meaningfully addressing competition in innovation from emerging markets 404–6
Patent and Trademark Office 85
plurilateral forums 402–4
R&D investment 396, 404
response to global competition 397–404
and Russia 232
Senate Permanent Subcommittee on Investigation 91
trade bully reputation 49
TRIPS Agreement 394, 400
unfair competition, addressing 398–9
US Section 337, Tariff Act 1930 393
and world patent order 49
Unsafe at Any Speed (Nader) 84
UPOV (Union for the Protection of New Varieties of Plants) 137, 313
Uruguay Round of Trade Negotiations (1986–94) 49, 50, 52, 63, 330, 394
and Brazil 138, 139
and India 187, 188
see also GATT (General Agreement on Trade and Tariiffs)
USPTO (United States Patent and Trademark Office) 16, 69, 316
and India 204, 205, 206
Peer to Patent pilot program (2007) 96
USTR (US Trade Representative) 162, 184, 234
Omnibus Trade and Competitiveness Act, Section 301 Priority Watch List 234, 268
utility model and design patents, China 16, 42, 56, 160
average life cycle of utility models 157
as 'junk patents' 58, 166

vaccines, patent mapping 79
value chains and production networks (South-South) 106–7
Van Overwalle, Geertrui 29, 94–5, 358, 364, 365, 366
Van Pottelsbergh, B. 360
Van Zimmeren, E. 358, 365, 366
Vawda, Y.A. 293, 298
'vent-for-surplus' theory 103
Vos, R. 101

Wallerstein, I. 120
Wambibe, Charles 263
Wang, Shirley S. 248
Wang, X. 158
Wanyanga, Wilberforce 256
Washington Consensus 12, 49
WBCSD (World Business Council for Sustainable Development) 120–1
Weatherall, Kimberlee 60
Wechsler, Andrea 17
WHO (World Health Organization) 51, 101, 255–6
Good Manufacturing Practices 265
Williams, Matthias 55
WIPO (World Intellectual Property Organization) 16, 78
and Arab world 332–3
and ASEAN 310
and Brazil 137, 138, 139
Development Agenda (2007) 52
and India 183
and Japan 371
patent mapping 79
PCT, administration of 57
and Russia 229, 247
and South Africa 288
technology transfer debate 102
world patent order, geo-politics 47, 50, 52
Woolcock, S. 309
World Bank (WB) 4, 239
World Business Council for Sustainable Development (WBCSD) 120–1
World Health Organization see WHO (World Health Organization)

World Intellectual Property Organization (WIPO) see WIPO
(World Intellectual Property Organization)
world patent order, geo-politics 46–60
forum-shifting 48, 50–3
HIV/AIDS pandemic 53–5
IP protection 48
World Trade Organization 49
world trading system, reform 63–4
worldwide IP activity 3, 6–11, 37–45
growing use of IP rights other than patents 42–4
patent surge 38–42
statistics 37–8, 82
WTO (World Trade Organization)
and Brazil 137
Chinese accession (2001) 17, 56, 163
establishment (Uruguay Round) 49
Government Procurement Agreement (GPA), 1994 15, 274
and India 55
Panel 59
Russian accession 225
impact of negotiations on IP protection 231–5
patent protection prior to 226–35
patent protection as part of negotiations 235–8
pharmaceutical sector in Russia, impact on 241–2
and South Africa 287
technology transfer debate 102
and world patent order 49, 50, 52, 55
see also TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights); Uruguay Round of Trade Negotiations (1986–94)

Xue, Lan 58

Yamane, Hiroko 236, 243, 248
Yang, W. 166
Yao, Xiangkui 56, 57, 59
Yen, A. 166
Yu, Peter 49, 57
Yu, Z. 157
Yudoyono, Susilo Bambang
  (Indonesian President) 54–5
Zhang, Haiyang 9, 81
Zhang, Xinzhu 58
Zheng, C. 158, 159, 160
Zhuang, Wei 11, 16, 17, 18, 395
ZTE (Chinese firm) 59