Outline

- History of IP rights
- The situation of developing countries
- How they did it
- What we can learn
What is Intellectual property?

- Copyright
- Patent law
- Trademark protection
- Protection of trade secrets
Why “property”?

- Some commonalities
- BUT:
  - You **cannot deprive** s.o. of IP
  - You **can copy** IP with reproduction cost $\approx 0$
- Natural market value $= \text{reproduction cost}$
1. The short history of IPRs
History of IPRs

- Patent law: 14th century
- Copyright: 15th century
- Other rights: 18th century
Internationalisation of IPRs: 19th century

- No protection of IP of foreigners
Internationalisation of IPRs: 19th century

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- Growing belief in strong IPR
Internationalisation of IPRs: 19th century

- No protection of IP of foreigners
- Growing belief in strong IPR
- First multilateral agreements
Internationalisation of IPRs: IP & trade

- 1883: Paris Convention
- 1887: Berne Convention
  - 1967: WIPO
- 1948: General Agreement on Tariffs and Trade (GATT)
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TRIPS

• Agreement on Trade-Related Aspects of Intellectual Property Rights
• 1994
• Part of new GATT
• Harmonized regulatory framework
“effective action against any act of infringement of intellectual property rights”  
(TRIPS Art. 41.1)
TRIPS & Developing countries

- Exceptions for generics?
- 2001 Doha
2. The situation of developing countries
• Are strong IPRs good for development, research, ...?
“stronger IPRs [are] associated positively with trade, foreign direct investment and licensing in developing countries”

(Lippoldt 2008, 257)
“the true casual relationship between IPRs and such performance variables [...] may actually run in the reverse direction”

(Richard 2008, 272)
Empirical research

“weak or no evidence”
(Boldrin/Levin 2010, 243)
So?

- More disadvantages than advantages **at least in developing countries**

- Questions:
  - *Why did they agree?*
  - *How could they change the agreement later on?*
Why did they agree?

- Lack of negotiating power
Why did they agree?

- Lack of negotiating power
- Because of their smaller markets
“Nothing but the likelihood that powerful states will otherwise employ threats and coercion presently compels [...] countries that are TRIPS signatories from not following the U.S. and European lead on intellectual property laws”

(Keohane 2005, 66)
3. How they changed the agreement ...
Actors

- **3 transnational networks:**
  - International pharmaceutical companies + Governments of the Quad
  - Intellectual Property Committee (IPC)
  - AIDS Network
What happened?

- IPC influenced *agenda setting*
What happened?

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- **Framing** effects
What happened?

- IPC influenced *agenda setting*
- *Framing* effects
- Strong *cooperation*
4. ... and what we can learn from it!
Goals

- We must **seek allies**
- We must **become a agenda setter**
- We need to **reframe free knowledge**
Thank you!
References 1


References 4


