

ASSIGNMENT

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Rationale of Protection

Like movable and immovable properties, intellectual property is also the result of effort by one or more human beings, with or without using equipments or machines. Therefore, like the producers of the two other forms of property, the creators of intellectual property also have the right to insist on payment for the product of their labour or for the labour itself. Remuneration for creators of intellectual property became economically significant when cheap, multiple copies of a work could be made and it made sense for the creator to be rewarded for his/her intellectual effort & be protected from potential free riders.

Trips Agreement

The agreement on Trade related Aspects of IPR of 1994 made protection of IP an enforceable obligation of the member states of the WTO. The objective of the agreement was to reduce distortions

and impediments to international trade, and to ensure that, while effective and adequate protection of IPR is needed, measures and procedures to enforce IPR do not themselves become barriers to legitimate trade (Preamble). It encompassed within its purview standards concerning the availability, scope & use of copyrights and related rights, trademarks, Geographical Indications, Industrial Designs Patents, layout designs of IC, protection of undisclosed information & control of Anti-competitive Practices in Contractual Licenses.

This focuses only a copyrights & related rights, geographical indications & patents from the above regimes & agriculture & genetic resources & traditional knowledge & folklore, which are as yet not considered within the ambit of this regime but are currently of great importance & are affected by IPR issues

and need protection.

IPR regimes affect different countries in varied ways. The classification of the countries has been drawn from the UNCTAD-ICTDS project on IPRs & Sustainable Development which has divided various countries into groups based on their technological activity, industrial performance & technology imports.

The low technological activity, ~~industrial~~ group is the third tier of countries and comprises 58 very diverse countries. We assumed that these countries are likely to have both significant costs & potential long-term benefits from stricter patents, depending on the level of domestic technological capabilities & their reliance on formal technology inflows.

Those that are building their innovation systems on the basis of local firms copying foreign technology & importing technologies at arm's length would

gains less than those with a strong transnational corporation (TNC) presence. This group has large countries with heavy industrial sectors like China, India and Egypt, along with dynamic export-oriented economies like Thailand and Indonesia & some countries with small industrial ~~sect~~ sectors and weak industrial exporters.