

Caribbean Latin America Action (CLAA)

Competitiveness of the Third Border in 2005 Balancing Intellectual Property Rights and Economic Development

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Tuesday December 3, 2002

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**Impact of IPR
on
Economic Development**

**Enforcement
Of
IPRs**

**EU
IP Development**

**Role of World Bank
Worldwide
IPR Protection**

Options – What can you do with IPR?

- ✧ License

- ✧ Assignment

- ✧ Mortgage

- ✧ Technology Transfer

- ✧ Alliance - JV, Collaboration,
Partnering

WHY IPR PROTECTION?

Pharma

- **Protecting product formulations, processes, products, packaging, product names,**
- **Recouping costs and maintaining profitability**
- **Monopoly rights**
- **Safeguarding valuable assets**
- **Brand maintenance and reputation.**

OVERVIEW OF IPRs

REGISTERED RIGHTS

- **Patents** - inventions
- **Trade marks** - badge of business, logos, names, smells, sound
- **Registered designs** - “look” of product for industrial designs

QUASI-REGISTERED RIGHTS

- **Domain names**

UNREGISTERED RIGHTS

- **Know-how** - trade secrets
- **Copyright** - literary, including digital work, research notes, software
- **Design rights** - product shape and configuration
- **Brands** - goodwill and reputation

IPR: Copyright

- **Bundles of rights** - to reproduce, rent, broadcast or to stop parties exploiting work
- **Literary work**- books, articles, drawings, digital works
- **Musical work** – music
- **Artistic work** – sculpture, photograph
- **Computer generated** – computer program
- **UK No system of registration**- protected as soon as recorded

IPR: Copyright

→ **Ownership**

→ **Duration**

→ **Originality**

→ **Copyright Infringement**

Impact of IPR Protection on economic Development

- **Developing countries – increased pressure towards higher levels of IPR protection**
- **Role of IPR**
- **Effect on companies of IPR to achieve innovation**
- **Different standards of protection have different effects**
- **Venture Capital**

Impact of IPR Protection on economic Development

- **Costs – implement TRIPS**
- **Developing a judicial system and civil Procedure Rules**
- **Technical Experts (Judiciary, lawyers, patent agents and draftsmen)**
- **New Technologies – Internet gives wider access**

Impact of IPR Protection on economic Development

- **Monopoly Rights** – less access to new inventions
e.g business method patents, computer programs
 - Tests for patent ability & copyright protection
 - Patent – novel, capable of industrial application and inventive step
 - Copyright – skill, labour, judgement
- **LDC's** – Pharma and International companies not encouraged to trade with those countries
- **Territorial rights** – costly to enforce

EU – IP Development

- **Community Trade Mark Registration**
- **Community Design**
- **Registered Design Regulations**
- **Data Protection Regime**
- **Community Patent**
- **Data Base Rights**

Role of World Bank

- **Choose implementation strategies for implementing TRIPS obligations**
- **Training IPR personnel's**
- **Promoting cost saving administration**
- **Developing the judicial systems to enforce IPRs**
- **Assisting Developing countries – develop negotiations skills, well designed competition rules, urging higher levels of protection**

Worldwide IPR Protection

- **Exhaustion of Rights & Parallel imports**
- **Different standards of protection have different effects**
- **Licensing**
- **Transfer of Technology - to developing countries**
- **Data protection**
- **Venture Capital**

Enforcement of IPRs

- **Policing IPRs**
- **Costs**
- **Difficulties in enforcing IPRs**
- **Remedies**
- **Insurance of IPRs**

Conclusion

✧ **There has to be a balance between innovation, economic development and the protection of IPRS**

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