### Fighting The Intellectual Property Regime

Nikolas Becker wp@nikolasbecker.de

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### Outline

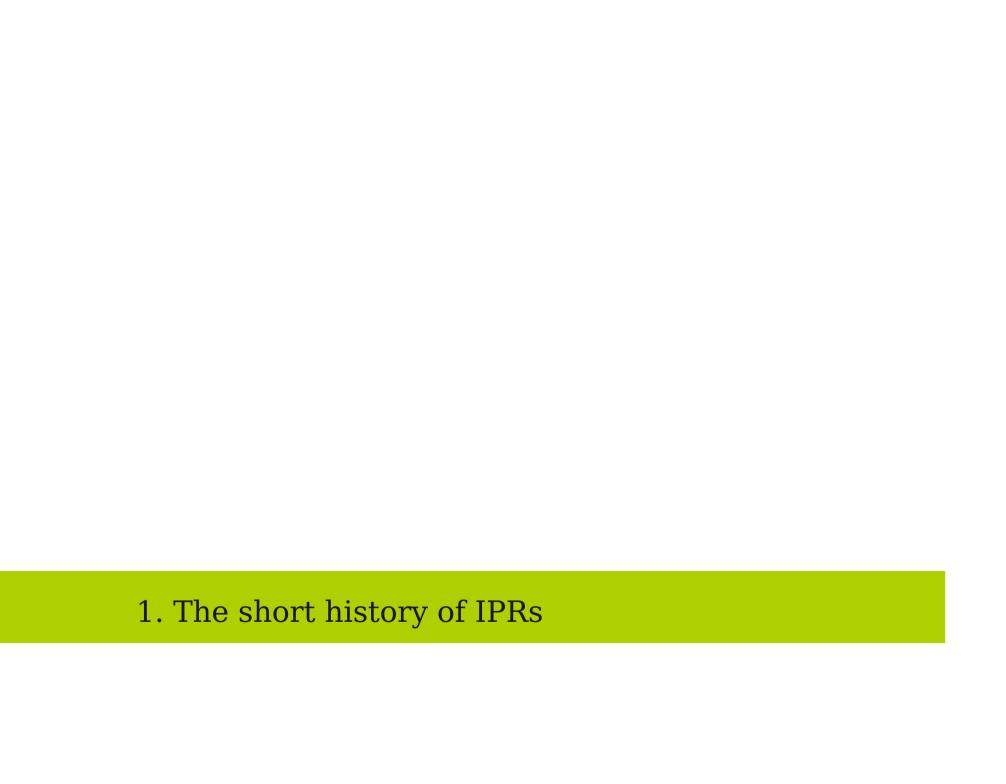
- History of IP rights
- The situation of developing countries
- How they did it
- What we can learn

### 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 ≈ 0
- Natural market value = reproduction cost



### History of IPRs

- Patent law: 14<sup>th</sup> century
- Copyright: 15<sup>th</sup> century
- Other rights: 18<sup>th</sup> century

# Internationalisation of IPRs: 19<sup>th</sup> century

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- 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**
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- 1948: General Agreement on Tariffs and Trade (GATT)
- 1986-1994: Urugay Round

### **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





"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?

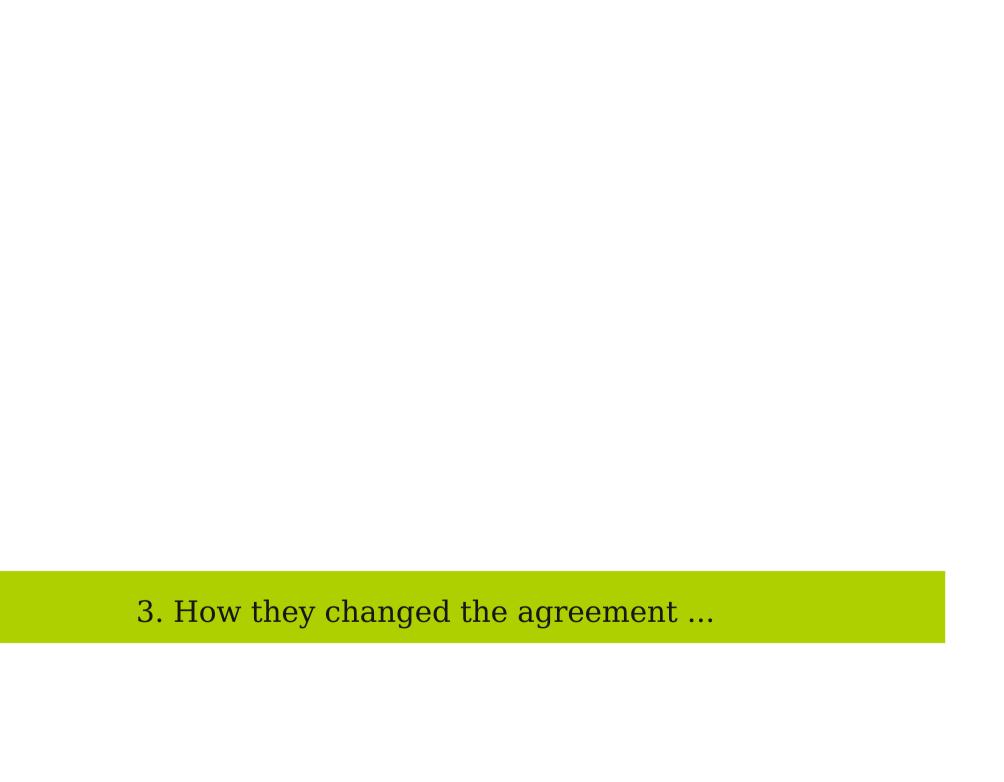
Lack of negotiating power

## Why did they agree?

- Lack of negotiating power
- Because of their smaller markets

"Nothing but the likelihood that powerful states will otherwise employ threads 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)



#### Actors

#### • 3 transnational networks:

- International pharmaceutical companies + Governments of the Quad
- Intellectual Property Committee (IPC)

AIDS Network

## What happened?

• IPC influenced agenda setting

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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!

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