
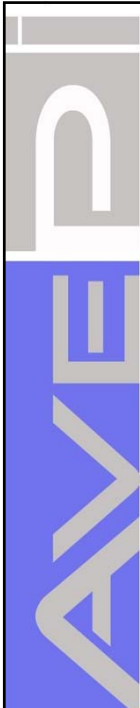


Why has Intellectual Property Gone International? “Hemispheric Perspective”

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Conceptualization of International Intellectual Property Law.

The Concept: Intellectual property law can be viewed in a broad scope, as a system which provides protection of intellectual activity creations (products of the mind).



Intellectual Property

The Principle of Territoriality: Every nation has the jurisdiction to enact laws that are valid and binding its own territory.

Subafimls, LTD v MGM Pathe Communications CO



The World

Globalization.

International Trade and

Multinational Enterprise



International Intellectual Property?

- 1.) Access to technology.
- 2.) Technology as means of modernization and industrialization.
- 3.) International protection of intangible assets own by develop countries.

Discrepancy between nations regarding weight that should be given IP Protection.
Developing Countries vs. Developed Countries

1. Biopiracy
2. Access to medicines




INTERESTING. THE GAP BETWEEN RICH AND POOR IS NOT AS GREAT AS WE THOUGHT




International Intellectual Property Treaties

- (i) Treaties Administered by WIPO:
 - a.) IP Protection
 - b.) Global Protection Treaties
 - c.) Classification
- (ii) Treaties Administered by WTO:
 - a.) TRIPS.
- (iii) IP in other International Treaties.
 - a.) The Universal Declaration of Human Right.
 - b.) The International Covenant on Economic, Social, and Cultural Rights




Treaties Administered by WIPO:

1. **IP Protection Treaties:** Defines internationally agreed basic standards of intellectual property protection in each country.
2. **Global Protection Treaties:** One international registration or filing will have effect in any of the relevant signatory States.
3. **Classification Treaties :** organize information.

Treaties Administered by WTO.

Agreement on Trade-Related Aspects of Intellectual Property (TRIPs) was characterized by the intention to create and afford the most effective protection possible in the field of intellectual property. An important aspect of the agreement is the establishment of enforcement standards.

IP in other International Treaties.

The Universal Declaration of Human Right: Article 27. 9(...) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

The International Covenant on Economic, Social, and Cultural Rights: The language in article 15.1 (c) imposes an obligation on states parties to protect the moral and material interest of an author and inventor.




Sub Regional NAFTA



The North American Free Trade Agreement (NAFTA). “The North American Free Trade Agreement (NAFTA), which came into force in January of 1994, was the first international trade agreement to include obligations to protect intellectual property rights.

NAFTA's Chapter 17






Sub Regional CAFTA






The United States-Dominican Republic-Central America Free Trade Agreement (CAFTA) is the latest in a series of Free Trade Agreements (FTAs) that the United States has entered into with its neighbors in the Western Hemisphere.

Chapter Fifteen. Intellectual property rights




Sub Regional CAN



The Andean Community: The Andean Community has a sophisticated legal framework based on the Cartagena Agreement. They have also adopted a new Common Industrial Property System through Decision 486, entered into effect on December 1, 2000 and Common Copyright System Decision 351



Sub Regional Mercosur

This agreement was founded in 1991 by the Treaty of Asuncion , which was later amended and updated by the 1994 Treaty of Ouro Preto.





Others

Bilateral Free Trade Agreements: Bilateral free trade agreements are arrangements in which countries give each other preferential treatment in trade, such as eliminating tariffs and other barriers on goods, and recognize intellectual property protection standards



Others

Bilateral Investment Treaties: Bilateral investment treaties (BIT) are agreements between two countries for the reciprocal encouragement, promotion, and protection of investment made in each other's territories by companies based in either country

Free Trade Area of the
Americas - FTAA