



Marginalia
International

International Intellectual Property

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Konomark
Most rights sharable

General Principles

- “territoriality”
- Procedural harmonization
- Substantive agreements
 - National treatment
 - Minima

WIPO



WIPO Building, Geneva
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Paris Convention

PATENTS

National Treatment

- Must treat foreign inventors who are nationals of a signatory no worse than domestic inventors
- E.g.:
 - No higher fees
 - No shorter durations

TRIPS

- “Agreement on Trade-Related Aspects of Intellectual Property Rights”
- Negotiated during the the Uruguay Round of General Agreement on Tariffs and Trade (GATT) in 1994
- Covers other IP forms, as well as patent
- Agreement to TRIPS is a requirement of WTO membership
- 164 WTO members today
- Creates substantive “minimum standards” obligations for national patent laws

Minimum Standards of TRIPS

- 20 years from filing date is the minimum term
- Applicants must provide an enabling disclosure
- Protectible subject matter: inventions in “all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application”
 - Exceptions: certain methods of medical treatment, macro-organisms, immoral inventions
 - Pharmaceuticals, not patentable in many countries prior to TRIPS, are not an exception.
- Judicial review