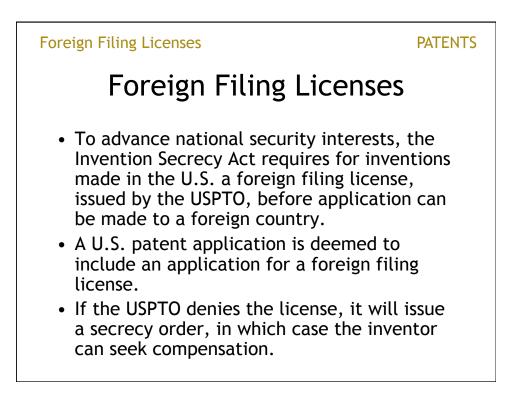


International Aspects of Patents

- "territoriality"
- Foreign filing licenses
- Paris Convention
 - national treatment
- Patent Cooperation Treaty
 - procedural
- TRIPS
 - substantive
- European Patent Convention



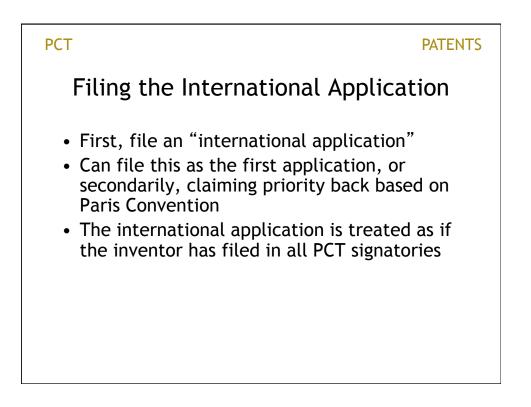


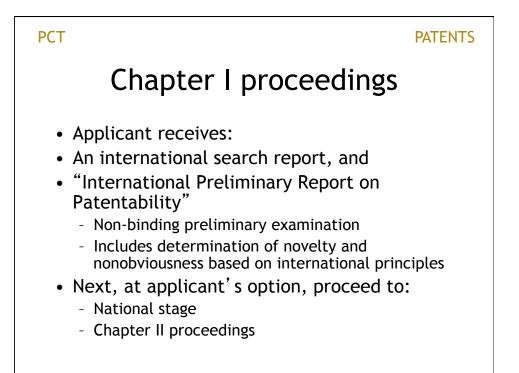




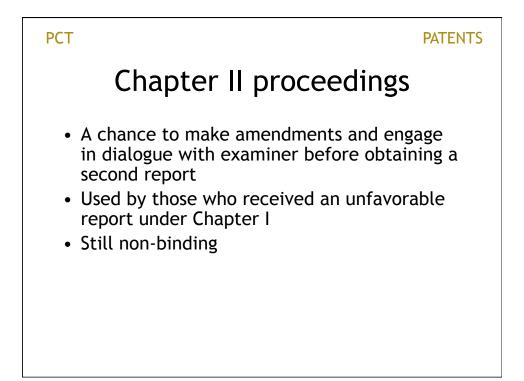


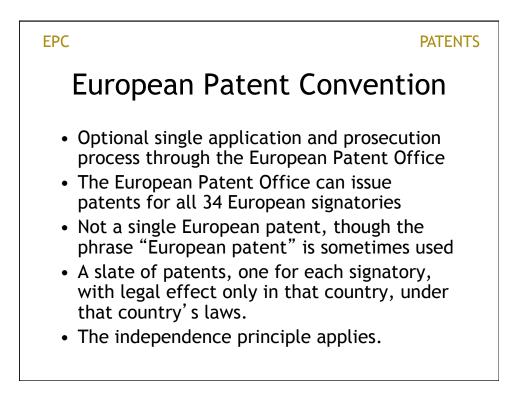


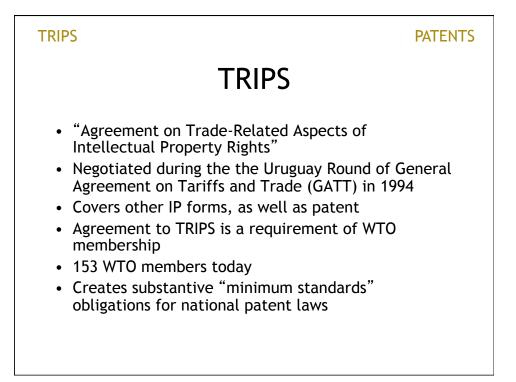


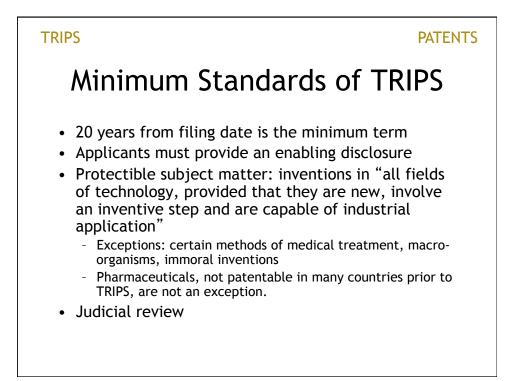


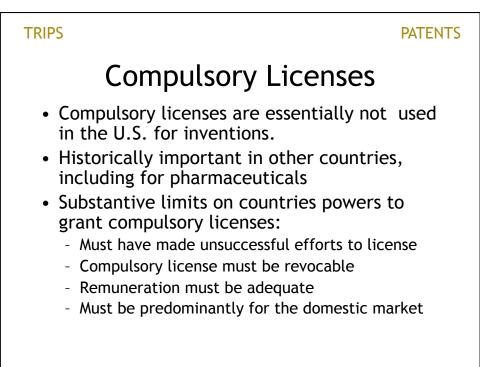












TRIPS PATENTS **TRIPS and Drugs in LDCs** TRIPS effectively denies new drugs to poor populations and countries to some extent, including those for large-scale public-health problems such as AIDS, malaria, and other diseases. • Despite the downside of TRIPS patent rules, most countries sign TRIPS, as it is required for WTO membership and thus needed for exports. Many smaller, lesser developed countries cannot manufacture pharmaceuticals on their own, so the domestic-market limitation effectively eviscerates the compulsory licensing scheme for them. Many very poor countries have already acceded. Some of the poorest countries have been given an extension until 2016 to implement pharmaceutical patent protection. • Exclusive marketing rights ("EMRs") allow five-year terms of patentlike protection even where implementation is delayed. "Mailbox rule" or pipeline protection reduces long-term benefit of delayed implementation. While WIPO and developed-countries pressure LDCs to provide monopoly privileges on pharmaceuticals, the WHO is helping LDCs to navigate the red tape to provide cheap generics.

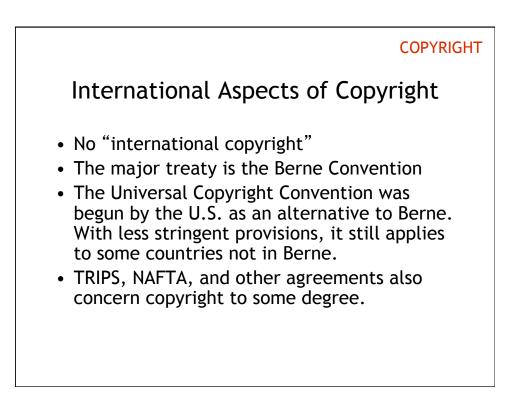
PATENTS

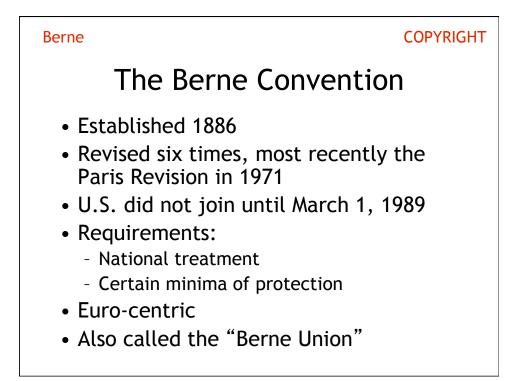
EEJ Arguments Regarding TRIPS and the Calibrating of Patent Incentives

• Assuming R&D costs are static, as markets and patent-respecting jurisdictions increase, patent term should decrease.

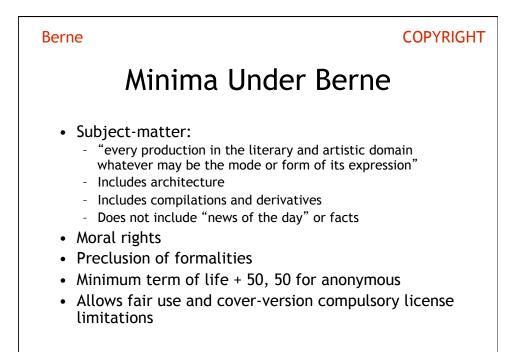
TRIPS

- As macro-economic variables become more favorable, and general global wealth increases, patent term should decrease.
- As non-obviousness thresholds are lowered, patent term should decrease.
- Certain new fields of technology (software, internet) should have lower patent terms. (Bezos argues this.)
- TRIPS locks all technical fields and all countries into 20-year patent terms. This causes economic losses.









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