

Intellectual Property.Lecture^o - 2Chapter^o - 15Intellectual Property Rights.* The General Agreement on Trade in Services.

• The General Agreement on Trade in Services is first ever collection of legally binding, multinational regulation governing global trade in services.

* GATS Junction on three levels:-

- ① which contains basic principles & obligations
- ② annexes which deals with regulation for particular sector & individual nations.
- ③ explicit commitments to allow to access their market.

* Objectives of GATS.

- ① Idea of progressive liberalisation.
- ② Allowing developing Nations to gradually expand their market.
- ③ Freedom to Developing nations to control who can access and utilise their telecommunication, transport network & services.

④ They want to encourage developing countries to participate more actively in the Global Trade in Services.

* The two key pillars that support the GATS contribution to Global Service trade are :-

① Increasing the openness and predictability of pertinent rules and regulation.

② Fostering progressive liberalization through subsequent round of talks.

Lecture -
Chapter :- 3

* World Intellectual Property Organization (WIPO)

• The United nation organization devoted intellectual property as a tool to foster innovation's and creativity is known as World Intellectual Property Organization (WIPO).

• WIPO was established in 1970 with ^{the} objective of advanced protecting protection of intellectual property of its member through intergovernmental co-operation.

• WIPO's head office is in Geneva.

• By signing a co-operation with WTO (World Trade Organization) in 1996, WIPO ~~engage~~ enlarged and illustrate significance (importance) of intellectual property rights in Global Trade.

• WIPO works to advanced growth and application and application of Global Intellectual Property System by :-

(1) Services :- where they make it easier to obtain international protection for intellectual property.

(2) Law

(3) Infrastructure

(4) Development.

* Legal Frame Works under WIPO.

(1) Patent Co-operation Treaty :- By this treaty applicants can apply for protection of innovation in large numbers of countries by submitting single ~~app~~ world wide application under Patent Co-operation Treaty (PTC)

(2) Madrid Agreement :- Madrid Agreement was signed in 1891 and protocol was signed in 1989. By this agreement one can get international registration of marks across wide range of nations.

(3) Lisbon System / Agreement :- By using a single registration process one can get international registration of geographical indication.

(4) Vienna Agreement

(5) Nice Agreement

(6) Locarno Agreement

(7) WIPO Copyright Treaty (WCT)

(8) WIPO Performance and Phonogram Treaty (WPPT)

(9) WIPO Intergovernmental Treaty Committee

(10) Standing Committee

(11) Hague System / Agreement

* National Intellectual Property Rights Policy

(a) The term Intellectual ~~rights~~ to property ~~rights~~ to human invention

(b) The National Intellectual Property Rights Policy was put into place to encourage invention, business climate and make it easier to commercially utilize intellectual property.

(c) This policy follows with India's declaration that this decade is 'Decade of Innovation'

* IPR Focus on

(.) Improving access to Health care, food security & environmental protection among the other areas of social, economic & technological importance.

(.) Fostering innovation & creativity and promote entrepreneurship and enhance social, economic and cultural development.

* The policy outline seven Goals that are:-

- (a) IPR Awareness
- (b) Generation of IPR's
- (c) Legal and Legislative Framework.
- (d) Administration and Management.
- (e) Commercialization of IPR.
- (f) Enforcement and Adjudication.
- (g) Human Capital Development.

* Trade Related Aspects of Intellectual Property Rights (TRIPS)

- (A) The ~~trips~~ TRIPS agreement is essential facilitating the Intellectual Property Trade; resolving intellectual property dispute and giving freedom to WTO members to pursue their own national goals.
- (B) Under the TRIPS agreement, WTO countries have great deal of flexibility to customise their methods of Intellectual Property protection & enforcement to meet their needs and realise public policy objectives.

* The TRIPS Agreement address five main topics:-

- (1) How general rules and fundamental ideas of global trading system apply to international intellectual property?
- (2) What are the minimum protection criteria for the intellectual property rights that member should offer.
- (3) What mechanism should member offer to defend those rights in their home country.
- (4) Specific interim framework for resolving intellectual property disputes between WTO members.
- (5) Specific transitional arrangements for implementation of TRIPS provisions.