

A. “Intellectual property”

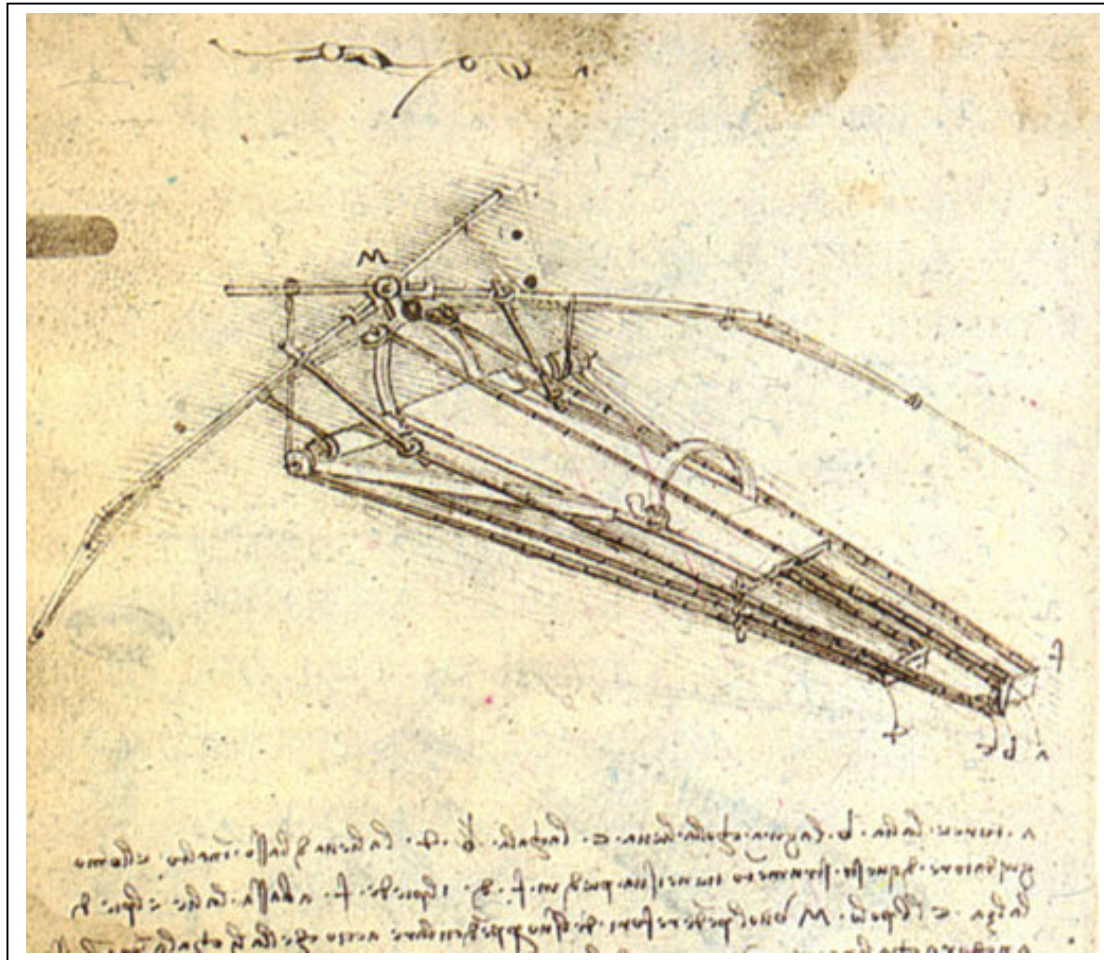
1. 1967 – World Intellectual Property Organization (U.N.):

<http://www.wipo.org/>

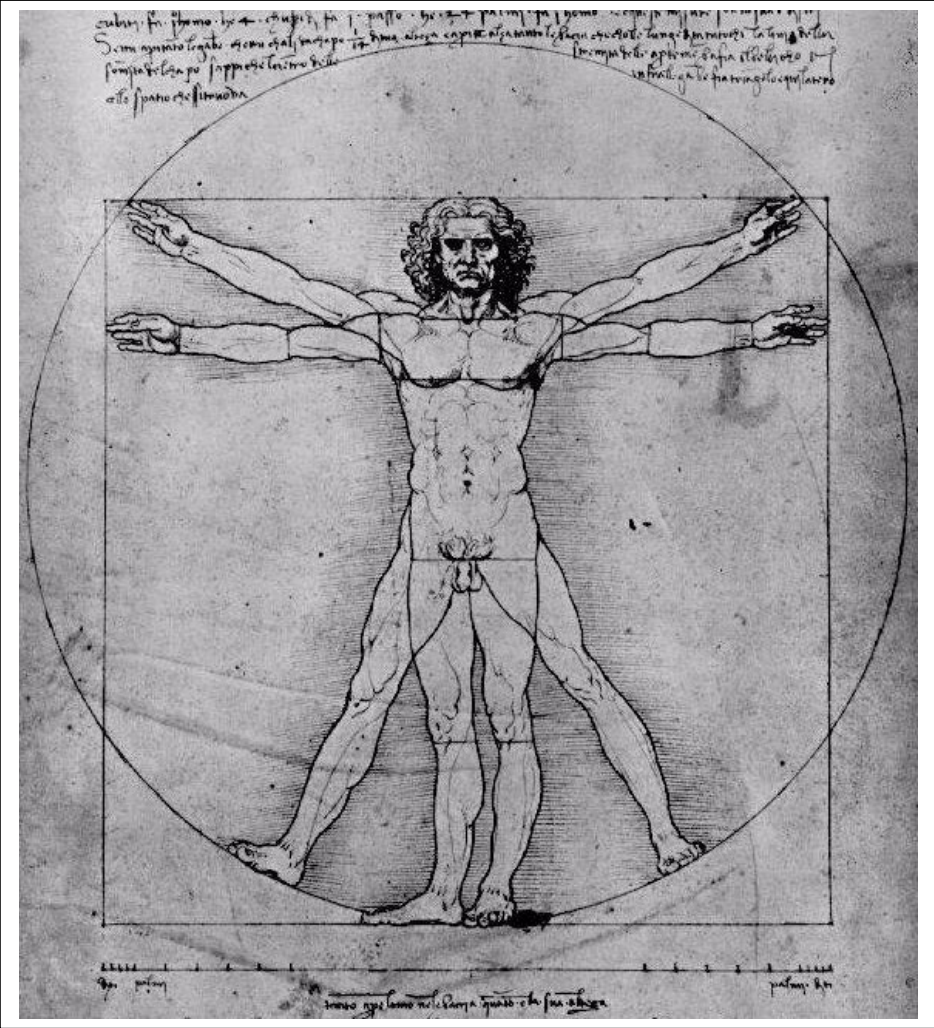
- a. Headquarters - Geneva, Switzerland,
- b. WIPO - one of 16 specialized agencies of UN
- c. Administers - 23 international treaties - different aspects of intellectual property protection.
- d. Organization = 179 nations as member states.

Two branches

INDUSTRIAL PROPERTY - patents, trademarks, industrial designs, and trade secrets



COPYRIGHT - literary, musical, artistic, photographic, and audiovisual works



“Intellectual”



- e. IDEAS
- f. NOT concrete, NOT physical thing
- g. Intangible \equiv brain waves
- h. Product of human labor \equiv intellectual property



e. \$\$

Very valuable!

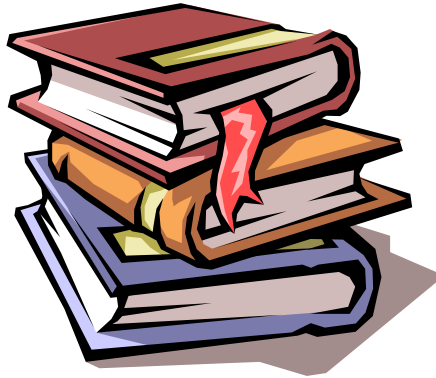
Property



A. PROPERTY RIGHTS

rules and relationships that society has built up around those objects

1. SET OF RIGHTS - govern the way other people treat your things and the way you treat other people's things



**Your car \equiv NOT property
property = RIGHT you have to prevent OTHERS from using it
(e.g. - driving it away when you're not looking).**

Property = NOT a right to do anything you want to do

2. Enforcement of Rights

State's willingness to enforce property rights



Court – judgments, injunctions, damages

DEMAND - other people do not enjoy the benefits of your possessions, unless you have given your permission to do so.

Property right = RIGHT OF EXCLUSION - prevents others from using your possessions



Is intellectual property the best term?

B. PROTECTION OF RIGHTS – Who will protect you? How? Where?

JURISDICTION, NORMS, SEARCHING AGENT, ENFORCEMENT

Countries have laws to protect intellectual property for two reasons

1. protect

- a. moral and economic rights of creators in their creations**
- b. rights of the public in access to those creations.**

2. promote

- a. creativity**
- b. dissemination**
- c. encourage fair trading - contribute to economic and social development.**

1. JURISDICTION - protection

a. Territorial

1) enforceable only in the country that granted them

2) The laws affecting patent protection differ from country to country, and reflect diverse cultural, societal, and technological views regarding the protection of intellectual property

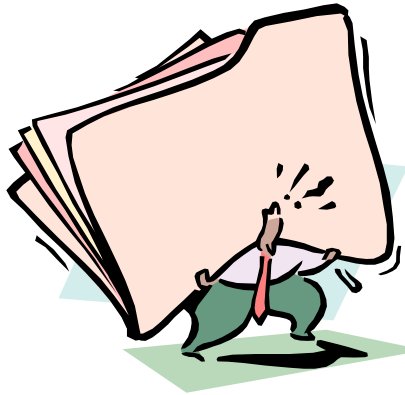
In a global economy, obtaining patent protection in foreign jurisdictions is often critical to commercial success.

NATIONAL - patent, trademark, and trade secret protection, copyright





Creator = comply with each country's requirements for obtaining protection



NO international conventions - provide automatic protection for rights owners

REGIONAL



a. EUROPE

- 1) **PATENTS – European Patent Office**
- 2) **TRADEMARKS – EU directive 40/94 (Community trade mark,) - set up a unitary system of protection of trade marks throughout the Member States via Community registration.**
- 3) **COPYRIGHT – European Union directives**
 - **E.C. Rental Rights Directive**
 - **E.C. Satellite and Cable Directive**
 - **E.C. Software Directive**
 - **E.C. Term of Protection Directive**

a.NAFTA –

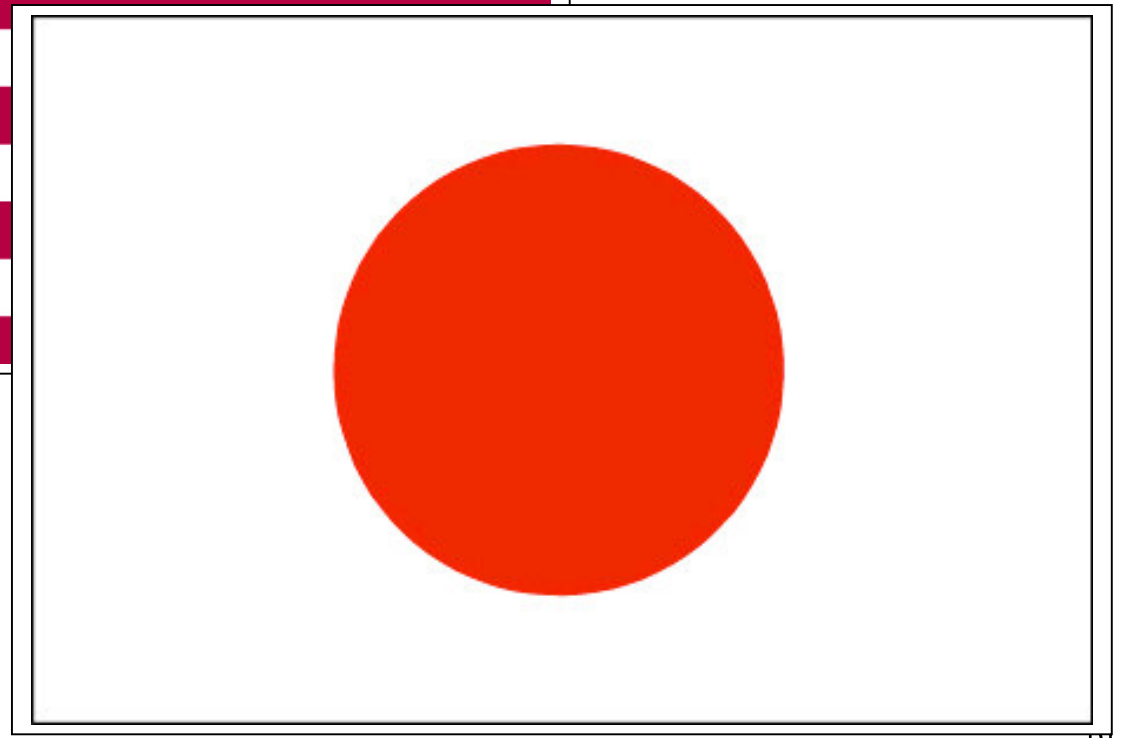
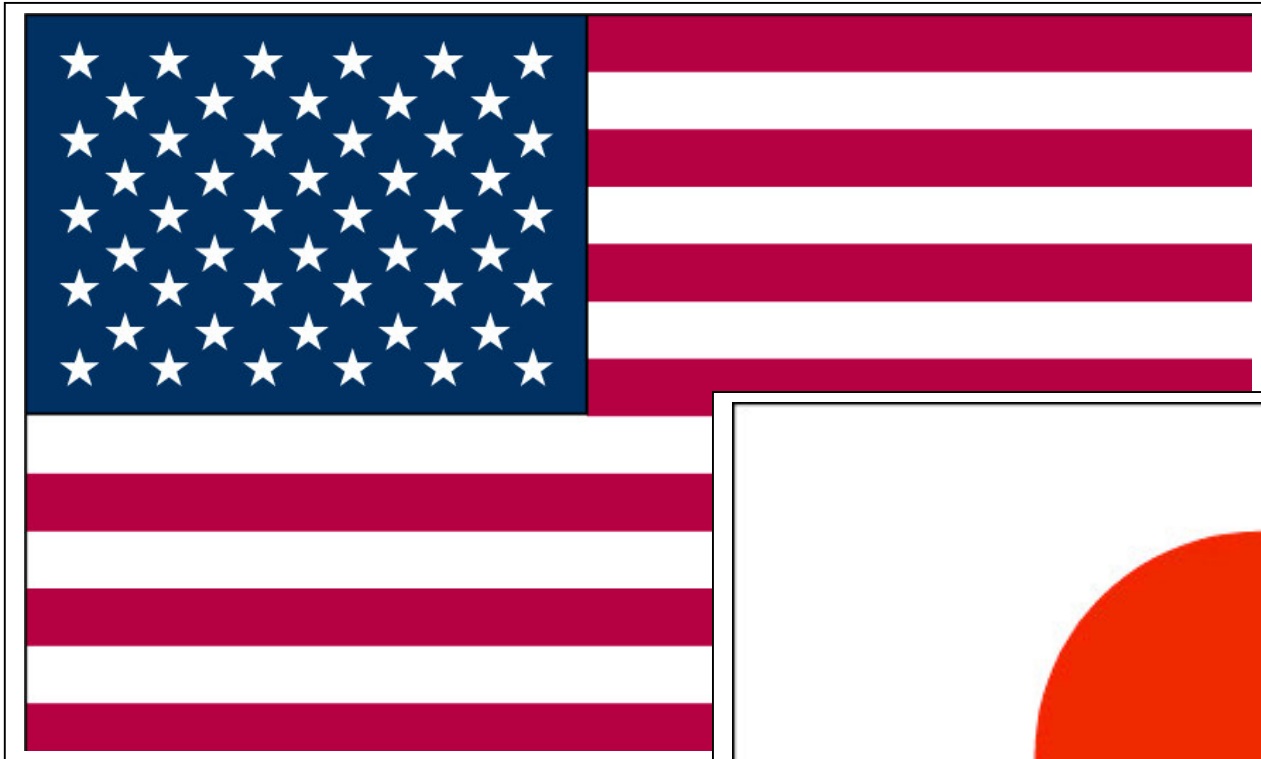
North American Free Trade Agreement (U.S., Mexico, Canada)



c. AFRICA



3) BI-LATERAL AGREEMENTS
U.S. – Japan Agreement (1994)



4) INTERNATIONAL

