

International Business
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Lecture - 47
TRIMS, TRIPS, Patents, Copyrights

Hello everyone. Welcome to the class of International Business. So, in the last lecture we are discussing about the WTO, so and its principle and how it originated.

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- World Trade Organization? Its Origin and Principles: Non-discrimination, More open, Predictable and transparent, More competitive
- Structure of WTO
- The Agreement on Agriculture (AoA)
- Implications of AOA on India
- General Agreement on Trade in Services (GATS)
- Basic obligations under the GATS?
 - General obligations
 - Most Favoured Nation treatment ✓
 - Transparency ✓
 - Specific Commitments
 - Market Access
 - National Treatment



So, we also discussed about the structure of the WTO and then the agreement on agriculture, how it and its implications on a developing country and especially country like India. Then we moved on to the General Agreement on Trade and Services which is called as the GATS. So, the GATS came up because earlier we had seen during the time of the GATT when was there initially; there was no it was only a trade for goods right.

So, services was not there; so, then after there after GATS came into came up. The basic obligations under the GATS was like for example, the most favored nation treatment, transparency and it had some commitments like market access and national treatment like; that means, what every country would be given a equal treatment right and there would not be any difference between its domestic producers and versus some international operators right.

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Agreement on Trade-Related Investment Measures (TRIMs)

- Governments use two measures to attract and regulate foreign direct investment: performance requirements (such as local content, local manufacturing, export performance and technology transfer requirements) and investment incentives (such as loans and tax rebates).
- Investment incentives involve a wide range of fiscal and monetary policy tools.
- When these incentives are related to trade in goods, they are called Trade-Related Investment Measures (TRIMs).
- TRIMs have also been used to guard against and counter anticompetitive and trade-restrictive business practices—particularly those of transnational corporations.
- The 2001 WTO Ministerial Conference in Doha, Qatar, remained deadlocked on investment and the three other 'Singapore issues' (competition policy, trade facilitation, transparency in government procurement).
- Most industrial countries, especially EU members, wanted to start negotiating an agreement on these four issues after the Doha conference, while many developing countries wanted to continue studying them.
- Developing countries have put forward a number of reasons for maintaining TRIMs. For example, the electronics industry derives little local content from developing countries despite having significant operations in them. This is because many of the corporations that dominate the industry prefer to source components and parts from parent companies or foreign affiliates—even if parts of comparable quality are available domestically in developing countries.
- The largest number of disputes⁽¹¹⁾ have been lodged by industrial against developing countries *Automobile*



So, this is what we had discussed. So, we had covered the GATS, today we will be covering the two other aspects right. One is called the agreement on Trade-Related Investment Measures, which is short form shortly called as TRIMs right. And then we will talk about also TRIPs. So, these are some of the you know important functions of the WTO you can say. So, what exactly is this let us start with.

So, generally any government uses two measures right largely, to attract and regulate the foreign direct investment. One is performance based requirements such as the local content, growth of local manufacturing, export performance and technology transfer requirements for any country. And another is through investment incentives which is like the loans and tax rebates right.

So, investment incentives generally involves a you know large range of fiscal and monetary policy tools because, they have to be offered some fiscal you know some investment opportunities such tax rebates loans and all. So, when these incentives are related to trade and goods they are called trade related investment measures.

So, this is what is the basic topic of discussion. TRIMs have been used to guard against and counter anti competitive and trade restrictive business practices particularly those of the transnational corporations. So, you can understand if you remember the old days when Britain was shining and it was a very important power.

So, that time most of the colonies this country European countries had for example, in India was an colony, Africa was a colonies there are many colonies right. So, they entered into these countries you know in form of a through a you know investment purpose. So, the point is what has happened is as a result of the past you know affects, the developing countries have got a fear against the purpose or against the you know investment processes and their objectives.

So, TRIMs is one such measure which has been used to guard against the counter anticompetitive and trade-restrictive business practices particularly those of the transnational corporations. So, in 2001 in the WTO Ministerial Conference in Doha Qatar, remained a dead locked. There was you know there was no movement because this conference did not move further because, the countries they could not come to any conclusion right.

And the you know there were basically 4 points; one was you know the investment discussion and three other were the Singapore issues like competition policy, trade facilitation, transparency in government procurement. So, on this four policies there were not much of you know forward positive movement.

Most industrial countries especially the EU members, wanted to start negotiating an agreement on these four issues after the Doha conference, while many developing countries wanted to continue to study them. Because as I said they were afraid of the past because in the past it had so happened that many countries through a you know investment root they came into this some of this developing economies.

And they started ruling them later on right. And so that was the worry that they would the developed countries would exploit the developing countries through their measures. Developing countries put forward a number of reasons for maintaining the TRIMs right for example, you can see there were large number of this, the largest number of disputes actually were found in against the developing against the you know lost by the industrial giants against the developing countries were in the area of automobile sectors.

So, this is the one I am talking about. So, in the automobile sector, so the large you know the developed countries like Japan and US they lodged complaint against the developing countries that they were not following a policy of competitiveness and that is that was their complaint.

So, there were 4 cases against Indonesia, 2 against India such cases were there that they were not opening up. You can see this example in the electronic industry right which derives little local content from the developing countries despite having significant operations in them. So, what is this? Many of the electronics for example, manufacturers large manufacturers, they would come into a new country then they would not be using the local content; that means, the local produce the local products right.

This is because many of the corporations that dominate the electronics industry prefer to source components and parts from that parent companies or the foreign affiliates, even if this parts are of comparable quality and available domestically in the developing countries. So, because of such reasons TRIMs was seen you know developing countries wanted to stay with it and wanted to research more on the TRIMs right.

But the developed countries wanted to make a change right. So, this agreement negotiated during the Uruguay round, basically started within the Uruguay round, applies only to measures that affect trade in goods right.

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Agreement on Trade-Related Investment Measures (TRIMs)

- This Agreement, negotiated during the Uruguay Round, applies only to measures that affect trade in goods.
- Recognizing that certain investment measures can have trade-restrictive and distorting effects, it states that no Member shall apply a measure that is prohibited by the provisions of GATT Article III (national treatment) or Article XI (quantitative restrictions). Some of these measures are like local content requirement, export obligation, technology transfer requirement etc. that violates trade.
- The agreement requires mandatory notification of all non-conforming TRIMs and their elimination within two years for developed countries, within five years for developing countries and within seven years for least-developed countries.
- The Committee on Trade-Related Investment Measures monitors the operation and implementation of the TRIMs Agreement and affords Members the opportunity to consult on any matters related. The Committee reports to the Council for Trade in Goods.
- **For example:** the European Union (EU) imposed no restrictions or duties on imports from the very poorest countries, such as Bangladesh, leading to a massive expansion of the industry there. (we have done a case study in previous lecture)

So, as I said in the last slide too. So, Uruguay around if you remember was the round we discussed before the WTO right came into existence. Recognizing that certain investment measures can have trade restrictive and distorting effects. So, you know anti competition or some dominant companies can exploit a developing country this can happen.

It states that no member shall apply a measure that is prohibited by the provisions of the GATT under the national treatment of policy or the quantitative restrictions policy. So, some of these measures are like local content requirement, export obligation, technology transfer requirement etcetera, that violates trade.

So, this is basically you know there was a compete you know difference between the developed countries and developing countries. So, the developed countries wanted to come into the developing countries and they wanted to exploit the markets, but on the other hand the developing countries where little, you know they were not very sure of what would happen of this so, there were skeptical.

This agreement requires mandatory notification for of all non conforming TRIMs and their elimination within two years for developed countries, within five years for the developing countries and seven years was given to the least developed countries right. The committee on this TRIMs monitors the operation and implementation of the TRIMs agreement and a force members the opportunity to consult on any matter related to investment.

The committee reports to the council for trade in goods ok. In fact, one example you can see the European Union imposed no restrictions or duties on imports from the very poorest countries, such as Bangladesh leading to a massive expansion of the textile industry, which we have done in one of the cases earlier also that is what I have written here.

But the problem is for example, this was in the positive side, but there was a fear also as in case of Indonesia; Indonesia, Japan had made complaints against Indonesia regarding the automobile sector. So, it has been the TRIMs has you know been slowly the developed countries have wanted that that TRIMs should be changed for the good right.

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Trade-Related Aspects of Intellectual Property Rights (TRIPS)

- The WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), negotiated during the 1986-94 Uruguay Round, introduced intellectual property rules into the multilateral trading system for the first time.
- The TRIPS Agreement, which **came into effect on 1 January 1995**, is to date the most comprehensive multilateral agreement on intellectual property.
- **The TRIPS Agreement plays a critical role** in facilitating trade in knowledge and creativity, in resolving trade disputes over intellectual property, and in assuring WTO members the opportunity to achieve their domestic objectives.
- **"Intellectual property" refers to creations of the mind.** These creations can take many different forms, **such as artistic expressions, signs, symbols and names used in commerce, designs and inventions.** Governments grant creators the right to prevent others from using their inventions, designs or other creations — and to use that right to negotiate payment in return for others using them.
- They take a number of forms. **For example**, books, paintings and films come under copyright; eligible inventions can be patented; brand names and product logos can be registered as trademarks; and so on.

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm



So, another important thing that was after the investment measures were over right was the intellectual property rights. Now, this also was an important area of discussion which came up during the WTO; and even before that it was there, but this took shape under the WTO's agreement this came under the WTO right.

So, which was discussed in this during the Uruguay round and it introduced and intellectual property rules into the multilateral trading system for the first time. So, the WTO agreement it came into place right as a. In January 1995, the TRIPS agreement came with the WTO's existence right.

So, WTO was also I mean, January 1995 same time trips agreement came into place. This is to date the most comprehensive multilateral agreement on intellectual property. So, the TRIPS agreement plays a critical role what does it do? It plays a critical role in facilitating trade in knowledge and creativity.

So, in resolving trade disputes over intellectual property; so, there has been always you know different kind of complaints and disputes regarding intellectual property, a one company talks says this is our you know for example, if you can see a company a makes a product for a pharmaceutical company and then after sometime the same product is being copied by another developing country or another developed country; for any company a company in another country for that with and then its sells it in the market at a much lesser price.

So, there is always a you know dispute that comes up. It assures the WTO members the opportunity to achieve the domestic objectives. Intellectual property actually what does it mean? It refers to the creations of the mind. So, anything that you have you know from your knowledge you have developed so, that is called as a intellectual property, intellect ok.

This creations can take many different forms such as artistic expressions for example, your paintings signs, symbols and names used in commerce, design and inventions. So, it could be a painting, it could be a logo, it could be any punch line right. Governments grant creators the right to prevent others from using their inventions.

So, this is what protects for example, as I said, a pharmaceutical company may take years to make a drug and invest billions of rupees, but if suppose that that you know that R and D that output is not protected. That development the invention is not protected; then it loses very heavily right. Take a number the; take a number of forms for example, books, paintings, films they all come under the copyright eligible inventions can be patented; brand names and product logos can be registered as trademarks; and so on.

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Conti...

The TRIPS Agreement covers five broad areas:

- how general provisions and basic principles of the multilateral trading system apply to international intellectual property
- what the minimum standards of protection are for intellectual property rights that members should provide
- which procedures members should provide for the enforcement of those rights in their own territories
- how to settle disputes on intellectual property between members of the WTO
- special transitional arrangements for the implementation of TRIPS provisions.

★ As in the General Agreement on Tariffs and Trade (GATT) and the General Agreement on Trade in Services (GATS), the starting point of the TRIPS Agreement is basic principles. And as in the two other agreements, non-discrimination features prominently: national treatment (treating foreign nationals no less favorably than one's own nationals), and most-favoured-nation (MFN) treatment (not discriminating among nationals of trading partners).

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm



The TRIPS agreement covers five broad areas right. What are they? How general provisions and basic principles of the multilateral trading system apply to intellectual property international intellectual property right. Second, what the minimum standards;

what are the minimum standards of protection; what the minimum standards of protection are for intellectual property rights that members should provide.

So, what should be the kind of standards that the member country should provide? Which procedures members should provide for the enforcement of those rights in their own territories, right. So, what should be the procedures? How to settle the disputes when there is a between two member nations?

Special transitional arrangements for the implementation of the TRIPS provisions; so, as it says as in the General Agreement on Tariff and Trade GATT and the General Agreement on Trading Services GATS, the starting point of the TRIPS Agreements is basic principles. So, and as in the two other agreements, non discriminatory features prominently: national treatment, treating foreign nationals no less favorably than one's own nationals, and most-favored nation treatment.

So, this is the basic you know idea of the TRIPS, the TRIP started with an objective of to protect the intellectual knowledge, intellectual gains, the intellectual developments of somebody right.

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How to Protect Intellectual Property?

- Paris Convention for the Protection of Industrial Property: The Paris Convention, adopted in 1883, applies to industrial property in the widest sense, including patents, trademarks, industrial designs, utility models, service marks, trade names, geographical indications and the repression of unfair competition. This international agreement was the **first major step taken** to help creators ensure that their intellectual works were protected in other countries.
- Berne Convention for the Protection of Literary and Artistic Works: The Berne Convention, adopted in 1886, deals with the protection of works and the rights of their authors. It provides creators such as authors, musicians, poets, painters etc. with the means to control how their works are used, by whom, and on what terms.
- The second part of the TRIPS Agreement looks at different kinds of intellectual property rights and how to protect them. The purpose is to ensure that minimum standards of protection exist in all WTO members. Here the starting point is the obligations of the main international agreements of the World Intellectual Property Organization (WIPO) that already existed before the WTO was created.

Now, how to protect this intellectual property? So, the Paris convention, for the protection of the industrial property; this was the first time wherever this was discussed. The Paris convention adopted in 1883 applies to industrial property in the widest sense,

including patents, trademarks, industrial designs, models, service, trade names, geographical indications and repression of unfair competition right. This agreement was the first major step taken to help creators ensure that their intellectual works were protected in other countries.

So, you can this is as been a great you can see in movies for example, many movies are directly are copied and made in some other languages right in other countries. So, that is a direct loss to the you know the producer or the director of that movie right; the producer of that movie.

So, this is how the intellectual properties where the there was a big issue regarding to intellectual properties. After this you know the Paris convention came the Berne convention for the protection of literary and artistic works, it was adopted in 1886, and deals with the protection of works on the rights of their authors. It provides creators such as authors, musicians, poets, painters with the means to control how their works are used, by whom and what terms.

The second part of the TRIPS agreement looks at different now this was the you know the how it started. The TRIPS agreement looks at different kinds of intellectual property rights and how to protect them. But, TRIPS made it little more robust and there was more protection right.

The purpose is to ensure that minimum standards of protection exist in all the WTO members. Here the starting point is the obligation of the main international agreements of the World Intellectual Property Organization WIPO, that already existed before the WTO was created. So, it said that, you know we have to man maintain and follow whatever you know has been mentioned by the WIPO.

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Copyright

Copyright (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works. Works commonly protected by copyright throughout the world include:

- literary works such as novels, poems, plays, reference works, newspaper articles;
- computer programs, databases;
- films, musical compositions, and choreography;
- artistic works such as paintings, drawings, photographs, and sculpture;
- architecture; and
- advertisements, maps, and technical drawings.

There are two types of rights under copyright:

- ✓ - **economic rights**, which allow the rights owner to derive financial reward from the use of their works by others; and
 - ✓ - **moral rights**, which protect the non-economic interests of the author.
- protected for a minimum period of 50 years after the death of the author.



Now, what is this copyright? So, what it says? A copyright or the author's right for example, we as faculties we have a book for example, so that has to be protected right; that is an idea of the author. So, it is a legal term used to describe the rights that creators have over their literary and artistic works.

In fact, in academy also we have seen lot of you know plagiarism happens authors some new authors would try to copy some other authors without giving the right proper right to them you know and even the books for example, we can we copy suppose somebody copies the you know materials. So, that is a thing that is infringement.

So, works commonly protected by copyright throughout the world include literary work such as novels, poem, plays, reference works, newspaper articles etcetera. Computer programs, databases films, musical compositions, choreography, artistic works as paintings, drawing, photographs and sculpture, architecture, advertisement, maps, technical drawings.

So, there are lot of things that comes under this copyright ok. Now, there are two types of rights under copyright what are they? One is the economic right, which allows the rights owner; that means, who the creator is to derive financial reward from the use of their work by others. So, I have to suppose I am a author and my work is been used by somebody else, then he has to pay me a royalty.

The second is moral rights which protect the non economic interest of the author right. Protected for a minimum period of 50 years after the death of the author; so, it could be an economic right or a ethical or moral right.

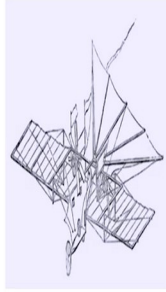
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Trademarks

What is a trademark?

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights.

- At the national/regional level, trademark protection can be **obtained through registration**, by filing an application for registration with the national/regional trademark office and paying the required fees.
- In principle, **a trademark registration will confer an exclusive right to the use of the registered trademark**. This implies that the trademark can be exclusively used by its owner, or licensed to another party for use in return for payment.
- The term of trademark registration can vary, **but is usually ten years**. It can be renewed indefinitely on payment of additional fees.



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The next is a trademark. Now, what is the trademark? A trademark is a sign, as you can see capable of distinguishing the goods or services of one enterprise from those of other enterprises. Now, you must have seen when I say a Coco-Cola there must be a logo right or a sign which differentiate the Coco-Cola from the Pepsi or let us a Hindustan Unilever or let us say a reliance. So, these everything every company has its own logo right.

So, trademarks are protected by intellectual property rights at the national or regional level trade protection can be obtained through registration by filing an application for registration with the national regional trademark office and paying the required fees.

So, once a owner has done it right a producer has done it, then it is protected. In principle, a trademark registration will confer an exclusive right to the use of the registered trademarks. For example, if you have given a name to a company and you have registered it, one cannot use this name. This implies that the trademark can be exclusively used by its owner, or licensed to another party for using return for payment. This was this was happened in lot in the you have seen in the case of the for example, websites.

So, sometimes people do what they have is they have purchased a number of domains and they have kept saved it for them, and later on when such you know the names become very famous or something they tend to sell it off a higher payment. The term of trademark registration can vary, but is usually 10 years; it can be renewed indefinitely on payment of additional fees.

So, this happens in a lot of areas that that the trademarks are generally basically the idea is to differentiate between two different competitors right and what there is lot of miss utilization also; obviously, that somebody can just for the you know understanding that this is a good business he can save the you know, purchase the domains or the purchase the names and save it for then, and later on they can sell it to a new when there is a demand for a good name, they can buy it at a very high cost it happens right.

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So, these are some of the examples for example, I this is for Nike; Nike says when you see this tick mark and you can easily recognize this is a Nike. So, a company takes puts lot in lot of effort to differentiate itself from the in the market. So, these are kind of signs which have to be protected if they are not protected, then the differentiation power will be lost ok. This is Rolex, GE: General Electrics, Mercedes Benz. So, when you see those three stars, it is a half bitten apple, now this is an Apple BMW, Ford right.

So, this is again a you know Mercedes right then, you have this is a Volkswagen right. So, there are different windows, Microsoft.

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Geographical indications

- A name or indication associated with a place is sometimes used to identify a product. This “geographical indication” does not only say where the product comes from. More importantly, it identifies the product’s special characteristics, which are the result of the product’s origins.
- Geographical indications are typically used for agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products.
- Well-known examples include “Swiss Watches”, “Champagne”, “Scotch Whiskey”, “Tequila”, “Darjeeling” and “Roquefort” cheese.
- **For example:** The unique blue cheese from France is aged in natural caves around the Roquefort-sur-Soulzon region and protected using geographical indications.



https://www.wipo.int/geo_indications/en/

https://www.wipo.int/edocs/pubdocs/en/geographical/952/wipo_pub_952.pdf



Now, what are geographical indications? It says in name or indication associated with the place is sometimes used to identify a product right; that means, a name or an indication with a place, this geographical indication does not only see where the product comes from, but it also identifies the products special characteristics which are the result of the products origin.

For example, you must have heard of Egyptian cotton right. This is a very the cotton, which is grown and across the you know close to the Nile river is one of the best cotton in the world. So, that is you know on basis of the name it comes for example, Brazilian coffee right coffee from Brazil, Sri Lankan spices right.

So, there could be several other things which are such connection from the local region. Geographical indications are typically used for agricultural products, food stuffs, French wine you must have heard and spirit drinks, handicrafts and industrial products. So, in handicrafts also there are several handicrafts for example, in India itself. We have any other countries also it is there.

Well-known examples includes Swiss Watches, Champagne, Scotch, Whiskey, Tequila, Darjeeling for you know tea and Roquefort cheese right. For example, the unique blue cheese from France is aged in natural caves around the Roquefort or sur-Soulzon region and protected using geographical indications.

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Industrial designs

- **Industrial design** is generally understood to refer to **the ornamental or aesthetic aspect of an article rather than its technical features**.
- An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color.
- **Under the TRIPS Agreement**, original or new industrial designs must be protected for at least 10 years. ✓
- Industrial designs are applied to a wide variety of products of industry and handicraft items: from packages and containers to furnishing and household goods, from lighting equipment to jewelry, and from electronic devices to textiles. Industrial designs may also be relevant to graphic symbols, graphical user interfaces (GUI), and logos.
- In most countries, an industrial design needs to be registered in order to be protected under industrial design law as a "registered design". In some countries, industrial designs are protected under patent law as "design



The next is industrial designs. What are industrial designs? It is generally understood to refer to the ornamental or aesthetic aspect of an article rather than its technical features, ok let us see. It consist of three dimensional features, such as the shape of an article or two dimensional features, such as patterns, lines or color right.

Under the TRIPS agreement, origin or new industrial designs must be protected for at least 10 years. This designs are applied to a wide variety of products of industry and handicraft items from packages and containers to furnishing and household goods, from lighting equipment to jewelry, and from electronic devices to textiles.

Industrial designs may also be relevant to graphics symbols GUI right Graphical User Interfaces and logos right. In most countries, an industrial design needs to be registered in order to be protected under the industrial design law as a registered design in some countries industrial designs are protected under patent law as design patents.

The purpose of all of these is to just give the developer or the you know the one who has originate the originator a protection right the whole idea is to give a protection. So, that others do not miss utilize it and it helps them to create a differentiation in the market and earns some revenue out of it. The next is a patent, a patent is a exclusive right granted for an invention.

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Patents

- A **patent** is an exclusive right granted for an invention.
- The TRIPS Agreement says patent protection must be available for eligible inventions in all fields of technology that are new, involve an inventive step and can be industrially applied. **Eligible inventions include both products and processes.**
- The protection is granted for a limited period, generally 20 years from the filing date of the application. Time of the patent can be increased than 20 year on special conditions with Supplementary Protection Certificate (SPC)
- The **patent protection means** that the invention cannot be commercially made, used, distributed, imported or sold by others without the patent owner's consent.
- The governments can refuse to issue a patent for an invention if its sale needs to be prohibited for reasons of public order or morality.
- They can also exclude diagnostic, therapeutic and surgical methods, plants and animals (other than micro-organisms), and biological processes for their production (other than microbiological processes) from patent protection.



So, the TRIPS agreement says patent protection must be available for eligible inventions in all fields of technology that are new and involved inventive step and it can be industrially applied. Eligible inventions include both product patents and process patents. So, generally when we talk about patents there are two kinds of patents as you can see here; one is the product patent and the other is the process patent.

So, a company when it has patented right; so, let us say the product. So, sometimes it is possible that others can just copy the process and form a similar product with a you know similar kind of product, but the name would be different. So, in such this condition also, the originator or the original drug manufacturer or the product manufacturer makes a serious loss.

This protection is granted, but there is a lot of argument when it comes to patents that because at least case in pharmaceutical cases, because this is something where you know the company which has developed may be is making at a very higher price, because of its R & D cost and other things. But then, that is not possible it becomes exorbitantly costly and for a developing economy where lot of poor people are there, may be that same medicine or something cannot be purchased.

So, in that condition there is a lot of infringement happens in this patents at least in the process part right. The protection is granted for a period of generally 20 years from the

filing date of application. But time can be increased from then more than 20 years and special conditions with supplementary protection certificate.

The patent protection means, the invention cannot be commercially made used, distributed, imported or sold by others without the owner's consent. But the problem here again as I say is that, the owner would not give a consent and if the owner does not give a consent, then the problem is in an economy which is poor for example, in when there was a case of AIDS medicines right in Africa.

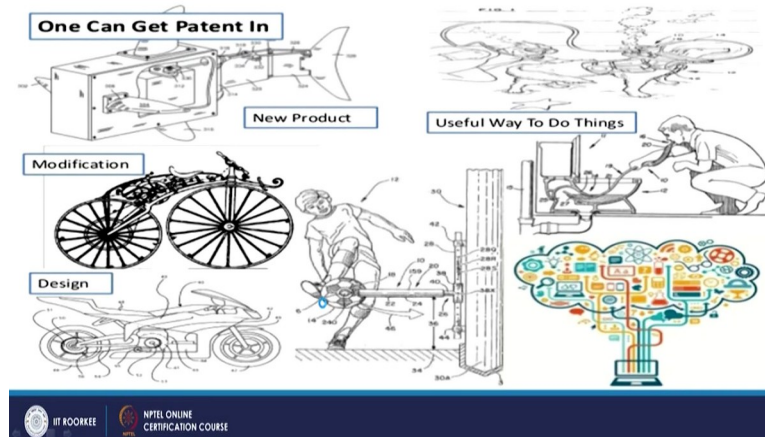
So, the company which made he was not ready to give the you know the copy the patent. So, in that condition, what happened? And they wanted to sell it a very high cost; obviously, they had R & D cost also, but still then, the problem real problem is that, we know that in pharmaceutical also; so, the kind of you know profit margins are extremely high in 1000's also sometimes percentages.

So, it was there was a case I think it was in Indian company pharmaceutical company which was selling those AIDS drugs at a much cheaper price in the African market. The reason was that they could they understood the product and then they because there was no process patent they could make another product of a similar kind and sell it in a much lesser price, because the original price was less because they did this new company the Indian company did not have to spend anything on R & D right.

The governments can refuse to issue a patent for an invention, if it sale needs to be prohibited for reasons of public order or morality. They can also exclude diagnostic, therapeutic and surgical methods, plants and animals other than micro organisms and biological processes for their production from patent protection.

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- Patents may be granted for inventions in any field of technology, from an everyday kitchen utensil to a nanotechnology chip. The TRIPS Agreement describes the minimum rights that a patent owner must enjoy, and defines the conditions under which exceptions to these rights are permitted.



Patents may be granted for invention any field of technology, from an everyday kitchen utensil to a nanotechnology chip. The TRIPS agreement describes the minimum rights that a patent owner must enjoy and define the conditions which under exceptions with this rights are permitted. So, you can see some examples these are some typical diagrams you have collected from a Google right. So, somebody can ride a bicycle, we can modify it right in a product can be made right.

So, you can have a product patent, you can have a process patent. So, now we have understood what is intellectual property today and how intellectual property is to needs to be protected. But, there is always a conflict you know when it comes to intellectual property because there are certain several types of you know issue when it comes to intellectual property, several factors for example, copyright, trademarks, patents and all.

So, in certain condition according to the market condition and other things; so, some all the time it might not be protected because, it becomes very difficult for example, if somebody has invented a medicine it is a very important medicine. And now if he wants to or she wants to take a very important put it a very important high cost then, that will be difficult.

So, in this case it becomes a point of you know debate and confusion right. However, the major you know idea behind the TRIPs is to protect the owner and give him the due regard that he deserves right. So, this is all we have for today.

Thank you very much; we will meet in the next lecture.