Global Value Chains
Case Law Relating to TRIPS

Complainants:
- US: 18
- EC: 7
- Brazil: 1
- Canada: 1
- Australia: 1

Defendant:
- US: 4
- EC: 9
- LDCs: 7
- Canada: 2
- Japan: 2
- China: 2

Cases settled:
- Panels and Appellate Body*:
- 11 major cases decided (7 upon complaint EC)
  - India Patent: US/EC (2)*
  - Indonesia Automobiles* (US/EC/Japan)
  - Canada Patent (EC)*
  - US Copyright (EC)
  - Canada Patent Term (US/EC)*
  - US Section 211 Omnibus Act (EC)*
  - US - Copyright (EC) (Arbitration)
  - EC Trade Marks GI (US/Aus)
  - China IPR Enforcement
Post TRIPs Process

TRIPs (Paris/Berne) → Bilaterals → CAFTA → WIPO Treaties → ACTA → TPP → TTIP
Likely Developments

- In diplomacy likely to see further increases of MFN based levels of protection
- Increased levels essentially driven by producer interests
- Uniform standards but benign neglect in enforcement and dispute settlement for developing countries and LLCs
- Risk of excessive protection and clogging of the system, reducing innovation and welfare?
The Future: Towards Coherence

• Past and present combine fragmentation and integration short of taking into account all pertinent elements in shaping IPRs in law-making and interpretation.

• Need to develop an intellectual framework in academic research informing future developments.

• Need to bring about inclusive processes.
Relevant Context

- International trade regulation, in particular combatting economic protectionism and rent-seeking
- Anti-trust rules, unfair competition (TK and CSR)
- Investment protection
- Human rights and sustainable development
- General principles of law, constitutional law
- Linkage to real property protection
Thank you for your attention!