

# CALL OF THE EARTH LLAMADO DE LA TIERRA ISSUES IN INTELLECTUAL PROPERTY POLICY 7

## The AB© of Intellectual Property Rights

Intellectual Property Rights (IPRs) are monopoly rights that were first justified as providing an incentive for innovation. Whether APRs do in fact act as an incentive for innovation depends on the particular economic context in which they operate. Whether the impact of intellectual property rights has acceptable social and economic trade offs again can again, only be judged in a particular social and economic context.

There has been much work done that examines the history and rationale for the grant of intellectual property rights and considers whether current international, bilateral and national regimes operate consistently with the original premise behind the development of Intellectual Property Rights and at what cost. See, for example,

- Braithwaite, J & Drahos, P, 2002, *Information Feudalism: Who Owns the Knowledge Economy?*, Earthscan.
- Drahos, P. 1996, *A Philosophy of Intellectual Property*, Dartmouth, 1996
- ICTSD and UNCTAD, *Intellectual Property Rights, Implications for Development Policy Discussion Paper*, Intellectual Property Rights & Sustainable Development Series, 2003

In brief, IPRs are rights over 'intangible property'. Intellectual property rights enable the holder to prevent others from using the subject of the right for a specific period of time. Intellectual Property Rights are defined by scope and duration. Some of the more common types of IPRs are:-

### **Patents**

Patents are Intellectual Property Rights held in relation to inventions.

For a full definition see:-

<http://www.wipo.int/about-ip/en/patents.html>

### **Trademarks**

Trademarks are a form of Intellectual Property Right over distinctive identifying signs for goods or services

For a full definition see:-

<http://www.wipo.int/about-ip/en/trademarks.html>

### **Copyright**

Copyright is an Intellectual Property Right held in relation to creations such as literary and artistic works.

For a full definition see:-

<http://www.wipo.int/about-ip/en/copyright.html>

Other IPRs and related rights include ‘plant breeder’s rights’, ‘moral rights’, ‘performer’s rights’ and ‘geographical indications’.

A ‘sui generis’ right or regime refers to a right or regime ‘of its own kind’ – that is, designed for a specific circumstance or purpose. ‘Sui generis’ rights and regimes, in the context of global intellectual property negotiations, may refer to rights or regimes based in intellectual property rights or rights/regimes with another conceptual basis.

---