

TRADE RELATED INTELLECTUAL PROPERTY RIGHTS (TRIPS)

*Dr. D. V. Ratnalikar**

India joined as the original signatories of the first General Agreement of Tariff and Trade (GATT) way back in 1947, along with other 26 countries. As a consequence of the Bretton Woods Conference, three international institutions, namely, International Bank of Reconstruction and Development (World Bank), International Monetary Fund (IMF) and International Trade Organisation (ITO) were established. The devastating effect of the Second World War on different nations was the basis leading to

establishment of these international institutions. World Bank and IMF came into existence on December 27, but the establishment of ITO was deferred due to clash of interests and objections by the countries. As a result an interim body, namely, GATT was established.

A total of eight rounds of meeting have been held so far and the details of them is provided in Table 1.

Table - 1. : Negotiation Rounds of GATT

Round No.	Year	Venue	No. of Nations	Focus
1.	1947	Havana	23	Tariff cuts for 45,000 items
2.	1949	Annecy, France	33	5,000 products added
3.	1050-51	Torquay, UK	38	8,700 products
4.	1856	Geneva		Cut in Import duties
5.	1960-62	Geneva	50	Cut in Import duties
6.	1964-67	Geneva		Cut in Import duties
7.*	1973-79	Tokyo	100	11 agreement covering non-tariff areas.
8.*	1986-93	Uruguay	110	Non-tariff areas namely Agriculture, Trade in services, IPR and Foreign investment

**Associates Prof. (Statistics), Deptt. of Agril. Economics & Statistics,
Dr. Panjabrao Deshmukh Krishi Vidyapeeth, Akola (M.S.)*

The focus of the first six rounds of the GATT was on reduction of tariff as vehicle of expansion of international trade but in subsequent rounds the focus drifted to include non-tariff areas also. The 8th round, called Uruguay Round, went to include many non-tariff areas into the fold of the GATT, namely, Agriculture, Services, Intellectual, Property Rights and Deregulation of Control of Foreign Institutions. The negotiations of 8th round of GATT which ended in 1994, provided basis for the establishment of The World Trade Organization (WTO) on 1.1.1995. The membership of WTO has reached 148 at present.

Uruguay Round of talks between various nations held during 1986-1994 included agriculture sector in the intergovernmental negotiations for the General Agreement on Tariffs and Trade (GATT). W.T.O. Presently has at least half a dozen intergovernmental agreements that has direct or indirect impact on the Indian Economy. India being one of the signatories, is also bound by the various provisions under the different acts. Agreement on Agriculture, (AoA), Application of Sanitary and Phytosanitary Measures (SPS), Technical Barriers to Trade (TBT), Anti-Dumping and Trade Related Aspects of Intellectual Property Rights (TRIPS) are the important agreement under WTO.

Under the era of trade liberalization, it has become more important and pivotal than ever before to develop a clear understanding of the concepts involved in these agreements, the implications and the applications of these agreements. With the changing scenario, knowledge has become a tradable good. As such a general awareness is to be brought out regarding TRIPS and the provisions under Intellectual Property Rights (IPRS).

Intellectual Property is the product of mind and is created by exercise of intellectual input of an individual. This may be in the form of generating new ideas, developing altogether new techniques, products, processes and designs having economical and commercial potential. As

such these creations of mind or intellect have to be given protection against any infringement. The grant of IPR ensures protection to authors, designers, inventors against imitation and copying of new ideas, techniques, products, processes and designs.

The grant of IPR encourages innovation and inventive activities which ultimately promotes technical, industrial and economic development of a country.

At the first instance, our learned society be made aware about the various forms of IPRS, namely, Patents, Trademark, Copyrights, Geographical Indications (GI), Industrial Designs, Layout Designs of Integrated Circuits, Protection of Undisclosed Information's etc.

At the Central and State level, various steps are being taken in India to arrange short term courses, awareness programme on IPR aspects so as to make people acquaint with the provisions contained in the IPRs and related laws. A massive and integrated training program be arranged at all levels for the benefit of the scientists, students, research scholars, authors, writers, inventors, manufacturers of various machines / equipments, producers of various branded / non-branded products of consumers use.

Trade Related intellectual Property Rights (TRIPs) is one among the various agreements signed under WTO. The contents of the parts under TRIP are as given page no.

The term Intellectual Property has been used to ensure legal protection to the author, designer, or inventor against imitation and copying of the new ideas, designs, processes, products, devices and apparatus. Scope of the term Intellectual Property Rights (IPRs) as used under Trade Related Intellectual Property Rights (TRIPs) is still broader as it covers protections under Copyrights also.

These concepts of IPR are as given below for a general understanding of the same.

Trade Related Intellectual Property Rights (TRIPs)

Part I	General Provision and Basic Principales
Part II	Standards Governing the Availability, Scope and Use of IPRs
Part III	Enforecement of IPRs
Part IV	Acquistion and Maintenance of IPRs
Part V	Disputes Prevention and Settlement
Part VI	Transitional Arrangements
Part VII	Institutional Arrangements, Final Provisions

Categories of IPRs as given in GATT

Section	Category	Articles
1.	Copyrights and Related Rights	9-14
2.	Trademarks	15-21
3.	Geographical Indications	22-24
4.	Industrial Designs	25-26
5.	Patents	27-34
6.	Layout Designs of Intregrated Circuits	39
7.	Protection of Undisclosed information	40

PATENTS

Patents are the rights available for any inventions, whether products / processes in all fields or technologies provided they are (a) New (b) Involve any inventive steps and (c) are capable of industrial applications (Article 27 para 1). Commonly described as Novelty, Inventiveness and Applicability criteria.

GEOGRAPHICAL INDICATIONS

Geographical Indications refers to goods originating in the territory of a member country, to which distinct quality or characteristic is attributed.

These are more concerned with the features of shape and designs as applied to articles, and as such these are of little interest to the biological scientists. Engineering products, articles their specifications, shape, designs are covered under this type.

TRADEMARK

Any sign or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of the other undertakings, are capable of constituting a trademark.

COPYRIGHTS

The protection under copyrights covers written text, electronic media, sound-recording, performance etc. and not to ideas, procedures, methods of operation and mathematical concepts as such. These rights arise spontaneously when the work is created.

PROTECTION OF UNDISCLOSED INFORMATION / TRADE SECRET

This is an alternative to seeking a public right and consists of keeping the idea secret and exploit it privately.

This article and the series of articles to follow in future is an attempt to introduce these IPR concepts, various protections under them, infringements of the acts and compensations given to those who hold the patent, copyrights etc.

The details of each of these protections under IPRs will follow in the forthcoming articles.

