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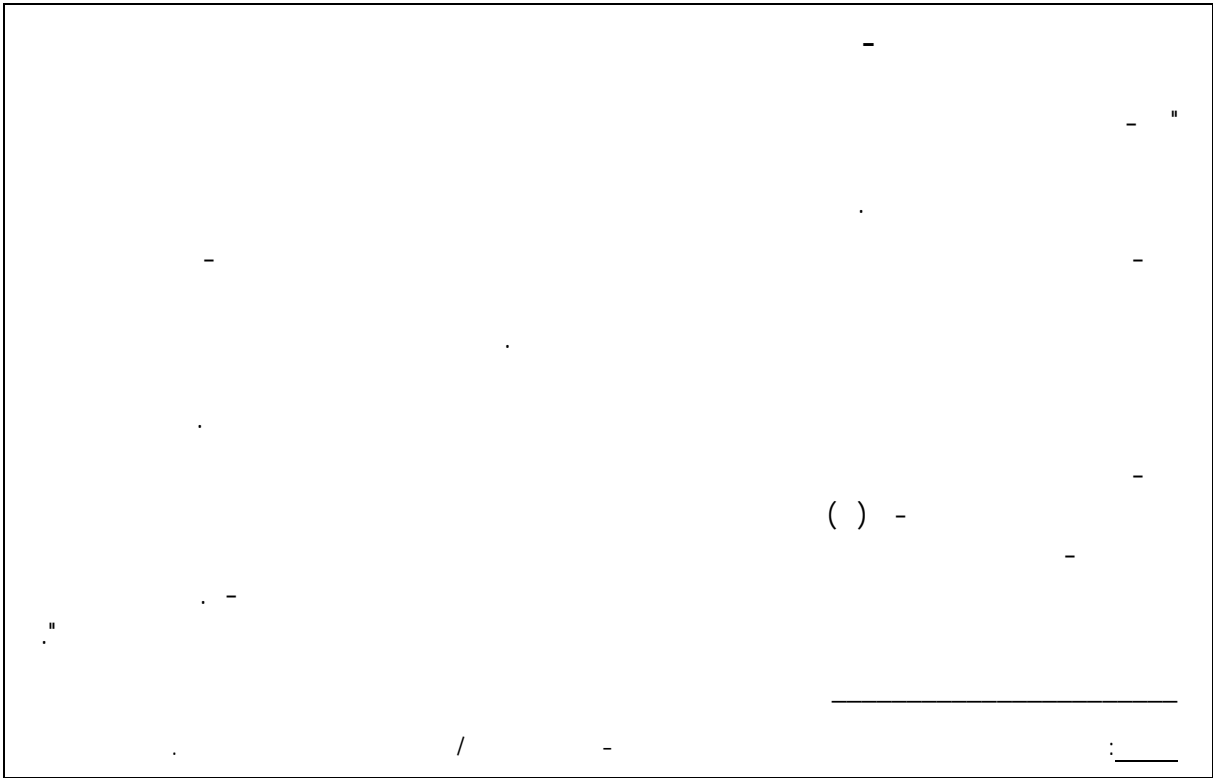
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Executive Summary

Intellectual property rights (IPRs) are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time.

Ideas and knowledge are increasingly an important part of trade. Most of the value of new medicines and other high technology products lies in the amount of invention, innovation, research, design and testing involved. Films, books and computer software are bought and sold because of the information and creativity they contain, not usually because of the plastic, metal or paper used to make them.

IPRs include, amongst others, copyright and neighboring (these are rights of authors of literary and artistic work, namely as books and other writings, paintings, films, and so on), trademarks (which distinguish the goods or services of one undertaking from those of other undertakings), geographical indications (which identify a good as originating in a place where a given characteristic of the good is essentially attributable to its geographical origin, patents, industrial designs and trade secrets.

The protection of IPRs stimulate innovation, design and development of technology. A functioning intellectual property regime should also facilitate the transfer of technology through foreign direct investment, joint ventures and licensing.

The agreement of the trade-related aspects of intellectual property rights (TRIPs), which came into effect on 1 January 1995, is to date the most comprehensive multilateral agreement on IPRS. The three main features of the agreement include the following:

(a) Standards: in respect of each of the main areas of intellectual property covered by the TRIPs agreement, the agreement sets out the minimum standards of protection to be provided by each member. Each of the main elements of protection is defined, namely the subject matter to be protected, the rights to be conferred and permissible exceptions to those rights, and the minimum duration of protection;

(b) Enforcement: the second main set of provisions deals with domestic procedures and remedies for the enforcement of IPRs. The agreement lays down certain general principles applicable to all IPRs enforcement procedures. In addition, it contains provisions on civil and administrative procedures and remedies, provisional measures, special requirements related to border measures and criminal procedures, which specify, in a certain amount of detail, the procedures and remedies that must be available so that right holders can effectively enforce their rights;

(c) Dispute settlement: disputes between members of the World Trade Organization (WTO) about the respect of the obligations of TRIPs are subjected to the agreement to dispute settlement procedures of the WTO.

This study consists of four chapters. The first chapter discusses the international treaties and agreements related to IPRs, including the Paris convention for the protection of industrial property, the Berne convention for the protection of literary and artistic works, the Strasbourg agreement concerning the international patent classification, the Budapest treaty on the international recognition of the deposit of micro-organisms for the purpose of patent procedure, the Madrid agreement concerning the international registration of marks and the protocol relating to that agreement, the Nice agreement concerning the international classification of goods and services for the purposes of the registration of marks, the Vienna agreement establishing an international classification of the figurative elements of marks, the Madrid agreement for the repression of false or deceptive indications of source on goods, the Lisbon agreement for the protection of appellations of origin and their international registration, the Nairobi treaty on the protection of the Olympic symbol, and finally the agreement on trade-related aspects of IPRs.

The second chapter discusses recent developments in the TRIPs agreement and, in accordance with these, it explains the Doha Agenda for Development and the TRIPs agreement, and the Doha Declaration and the TRIPs agreement. In the declaration, for example, ministers stress that it is important to implement

and interpret the TRIPs agreement in a manner whereby public health is supported—by promoting both access to existing medicines and the creation of new medicines. They also stress on the fact that each member has the right to grant compulsory licenses and the freedom to determine the grounds upon which such licenses are granted; additionally each member has the right to determine what constitutes a national emergency or other circumstances of extreme urgency. They showed that it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency. They also reaffirm the commitment of **developed-country** members to provide incentives to their enterprises and institutions to promote and encourage technology transfer to least-developed country members pursuant to Article 66.2. They also agree that members of least-developed countries will not be obliged, with respect to pharmaceutical products, to implement or apply sections 5 and 7 of Part II of the TRIPs agreement or to enforce rights provided for under these sections until 1 January 2016, without prejudice to the right of members of least-developed countries to seek other extensions of the transition periods as provided for in Article 66.1 of the TRIPs agreement. They instruct the Council for TRIPs to take the necessary action to give effect to this pursuant to Article 66.1 of the TRIPs Agreement.

The third chapter discusses history of the laws and new development in certain countries—Egypt, Jordan and Lebanon—regarding patents, industrial designs, copyrights, trademarks, geographic indicators and so on.

The fourth chapter presents certain policy recommendations, namely: enhancing the coordination, linkages and networking among research institutions and universities in the Arab countries; supporting education and scientific research, taking advantage of the “compulsory licensing” provisions of the agreement to ensure that patented products are locally produced. Compulsory licenses are essential tools for governments to carry out public health policies, as they can facilitate access to medicines through prevention of abuse of rights, encouragement of domestic capacities for manufacturing pharmaceuticals and in cases of national emergency or other circumstances of extreme urgency, or of public non-commercial use.