



FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB/BBALLB/LLB

SEMESTER SUBJECT:

INTELLECTUAL PROPERTY RIGHTS

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Lecture- 10



LECTURE 10: TRIPs AGREEMENT: HISTORY AND BACKGROUND

Intellectual property in terms of goods and services form a significant proportion in international trade. In case of inadequate and insufficient protection granted to various forms of intellectual property in different countries there exists a threat to productive international trade. A need to develop appropriate framework for protection of intellectual property was felt which in turn would improve international trade order as well.

In this climate, the negotiations concerning Trade-Related Aspects of Intellectual Property Rights (TRIPS) became one of the important new areas for discussion at the Uruguay Round of GATT, begun in 1986. Along with other agreements to come out of the Uruguay Round, the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) was finally agreed upon at the ministerial meeting in Marrakesh, Morocco in April 1994, and came into force as part of the WTO Agreement on January 1, 1995. TRIPS is one of the most important and comprehensive international instrument relating to protection of intellectual property rights. TRIPS stands out strikingly among all other international treaties on intellectual property rights for the reason that it covers all forms of intellectual property without separating copyright and industrial property. Further it provides for detailed provisions on enforcement of intellectual property rights. It is a crucial outcome of the Uruguay Round negotiation. It aims at providing the minimum standard for protection of IPR globally. It establishes minimum standard of protection for each type of intellectual property that each member country including India must provide under its National Laws. More extensive protection may be provided under the domestic law so long as it does not affect other provisions of the TRIPS agreement.

It is noteworthy that TRIPS is the only international treaty that prescribes minimum standards for protection for various forms of IP including industrial property and copyrights. It is the first International treaty that mandates detailed civil criminal and administrative remedial structure and it is the first International treaty that is subject to binding enforceable dispute settlement.