



Electronic Resource Guide

# International Intellectual Property Law

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of International Law

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**T**his electronic resource guide, often called the ERG, has been published online by the American Society of International Law (ASIL) since 1997. Since then it has been systematically updated and continuously expanded. The chapter format of the ERG is designed to be used by students, teachers, practitioners and researchers as a self-guided tour of relevant, quality, up-to-date online resources covering important areas of international law. The ERG also serves as a ready-made teaching tool at graduate and undergraduate levels.

The narrative format of the ERG is complemented and augmented by EISIL (Electronic Information System for International Law), a free online database that organizes and provides links to, and useful information on, web resources from the full spectrum of international law. EISIL's subject-organized format and expert-provided content also enhances its potential as teaching tool.

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## **I. Introduction**

International intellectual property law is a patchwork area of intersecting multilateral and bilateral agreements and their resulting harmonization of national laws. It has become an increasingly important and frequently litigated area, particularly in the patent, copyright, and trademark arenas. In addition, in the past few decades, there have been louder calls for the protection of domain names, databases, software, and traditional knowledge. Many of these cutting edge intellectual property issues are addressed on an international level through the World Intellectual Property Organization (WIPO). Along with new forms of protection, the trend towards globalization in the trade arena has had a direct effect on the harmonization of national intellectual property laws through the World Trade Organization (WTO) and regional trade organizations. With increased interest in international intellectual property law, there are now numerous high quality electronic resources that cover various facets of this ever-changing area.

## **II. Overview**

Intellectual Property is a frequently used term without a particularly concrete definition. For the purposes of this guide, it will be defined as products of the mind. Such products could be the trade name “McDonalds”, a treatise on economics, a database of soup recipes, an invention to sort DNA strands, or the design of a restaurant. Intellectual property law concerns itself with the protection of these products. The most common forms of protection are patent, copyright, trademark, and trade secret law. Other areas of intellectual property law include rights of publicity, moral rights, misappropriation, unfair competition, geographic indications of origin, database protection, licensing, trade dress, plant variety protection, integrated circuit protection, and paracopyright (including laws that prohibit circumventing anti-piracy technology).

One important note is that often physical property contains, within it, intellectual property. A machine might be based on a patented idea or a book might have copyrighted text. As such, intellectual property laws often define both what can and cannot be done with the intellectual property itself and what one can do with a copy of that property that you lawfully possess.

In doing international intellectual property research, one will often see terms such as “neighboring rights” (sound recording performances and other works seen as needing less protection than copyright in civil law countries) and “industrial property” (patents and trademarks as distinguished from copyrights, neighboring rights, and other methods of protecting artistic works). For the purposes of this guide, these terms are all subsumed under the term intellectual property.

The most important international agreements in intellectual property law are listed here. Many of them are available in multiple formats, including Microsoft Word, PDF, and HTML. In addition,

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the links below link to the main pages for those treaties, rather than the HTML texts so that the reader can also find related protocols, notifications and signatories.

- [Agreement on Trade-Related Aspects of Intellectual Property Rights \("TRIPS"\)](http://www.wto.org/english/docs_e/legal_e/legal_e.htm#TRIPs)([http://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm#TRIPs](http://www.wto.org/english/docs_e/legal_e/legal_e.htm#TRIPs))
- [Berne Convention for the Protection of Literary and Artistic Works](http://www.wipo.int/treaties/en/ip/berne/index.html) (<http://www.wipo.int/treaties/en/ip/berne/index.html>)
- [Hague Agreement Concerning the Deposit of Industrial Designs](http://www.wipo.int/hague/en/legal_texts/) ([http://www.wipo.int/hague/en/legal\\_texts/](http://www.wipo.int/hague/en/legal_texts/))
- [International Convention for the Protection of New Varieties of Plants](http://www.upov.int/en/publications/conventions/index.html)(<http://www.upov.int/en/publications/conventions/index.html>)
- [Madrid Agreement Concerning the International Registration of Trademark](http://www.wipo.int/madrid/en/legal_texts/) ([http://www.wipo.int/madrid/en/legal\\_texts/](http://www.wipo.int/madrid/en/legal_texts/))
- [Paris Convention for the Protection of Industrial Property](http://www.wipo.int/treaties/en/ip/paris/index.html) (<http://www.wipo.int/treaties/en/ip/paris/index.html>)
- [Patent Cooperation Treaty](http://www.wipo.int/pct/en/texts/index.htm) (<http://www.wipo.int/pct/en/texts/index.htm>)
- [Trademark Law Treaty](http://www.wipo.int/treaties/en/ip/tlt/index.html) (<http://www.wipo.int/treaties/en/ip/tlt/index.html>)
- [Universal Copyright Convention](http://portal.unesco.org/en/) (<http://portal.unesco.org/en/>)

For other substantive, registration and classification treaties, see the treaty sections at the [World Intellectual Property Organization \(WIPO\)](http://www.wipo.int/clea/en/index.jsp) (<http://www.wipo.int/clea/en/index.jsp>), [IPRsonline](http://www.iprsonline.org/legalinstruments/international.htm) (<http://www.iprsonline.org/legalinstruments/international.htm>), the [Compleat World Copyright Web site](http://www.compilerpress.ca/CW/multi_i.htm) ([http://www.compilerpress.ca/CW/multi\\_i.htm](http://www.compilerpress.ca/CW/multi_i.htm)) and the intellectual property page at the [Electronic Information System for International Law \(EISIL\)](http://www.eisil.org/) (<http://www.eisil.org/>). For bilateral treaties, one of the best sources is [IPRsonline](http://www.iprsonline.org/legalinstruments/bilateral.htm)(<http://www.iprsonline.org/legalinstruments/bilateral.htm>).

The focus of this Chapter is international law. Although it includes references to national domestic law (foreign law) and comparative law sources, other sites comprehensively cover national domestic law, such as [WIPO's Collection of Laws for Electronic Access \(CLEA\)](http://www.wipo.int/clea/en/index.jsp)(<http://www.wipo.int/clea/en/index.jsp>) (which is also referred to as WIPO Lex) or [UNESCO's Collection of National Copyright Laws](http://portal.unesco.org/culture/en/)(<http://portal.unesco.org/culture/en/>). For additional web sites that compile national intellectual property laws and decisions, see the relevant

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section [below](#). Practical Law Company's [Cross-border: Intellectual Property & Technology](#) (<http://us.practicallaw.com/about/cross-border-intellectual-property-technology>) provides a substantial list of country comparisons touching on intellectual property law.

Patent and trademark searches themselves are outside the scope of this legally-oriented guide, but for links to patent, trademark, and other filing databases, a good starting point is the [WIPO GOLD](#) (<http://www.wipo.int/wipogold/en/>). For Patent Cooperation Treaty data, statistics, and filings, see [PatentScope](#) (<http://www.wipo.int/patentscope/en/>) with e-mail updates [here](http://www.wipo.int/patentscope/en/updates.html)(<http://www.wipo.int/patentscope/en/updates.html>). For European patent searching, start with [espacenet](#) (<http://www.espacenet.com/>). For descriptions of International Trademark Classifications see the section in WIPO below or this [web site](#)(<http://www.naming.com/icclasses.html>). For a global directory of copyright and industrial property offices, here is the [Directory of Intellectual Property Offices](#) (<http://www.wipo.int/directory/en/urls.jsp>). Here is another [great starting point](#) (<http://www.ip-links.de/>) for national patent and trademark offices.

### III. Research Guides and Bibliographies

Why reinvent the wheel? Although treaties, national domestic laws, and panel decisions are often essential for research in international intellectual property, here are a few sites with excellent discussions of international intellectual property topics as well as links to excellent print and electronic resources. It is important to note that print sources are often better than electronic ones for getting a sense of a specific area of law.

#### a. International Intellectual Property Law

Columbia University Law Library, Andrew Larrick, [International Intellectual Property](#) ([http://library.law.columbia.edu/guides/International\\_intellectual\\_property](http://library.law.columbia.edu/guides/International_intellectual_property)) includes a discussion of the nexus of foreign and international intellectual property law and offers bibliographic resources and additional information for citing the major intellectual property treaties.

[Eldis Intellectual Property Rights Resource Guide](#) (<http://www.eldis.org/go/topics/resource-guides/trade-policy/intellectual-property-rights>) includes thousands of free articles ranging from scholarly to journalistic. Its search engine makes it quite useful when seeking information on a particularly narrow area of law.

The [Max Planck Institute for Intellectual Property, Competition, and Tax Law](#) (<http://www.ip.mpg.de/en/pub/news.cfm>) includes an [Opinions section of the web site](#) (<http://www.ip.mpg.de/en/pub/publications/opinions.cfm>) with articles written by noted scholars.

Peace Palace Library, [Intellectual Property](#), (<http://www.peacepalacelibrary.nl/research->

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guides/national-law/intellectual-property/) includes a vast amount of content under the grey tabs above the text box. The site has bibliographies, new titles, and numerous links to highly relevant sources.

[WIPO Intellectual Property Handbook: Policy, Law, and Use](http://www.wipo.int/about-ip/en/iprm/) (<http://www.wipo.int/about-ip/en/iprm/>) is an excellent primer in both intellectual property and the role of WIPO in the area.

## **b. International Patent Law**

### [Foreign and International Patent Law Research Guide](http://lawlibraryguides.bu.edu/content.php?pid=173684&sid=1686142)

(<http://lawlibraryguides.bu.edu/content.php?pid=173684&sid=1686142>) from Boston University covers many of the major sources of print and electronic materials on international patent law. The print recommendations can be supplemented with a search of your local library's catalog.

### [Introduction to International/Comparative Patent Law](http://libguides.wmitchell.edu/IntPatentLaw)

(<http://libguides.wmitchell.edu/IntPatentLaw>) - is quite unassuming because the introductory page is quite brief. Don't miss the tabs in green across the middle of the page because that is where the content is. This site covers primary and secondary sources as well as specific Lexis and Westlaw databases applicable to the area.

#### *i. Public Health and IP*

Commission on Intellectual Property Rights, Innovation, and Public Health, [Public Health, Innovation and Intellectual Property Rights](http://www.who.int/intellectualproperty/report/en/index.html)

(<http://www.who.int/intellectualproperty/report/en/index.html>) is a 218 page report exploring the nexus of these three areas, notably from a public health perspective, as opposed to the trade perspective of the volume above.

Harvard University's [Center for International Development](http://www.hks.harvard.edu/centers/cid)

(<http://www.hks.harvard.edu/centers/cid>) includes a [web site section with numerous high-level articles on biotechnology and international intellectual property rights](http://www.cid.harvard.edu/cidtrade/issues/iprpaper.html)(<http://www.cid.harvard.edu/cidtrade/issues/iprpaper.html>).

WTO, WIPO, and WHO, [Promoting Access to Medical Technologies and Innovation: Intersections between public health, intellectual property and trade](http://www.wipo.int/export/sites/www/freepublications/en/global_challenges/628/wipo_pub_628.pdf)

([http://www.wipo.int/export/sites/www/freepublications/en/global\\_challenges/628/wipo\\_pub\\_628.pdf](http://www.wipo.int/export/sites/www/freepublications/en/global_challenges/628/wipo_pub_628.pdf)) This collaborative volume explores a wide range of topics, from traditional knowledge to public health issues. The table of contents provides an excellent guide to topics in the area.

#### *ii. Agriculture, Plant Varieties, and IP*

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IUCN Environmental Law Programme, Gerald Moore and Witold Tymowski, [Explanatory Guides to the International Treaty on Plant Genetic Resources for Food and Agriculture](http://data.iucn.org/dbtw-wpd/edocs/EPLP-057.pdf) (<http://data.iucn.org/dbtw-wpd/edocs/EPLP-057.pdf>) covers all the nuances of the Treaty in far more depth than most other sources. It includes practical points as well as excellent background.

National Agricultural Law Center, [International Agricultural Law and Organizations](http://nationalaglawcenter.org/readingrooms/internationallaw/) (<http://nationalaglawcenter.org/readingrooms/internationallaw/>) serves as a clearinghouse on the topic. It is particularly useful because of the precise scope of much of the content. It also links to case law and bibliographies on the topic.

### **c. International Copyright Law**

[Compleat World Copyright web site](http://www.compilerpress.ca/CW/index.htm) (<http://www.compilerpress.ca/CW/index.htm>) organizes articles on the web by major copyright scholars by author, country, institute, and journal.

University of Iowa College of Law Library, [Foreign, Comparative, and International Copyright Materials](http://libguides.law.uiowa.edu/content.php?pid=255321&sid=2108125), (<http://libguides.law.uiowa.edu/content.php?pid=255321&sid=2108125>) is an excellent guide with links to not only treaties and print sources, but also relevant specialized journals.

#### *i. Art, Cultural Property, and IP*

DePaul University College of Law, [Center for Art, Museum, & Cultural Heritage Law, Cultural Heritage Law Internet Resources](http://www.law.depaul.edu/centers_institutes/art_museum/internet_resources.asp) ([http://www.law.depaul.edu/centers\\_institutes/art\\_museum/internet\\_resources.asp](http://www.law.depaul.edu/centers_institutes/art_museum/internet_resources.asp)) includes primarily cultural property and cultural heritage links, but also includes blogs and other online resources that cover international art law topics that touch on intellectual property.

Georgetown Law Library, [Art Law Research Guide](http://www.law.georgetown.edu/library/research/guides/artlaw.cfm) (<http://www.law.georgetown.edu/library/research/guides/artlaw.cfm>) includes some United States-specific content, but also a substantial number of international links and references.

HG.org, Global Legal Resources, [Art and Culture Law](http://www.hg.org/art.html), (<http://www.hg.org/art.html>) does an excellent job of looking at both foreign and international regional art law issues, including relevant links to publications, organizations, and articles.

Peace Palace Library, [Cultural Heritage](http://www.peacepalacelibrary.nl/research-guides/public-international-law-special-topics/cultural-heritage/), (<http://www.peacepalacelibrary.nl/research-guides/public-international-law-special-topics/cultural-heritage/>) is an extraordinarily rich repository of content. Much of it is hidden, under the grey tabs right above the text. The site includes an extensive bibliography, new titles, databases, blogs and numerous other links.

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#### **d. International Trademark Law**

Vicenç Feliú, [International Trademark Law - The Madrid System](http://www.nyulawglobal.org/globalex/International_Trademark_Law.htm) ([http://www.nyulawglobal.org/globalex/International\\_Trademark\\_Law.htm](http://www.nyulawglobal.org/globalex/International_Trademark_Law.htm)) provides a brief look at the practical aspects of the Madrid Protocol and includes a selective bibliography.

International Center for Trade and Sustainable Development (ICTSD) and United Nations Conference on Trade and Development (UNCTAD), IPRsonline.org, [General Resources on IPRs](http://www.iprsonline.org/resources/iprs.htm) (<http://www.iprsonline.org/resources/iprs.htm>) includes online reports, articles, and web sites from 1989. It also subject indexing to limit searches to narrower topics, including traditional knowledge, biodiversity, and human rights.

#### **e. Trade and IP**

University of California, Hastings College of the Law Library, [Introduction to TRIPs](http://librarysource.uchastings.edu/library/guides/foreign-and-international-research/intl-prop-trips.html), (<http://librarysource.uchastings.edu/library/guides/foreign-and-international-research/intl-prop-trips.html>) includes bibliographies of books, articles, and documents related to intellectual property, world trade, the TRIPS Agreement, regional, and national issues.

Graham Dutfield, [Literature Survey on Intellectual Property Rights and Sustainable Human Development](http://www.iprsonline.org/unctadictsd/docs/GDutfield_LiteratureSurveyOnIP_April2003.pdf) ([http://www.iprsonline.org/unctadictsd/docs/GDutfield\\_LiteratureSurveyOnIP\\_April2003.pdf](http://www.iprsonline.org/unctadictsd/docs/GDutfield_LiteratureSurveyOnIP_April2003.pdf)) is a 115-page bibliography covering intellectual property rights and sustainable human development compiled in April 2003.

#### **f. Arbitration, Mediation, and IP**

WIPO, [WIPO Arbitration and Mediation Center](http://www.wipo.int/amc/en/), (<http://www.wipo.int/amc/en/>) includes answers to frequently asked questions, sample clauses, and a discussion of mediation in the case of film, art, and domain name disputes.

Peace Palace Library, [Settlement of International Disputes](http://www.peacepalacelibrary.nl/research-guides/settlement-of-international-disputes/) (<http://www.peacepalacelibrary.nl/research-guides/settlement-of-international-disputes/>) is a launchpad for three different pathfinders that cover international arbitration, the International Court of Justice, and international dispute settlement. Each of the three has extensive bibliographies and aggregations of links.

#### **g. Traditional Knowledge and IP**

KivuNature, [A Guide to Traditional Knowledge Resources](http://www.kivu.com/?page_id=354) ([http://www.kivu.com/?page\\_id=354](http://www.kivu.com/?page_id=354)) includes a vast number of links to books and articles on traditional knowledge, primarily from the

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perspective of indigenous peoples. It also includes links to websites of indigenous peoples that touch on traditional knowledge.

WIPO, [Traditional Knowledge, Genetic Resources, and Traditional Cultural Expressions/Folklore](http://www.wipo.int/tk/en/igc/index.html) (<http://www.wipo.int/tk/en/igc/index.html>) is the first page of a vast storehouse of information on traditional knowledge as well as the repository for the documents of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore.

## **h. Geographical Indications**

Food and Agriculture Organization, [Linking People, Places, and Products](http://www.fao.org/docrep/013/i1760e/i1760e.pdf), (<http://www.fao.org/docrep/013/i1760e/i1760e.pdf>) is an exhaustive look at geographic indications. The 189 page document includes case studies and analysis in addition to covering all the basics of the area.

International Trade Centre, [Guide to Geographical Indications](http://www.intracen.org/Guide-to-Geographical-Indications-Linking-Products-and-their-Origins/), (<http://www.intracen.org/Guide-to-Geographical-Indications-Linking-Products-and-their-Origins/>), is a tome on the topic of geographical indications. It includes the basics as well as statistics and charts supporting the pro-business perspective of the publication.

## **IV. General Search Strategies**

For the purposes of this guide, there are two goals of research. The first goal is to find a specific document or set of documents. The other seeks background information on a topic. The former goal is better suited to electronic research and techniques if the source is comparatively recent. Many of the links below link to multilateral agreements, preparatory documents, and in some cases, national laws and cases. Most major treaties and agreements are online and freely accessible. If you are seeking a pre-1990 document other than a major agreement, a good place to start is with a print source that gives a citation to where the document appears in print. Footnotes in academic journal articles can be of particular use in finding such citations. For more recent documents, or more important older documents, using a search engine such as [Google](http://www.google.com) (<http://www.google.com>) might help find the document. When using [Google](http://www.google.com) or any other search engine, it is important to check the source of the document. The first step is to note the final three letters in the main address, such as whether the domain you are at ends with ".com", ".org", or ".edu". In many cases ".int", ".gov", ".org", and ".edu" are considered more reliable domains than ".com" domains, in part because they are not commercial ventures. In addition, do not rely on the text of a document found on the Internet in a legal proceeding unless it was from a particularly trusted source. It is possible the document was poorly scanned, the text was not compared to the original source, the version posted was an outdated draft, or that document has numerous other flaws.

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When seeking background information on a topic, it is often best to start with print sources. If you have a local library, some time checking their catalog and reading the book or articles they have can get you the answer faster than searching the Internet. One useful research strategy is to set a fixed time for Internet research. If you have not found the answer in that period, try a local library or bookstore. Often hours can be spent on the Internet fruitlessly searching for something that is not there.

When looking for books, one way to narrow your search is to use subject headings. If you are interested in recent international trademark law, limiting the subject to including the word TRADEMARK will help quickly narrow your search. As different countries often use different terms for specific legal constructs, such as trademark, if you are seeking books in a non-US database, it would make sense to first determine the likely subject headings for the books you are seeking in the local language and legal terminology.

When looking for periodical articles, there are several ways to start your search. Although searching with [Google](http://www.google.com) or another search engine is one way to find articles, often a better way is to use a commercial periodical index. The benefit of both the print and online indexes is that an editor has described what topics the article covers. When using an online index, the first step is to determine what terms best define the topic and then use those index terms as part of the search. Since most legal periodical articles are indexed in general indexes, the same databases can be used for research on a variety of topics. One starting point for finding legal periodical articles using indexes is the ASIL Guide to Electronic Resources for International Law: [International Environmental Law Chapter](http://www.asil.org/env1.cfm) (<http://www.asil.org/env1.cfm>).

Once one relevant book, article, or bibliography (print or electronic) is found, the footnotes therein will likely lead to additional useful materials. If you are using the Internet to find relevant articles or books on a narrow topic and you do not have access to a commercial legal periodical index, another way to approach the same challenge is to go to a search engine and enter your search terms along with the word “bibliography” or “resources.”

## **V. Primary Sources**

The major sources of international intellectual property law are treaties and other international agreements. As with many other legal areas, intellectual property is touched on by agreements on patents, trademarks, copyright, trade, antitrust, licensing practices, civil procedure, and other areas. In addition to treaties, other sources of international law that touch on intellectual property include customary law, general principles of law, judicial decisions, and the teachings of the most highly qualified publicists of the various nations ([Article 38 of the Statute of the International Court of Justice](http://www.icj-cij.org/documents/) (<http://www.icj-cij.org/documents/>)).

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## **a. Internet Sources**

### **A. The United Nations (UN)**

The United Nations is a huge family of interlocking international organizations with frequent overlaps within areas of substantive law, such as intellectual property. Several organizations within the United Nations work in areas that directly affect international treatment of intellectual property. The primary three organizations are the World Intellectual Property Organization (WIPO), the UN Educational, Scientific, & Cultural Organization (UNESCO), and the UN Conference on Trade and Development (UNCTAD). Additional UN Specialized Agencies that have an interest in intellectual property laws include the International Telecommunications Union (ITU), the UN Food and Agriculture Organization (FAO), and the International Union for the Protection of New Varieties of Plants (UPOV). Many of these agencies have an extensive presence on the Internet, including the texts of treaties, working papers, and related documents. For a gateway to all the UN organizations, the best place to start is the [Official Web Site Locator for the United Nations System of Organizations](http://www.unsystem.org/) (<http://www.unsystem.org/>). The relevant UN entities listed below are organized with the most IP content-rich sites first and more basic links for the more tangentially-related sites later. For a deeper discussion of United Nations electronic resources in general, see the ASIL Guide to Electronic Resources for International Law: [United Nations Chapter](http://www.asil.org/un1.cfm) (<http://www.asil.org/un1.cfm>).

### **B. World Intellectual Property Organization (WIPO)**

Within the United Nations, the most relevant organization is almost certainly the [World Intellectual Property Organization](http://www.wipo.int/portal/index.html.en) (<http://www.wipo.int/portal/index.html.en>), an organization that has existed under various names for over 100 years, but only became part of the UN as a specialized agency in 1974. It was established by the [Convention Establishing the World Intellectual Property Organization \(WIPO\)](http://www.wipo.int/treaties/en/convention/index.html) (<http://www.wipo.int/treaties/en/convention/index.html>). The member states of WIPO are listed at the [WIPO web site](http://www.wipo.int/members/en/) (<http://www.wipo.int/members/en/>). Their web site has a wealth of information, including numerous [intellectual property treaty texts](http://www.wipo.int/treaties/en/) (<http://www.wipo.int/treaties/en/>) such as the [WTO-WIPO Cooperation Agreement](http://www.wto.org/english/tratop_e/trips_e/wtowip_e.htm) ([http://www.wto.org/english/tratop\\_e/trips\\_e/wtowip\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/wtowip_e.htm)) and the [Patent Cooperation Treaty](http://www.wipo.int/pct/en/texts/index.htm) (<http://www.wipo.int/pct/en/texts/index.htm>). For practical content on fees, forms and statistics related to the Patent Cooperation Treaty, there is a [dedicated part of the WIPO web site](http://www.wipo.int/patentscope/en/) (<http://www.wipo.int/patentscope/en/>).

Patent and trademark classifications are discussed at <http://www.wipo.int/classifications/en/>, notably the latest [International Patent Classification](http://web2.wipo.int/ipcpub/), (<http://web2.wipo.int/ipcpub/>), earlier editions, and the [International Classification for Industrial Designs under the Locarno](#)

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[Agreement](http://www.wipo.int/classifications/nivilo/locarno/index.htm)(http://www.wipo.int/classifications/nivilo/locarno/index.htm). For a concordance between International Patent Classification and United States Patent Classification, see the United States Patent and Trademark Office's [concordance](http://www.uspto.gov/web/patents/classification/)(http://www.uspto.gov/web/patents/classification/). The same [site](http://www.uspto.gov/web/patents/classification/) (http://www.uspto.gov/web/patents/classification/) also includes conversion between the United States industrial design protection classification and the [Locarno classification scheme](http://www.wipo.int/classifications/nivilo/locarno/index.htm)(http://www.wipo.int/classifications/nivilo/locarno/index.htm).

WIPO has also established an [Arbitration and Mediation Center](http://www.wipo.int/amc/en/index.html) (http://www.wipo.int/amc/en/index.html). The web site includes [WIPO Arbitration Rules](http://www.wipo.int/amc/en/arbitration/rules/index.html) (http://www.wipo.int/amc/en/arbitration/rules/index.html) and [WIPO Mediation Rules](http://www.wipo.int/amc/en/mediation/rules/index.html)(http://www.wipo.int/amc/en/mediation/rules/index.html). This site also includes lists of arbitrators and mediators, recommended contract clauses, and in the case of arbitration, distinct [WIPO Expedited Rules](http://www.wipo.int/amc/en/arbitration/expedited-rules/index.html) (http://www.wipo.int/amc/en/arbitration/expedited-rules/index.html). For those with cases before WIPO, they have the [WIPO Electronic Case Facility \(ECAF\)](http://www.wipo.int/amc/en/ecaf/introduction.jsp)(http://www.wipo.int/amc/en/ecaf/introduction.jsp).

The WIPO web site is also an excellent source of information and position papers on [traditional knowledge](http://www.wipo.int/tk/en/index.html)(http://www.wipo.int/tk/en/index.html) and on [Internet domain name issues](http://www.wipo.int/amc/en/index.html) (http://www.wipo.int/amc/en/index.html). WIPO is one of a few Uniform Domain Name Dispute Resolution Policy (UDRP) service providers. The [WIPO decisions](http://www.wipo.int/amc/en/domains/decisions.html) are posted on their web site (http://www.wipo.int/amc/en/domains/decisions.html). Commercial sources for WIPO decisions include LEXIS: trdmrk;wipodd (2000-) and WESTLAW: udrp-arb (2000-). There are other UDRP service providers, and they are all administered by the [Internet Corporation for Assigned Names and Numbers \(ICANN\)](http://www.icann.org/) (http://www.icann.org/) also more fully discussed [below](#).

WIPO is also a tremendous resource for national intellectual property laws, most notably with [Collection of Laws for Electronic Access \(CLEA\)](http://www.wipo.int/clea/en/) (http://www.wipo.int/clea/en/). Another national domestic resource the WIPO web site offers is the [Directory of Intellectual Property Offices](http://www.wipo.int/directory/en/urls.jsp) (http://www.wipo.int/directory/en/urls.jsp).

Finally, although largely beyond the scope of this article, the WIPO web site has the vast [Intellectual Property Digital Library \(IPDL\)](http://www.wipo.int/ipdl/en/index.jsp)(http://www.wipo.int/ipdl/en/index.jsp), which includes a searchable database of works submitted under various WIPO treaties including PCT (Patents), Madrid (Trademarks), Hague (Industrial Designs), Article 6ter (State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations). The contents of the IPDL are spelled out on this excellent [scope](http://www.wipo.int/ipdl/en/resources/content.jsp) page (http://www.wipo.int/ipdl/en/resources/content.jsp)

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### **C. United Nations Educational, Scientific, and Cultural Organization (UNESCO)**

Unlike WIPO, [United Nations Educational, Scientific and Cultural Organization \(UNESCO\)](http://www.unesco.org/new/en/unesco/) (<http://www.unesco.org/new/en/unesco/>) was a specialized agency of the UN from the UN's inception in 1945. UNESCO has an extremely broad scope, from rebuilding classrooms in devastated countries to preserving cultural sites around the world. At the same time, since the protection of culture is within UNESCO's scope, it touches on museums, arts, world heritage, and copyright. Copyright issues within UNESCO are dealt with in the Culture Sector's Division of Arts and Cultural Enterprise. UNESCO's involvement in copyright goes back to the 1952 [Universal Copyright Convention](http://www.unesco.org/culture/en) (<http://www.unesco.org/culture/en>).

More recently, UNESCO's focus has been on digital technologies and preventing piracy, particularly through education and public awareness campaigns. UNESCO's web site includes a [wide array of legal instruments](http://portal.unesco.org/culture/en/) (<http://portal.unesco.org/culture/en/>). Of particular interest to IP researchers, beyond the legal instruments is the UNESCO [e-Copyright Bulletin](http://portal.unesco.org/culture/en/), offered in five languages, (<http://portal.unesco.org/culture/en/>) and the splendid [Collection of National Copyright Laws](http://portal.unesco.org/culture/en/) (<http://portal.unesco.org/culture/en/>).

In addition, UNESCO has a publishing arm and has started publishing e-books, the first of which is [Copyright-Engine of Development](http://portal.unesco.org/culture/en/) by Ralph Oman (<http://portal.unesco.org/culture/en/>). Additional UNESCO publications on copyright and neighboring rights are available [here](http://www.unesco.org/new/en/unesco/resources/online-materials/publications/unesdoc-database/) (<http://www.unesco.org/new/en/unesco/resources/online-materials/publications/unesdoc-database/>).

### **D. United Nations Conference on Trade and Development (UNCTAD)**

Established in 1964, the [United Nations Conference on Trade and Development \(UNCTAD\)](http://unctad.org/en/Pages/Home.aspx) (<http://unctad.org/en/Pages/Home.aspx>) has the goal of integrating the developed and less developed countries of the world into the global economy. As such, it has a very useful intellectual property portal on intellectual property rights and sustainable development called [IPRsonline](http://www.iprsonline.org/) (<http://www.iprsonline.org/>). This site includes links to guides on various IP rights, IP proposals submitted to the [WTO](http://www.wto.org/), discussion papers, and links to texts of regional free trade agreements. Some of the materials appear to come from the [International Centre for Trade and Sustainable Development \(ICTSD\)](http://www.ictsd.org/) (<http://www.ictsd.org/>), an independent non-governmental organization.

### **E. United Nations Food and Agriculture Organization (FAO)**

Along with UNESCO, the [United Nations's Food and Agriculture Organization](http://www.fao.org/index_en.htm) ([http://www.fao.org/index\\_en.htm](http://www.fao.org/index_en.htm)) was founded as part of the UN's inception in 1945. Although largely focused on issues related to hunger, its pronouncements also affect intellectual property, particularly in the area of biotechnology and agriculture, including genetically modified organisms

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(GMOs). An FAO conference approved the [International Treaty on Plant Genetic Resources for Food and Agriculture](http://www.planttreaty.org/content/texts-treaty-official-versions) (http://www.planttreaty.org/content/texts-treaty-official-versions) through Resolution 3/2001 and now has the 40 signatories required for implementation. The FAO also drafted its predecessor, the 1983 [International Undertaking on Plant Genetic Resources for Food and Agriculture](http://www.fao.org/ag//CGRFA/iu.htm) (http://www.fao.org/ag//CGRFA/iu.htm). In collaboration with the [Consultative Group on International Agricultural Research \(CGIAR\)](http://www.cgiar.org/) (http://www.cgiar.org/), the FAO offers an easy way of searching the FAO and related sites called [Info Finder](http://waicent.fao.org/cgiar/home_form.asp) (http://waicent.fao.org/cgiar/home\_form.asp).

#### **F. International Union for the Protection of New Varieties of Plants (UPOV)**

The [International Union for the Protection of New Varieties of Plants \(UPOV\)](http://www.upov.org/index_en.html) (http://www.upov.org/index\_en.html) is an inter-governmental organization (IGO) within the structure of the UN, established as part of the [International Convention for the Protection of New Varieties of Plants](http://www.upov.org/en/publications/conventions/index.html), (http://www.upov.org/en/publications/conventions/index.html) in 1961. The [UPOV web site](http://www.upov.org/index_en.html)(http://www.upov.org/index\_en.html) includes meeting schedules, position papers, news of accessions to the UPOV Convention, statistics, and a list of technical and legal publications for sale. Of particular interest is the [National Plant Variety Protection Laws page](http://www.upov.org/en/publications/npvlaws/index.htm) (http://www.upov.org/en/publications/npvlaws/index.htm) that includes the texts of national and EU laws on the topic.

#### **G. United Nations Environment Program (UNEP) Secretariat of the Convention on Biological Diversity (CBD)**

The [Secretariat of the Convention on Biological Diversity](http://www.cbd.int/default.shtml) (http://www.cbd.int/default.shtml) was formed under the auspices of the United Nations in 1992 as part of the implementation of the [Convention on Biological Diversity](http://www.cbd.int/convention/convention.shtml)(http://www.cbd.int/convention/convention.shtml). The web site touches on intellectual property in the contexts of access to genetic resources, traditional knowledge, and genetic use restriction technologies. The primary content of the web site is [Decisions of the Conference of the Parties](http://www.cbd.int/decisions) (http://www.cbd.int/decisions) and [official documents](http://www.cbd.int/information/library.shtml) (http://www.cbd.int/information/library.shtml).

#### **H. International Telecommunications Union (ITU)**

The [International Telecommunications Union \(ITU\)](http://www.itu.int/en/pages/default.aspx) (http://www.itu.int/en/pages/default.aspx) is almost 140 years old and became a UN specialized agency in 1947. It deals with technological and policy issues related to global telecommunications networks and services, including radio, television, cellular, broadband, and other spectrum issues. While it is not as directly related to intellectual property as some of the organizations discussed above, the web site does include a fair amount of

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technical information and such expertise is useful in supplementing the legal pronouncements of the WIPO and others.

## **I. United Nations Economic Commission for Europe (UNECE)**

The [United Nations Economic Commission for Europe \(UNECE\)](http://www.unece.org/) (<http://www.unece.org/>) was set up in 1947 by the [UN Economic and Social Council \(ECOSOC\)](http://www.un.org/en/ecosoc/) (<http://www.un.org/en/ecosoc/>) as one of the five UN regional commissions. As such, UNECE's goal is greater regional economic integration. The other four [regional commissions for development](http://www.un.org/en/development/index.shtml) (<http://www.un.org/en/development/index.shtml>) have less focus on intellectual property issues.

## **J. World Health Organization (WHO)**

The [World Health Organization \(WHO\)](http://www.who.int/en/) (<http://www.who.int/en/>) was one of the original UN specialized agencies, set up in 1948. Within the WHO, there is a more recent interest in the relationship between intellectual property and health. In 2003, the World Health Assembly established the [Commission on Intellectual Property Rights, Innovation and Health \(CIPIH\)](http://www.who.int/intellectualproperty/en/) (<http://www.who.int/intellectualproperty/en/>). The CIPIH web site includes a [section dedicated to recent studies](http://www.who.int/intellectualproperty/studies/en/) (<http://www.who.int/intellectualproperty/studies/en/>) as well as related [World Health Assembly documents](http://www.who.int/intellectualproperty/documents/en/) (<http://www.who.int/intellectualproperty/documents/en/>).

## **2. Other International Organizations**

### **A. World Trade Organization (WTO)**

The [World Trade Organization \(WTO\)](http://www.wto.org/) (<http://www.wto.org/>) is an autonomous intergovernmental body under the aegis of the UN. Its goal is the creation of rules of trade between nations and groups of nations (such as the European Union). The WTO was founded in 1995 as part of the [Marrakesh Agreement Establishing the World Trade Organization](http://www.wto.org/english/docs_e/legal_e/legal_e.htm) ([http://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm](http://www.wto.org/english/docs_e/legal_e/legal_e.htm)). The 1995 Marrakesh Agreement was negotiated during the Uruguay Round which took place between 1986 and 1994. The WTO currently has 146 member nations and regional organizations. It serves numerous functions including administering the Uruguay Round trade agreements, facilitating trade dispute resolution, and surveying member nation trade policies.

Although the WTO's scope is far broader than just intellectual property, a substantial portion of its work involves the [Trade-Related Aspects of Intellectual Property Rights \(TRIPS\)](http://www.wto.org/english/docs_e/legal_e/27-trips.pdf) ([http://www.wto.org/english/docs\\_e/legal\\_e/27-trips.pdf](http://www.wto.org/english/docs_e/legal_e/27-trips.pdf)), an Annex to the Marrakesh Agreement. The TRIPS agreement is so important that there is a separate [TRIPS section on the WTO web](#)

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[site](http://www.wto.org/english/tratop_e/trips_e/trips_e.htm)([http://www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/trips_e.htm)). TRIPS addresses how to protect intellectual property through baseline levels of legal protection, how countries should enforce those rights, and how to settle disputes between WTO members. The heart of the WTO web site for primary sources is the [On-line Documents Database](http://www.wto.org/english/docs_e/ddf_e/ddf_e.htm) ([http://www.wto.org/english/docs\\_e/ddf\\_e/ddf\\_e.htm](http://www.wto.org/english/docs_e/ddf_e/ddf_e.htm)). Another essential resource on the WTO web site is the [list of panel, appeal, and arbitration rulings](http://www.wto.org/english/tratop_e/dispu_e/distabase_e.htm)([http://www.wto.org/english/tratop\\_e/dispu\\_e/distabase\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/distabase_e.htm)). These reports are also available on LEXIS: ITRADE;WTODS (1996-) and WESTLAW: WTO-DEC (1996-).

In addition to the TRIPS Agreement, the WTO has more recently promulgated the [Doha Ministerial Declaration](http://www.wto.org/english/thewto_e/minist_e/min01_e/min01_e.htm)([http://www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/min01\\_e.htm](http://www.wto.org/english/thewto_e/minist_e/min01_e/min01_e.htm)) which, in part, discusses world trade, less developed countries, and the pharmaceuticals sector, particularly as they relate to patent and patent licensing issues. Information about subsequent implementation of the Doha Ministerial Declaration can be found [here](http://www.wto.org/english/tratop_e/dda_e/dda_e.htm) ([http://www.wto.org/english/tratop\\_e/dda\\_e/dda\\_e.htm](http://www.wto.org/english/tratop_e/dda_e/dda_e.htm)).

Due to the complexity of determining the relationship between WTO and WIPO, there is a separate [WTO-WIPO Cooperation Agreement](http://www.wto.org/english/tratop_e/trips_e/wtowip_e.htm)([http://www.wto.org/english/tratop\\_e/trips\\_e/wtowip\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/wtowip_e.htm)).

## **B. Internet Corporation for Assigned Names and Numbers (ICANN)**

The [Internet Corporation for Assigned Names and Numbers \(ICANN\)](http://www.icann.org) (<http://www.icann.org>) is an international non-profit organization responsible for, among other things, Internet domain name management. It was founded in 1998 based on ideas set out in US Department of Commerce policy documents. ICANN is most directly related to intellectual property when there is a conflict between a registered Internet domain name and trademark holder of a related mark. For such disputes, ICANN has a [Uniform Domain-Name Dispute Resolution Policy \(UDRP\)](http://www.icann.org/en/help/dndr/udrp) (<http://www.icann.org/en/help/dndr/udrp>) and [Rules for the Policy](http://www.icann.org/en/help/dndr/udrp/rules)(<http://www.icann.org/en/help/dndr/udrp/rules>). To arbitrate these disputes, ICANN maintains a list of [Approved Dispute Resolution Service Providers](http://www.icann.org/en/help/dndr/udrp/providers) (<http://www.icann.org/en/help/dndr/udrp/providers>) (one of which is WIPO). The decisions and proceedings of each service provider are available at their separate sites [linked to by ICANN](http://www.icann.org/en/help/dndr/udrp/providers) (<http://www.icann.org/en/help/dndr/udrp/providers>). In addition, ICANN itself offers [aggregated searches](http://www.icann.org/en/help/dndr/udrp/proceedings) (<http://www.icann.org/en/help/dndr/udrp/proceedings>). They are also available on WESTLAW: udrp-arb (2000-).

## **C. Organisation for Economic Co-operation and Development (OECD)**

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The [Organisation for Economic Co-operation and Development \(OECD\)](http://www.oecd.org/) (<http://www.oecd.org/>) is an organization of thirty member nations committed to democracy and market economies. It grew out of the post-World War II Marshall Plan as a way of distributing aid for the rebuilding of Europe. The OECD has a [Directorate for Science, Technology, and Industry](http://www.oecd.org/department/) (<http://www.oecd.org/department/>) that investigates how intellectual property rights and models affect economic development. The OECD conducts ministerial conferences, workshops, and seminars on a wide range of topics, from publicly funded research to patent policy.

#### **D. Hague Conference on Private International Law (Hague Conference)**

The [Hague Conference on Private International Law \(Hague Conference\)](http://www.hcch.net/index_en.php) ([http://www.hcch.net/index\\_en.php](http://www.hcch.net/index_en.php)), founded in 1893 and made permanent in 1955, is an intergovernmental organization dedicated to unifying private international law. As such, it deals with an extraordinarily wide range of private international law issues. Among them is a [Convention on Choice of Court Agreements](http://www.hcch.net/index_en.php?act=conventions.text&cid=98) ([http://www.hcch.net/index\\_en.php?act=conventions.text&cid=98](http://www.hcch.net/index_en.php?act=conventions.text&cid=98)) that covers issues related to the international licensing of intellectual property. The Convention has not yet entered into force anywhere.

#### **E. Trilateral Co-operation**

In 1983, the United States Patent and Trademark Office, the Japanese Patent Office, and the European Patent Office started a joint venture to coordinate aspects of their administrative functions. It has more recently been working towards developing a worldwide patent-granting system. As part of the Trilateral Co-operation, the three offices have recently created a new [Trilateral Web Site](http://www.trilateral.net/) (<http://www.trilateral.net/>). Not all the content related to the Trilateral Co-operation is on the main web site.

To facilitate data exchanges between the three offices, the three patent offices developed the [Common Application Format \(CAF\)](http://www.trilateral.net/projects/pct/CAF.html) (<http://www.trilateral.net/projects/pct/CAF.html>). The online version also includes [Annex I: Common Requirements for All Types of Documents](http://www.trilateral.net/projects/pct/CAF/annex1.pdf) (<http://www.trilateral.net/projects/pct/CAF/annex1.pdf>) and [Annex II: Comparative Table of Examples for Each Type of the Applications](http://www.trilateral.net/projects/pct/CAF/annex2.pdf) (<http://www.trilateral.net/projects/pct/CAF/annex2.pdf>)

### **3. Regional Organizations**

International organizations with their ambitions of global intellectual property harmonization face extreme challenges due to the diversity of nations, their differing economic situations, and their multitude of legal histories. Regional organizations, which are often groups of similarly-situated nations, are often in a better position to bridge national legal differences in intellectual property laws

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in ways that international organizations and wide-ranging multilateral treaties cannot.

## **A. Regional Africa**

### *i. African Intellectual Property Organization (OAPI)*

The [African Intellectual Property Organization \(OAPI\)](http://www.oapi.int) (<http://www.oapi.int>) was created by the 1977 [Bangui Agreement](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?treaty_id=227) ([http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?treaty\\_id=227](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?treaty_id=227)) and includes 16 primarily French-speaking African nations seeking to harmonize their industrial property systems. Up until 1962, many of the member nations were governed by French patent law. From 1962 to 1977, a slightly different group of nations was governed by the Libreville Agreement. OAPI is linked to ARIPO, the other major African regional IP organization, and WIPO through the [Quadripartite Agreement](http://www.wipo.int/africa/en/partners_org/quadripartite/index.html) ([http://www.wipo.int/africa/en/partners\\_org/quadripartite/index.html](http://www.wipo.int/africa/en/partners_org/quadripartite/index.html)).

### *ii. African Regional Industrial Property Organization (ARIPO)*

[African Regional Industrial Property Organization \(ARIPO\)](http://www.aripo.org/) (<http://www.aripo.org/>), created by the 1976 [Lusaka Agreement](http://www.wipo.int/wipolex/en/other_treaties/) ([http://www.wipo.int/wipolex/en/other\\_treaties/](http://www.wipo.int/wipolex/en/other_treaties/)), is composed of many of the English-speaking African countries. ARIPO was formed to coordinate the industrial property systems of the members. The [Harare Protocol](http://www.wipo.int/wipolex/en/other_treaties/) ([http://www.wipo.int/wipolex/en/other\\_treaties/](http://www.wipo.int/wipolex/en/other_treaties/)) governs patents and industrial designs. The [Banjul Protocol](http://www.wipo.int/wipolex/en/other_treaties/) ([http://www.wipo.int/wipolex/en/other\\_treaties/](http://www.wipo.int/wipolex/en/other_treaties/)) governs trademarks. ARIPO is linked to OAPI, the other major African regional IP organization, and WIPO through the [Quadripartite Agreement](http://www.wipo.int/africa/en/partners_org/quadripartite/index.html) ([http://www.wipo.int/africa/en/partners\\_org/quadripartite/index.html](http://www.wipo.int/africa/en/partners_org/quadripartite/index.html)).

### *iii. Pan-African IP Office (PAIPO)*

As of early February 2013, the African Union is moving ahead with the merging of OAPI and ARIPO into PAIPO. It is unclear how quickly the process of merging will proceed. There are substantial hurdles ahead and no website exists as of now.

## **B. Regional - Asia**

### *i. Asia-Pacific Economic Cooperation (APEC)*

[Asia-Pacific Economic Cooperation \(APEC\)](http://www.apec.org/) (<http://www.apec.org/>) is a 21 member regional free trade association not based on any treaty or agreement. Its primary goals since its establishment in 1989 are related to trade and economic development, including tariff reduction. One of the groups within APEC is the [APEC Intellectual Property Rights Experts Group \(APEC-IPEG\)](http://www.apecipeg.org/) (<http://www.apecipeg.org/>) which helps countries with TRIPS implementation. APEC-IPEG also has discussed harmonization of IP issues such as protection of traditional knowledge including

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genetic resources.

*ii. Association of Southeast Asian Nations (ASEAN)*

The [Association of Southeast Asian Nations \(ASEAN\)](http://www.asean.org/) (http://www.asean.org/), founded in 1967, is a broad organization of ten member nations of Southeast Asia. They have developed the [ASEAN Framework Agreement on Intellectual Property Cooperation](http://www.asean.org/asean/asean-summit/) (http://www.asean.org/asean/asean-summit/). To determine each member country's TRIPS compliance, the ASEAN web site has a [national compliance chart](http://www.asean.org/images/2012/Economic/sectoral_aem/service/agreement/) (http://www.asean.org/images/2012/Economic/sectoral\_aem/service/agreement/). ASEAN also coordinated with European organizations in the [EC-ASEAN Intellectual Property Rights Cooperation Programme \(ECAP III\)](http://www.ecap-project.org/) (http://www.ecap-project.org/).

**C. Regional – Americas**

*i. Organization of the American States (OAS)*

The [Organization of American States \(OAS\)](http://www.oas.org/en/) (http://www.oas.org/en/) is a regional organization formed in 1948 by the [Charter of the Organization of American States](http://www.oas.org/en/about/who_we_are.asp) (http://www.oas.org/en/about/who\_we\_are.asp). It now has 35 member nations dedicated to a wide range of goals, including promoting democracy, furthering the peace process, and defending human rights. In 1995, the OAS formed the [Trade Unit](http://www.sice.oas.org) (http://www.sice.oas.org) that addresses free trade issues in the region. The Trade Unit has a [specialized intellectual property webpage](http://www.sice.oas.org/int_prop/int_prop_e.asp) (http://www.sice.oas.org/int\_prop/int\_prop\_e.asp) with [links to national legislation](http://www.sice.oas.org/int_prop/ipnale.asp) (http://www.sice.oas.org/int\_prop/ipnale.asp) and [national intellectual property authorities](http://www.sice.oas.org/int_prop/ip_dir.asp) (http://www.sice.oas.org/int\_prop/ip\_dir.asp). The OAS web site also includes a [webpage](http://www.sice.oas.org/tpd/ftaa/ftaa_e.asp) (http://www.sice.oas.org/tpd/ftaa/ftaa\_e.asp) about the Free Trade Agreement of the Americas (FTAA), which includes intellectual property. The FTAA is discussed separately [below](#).

*ii. Common Market of the South – Mercado Sur (MERCOSUR)*

[MERCOSUR/MERCOSUL](http://www.mercosur.int/) (http://www.mercosur.int/), formed in 1991, is a group of four South American countries committed to forming a common market based on the Treaty of Asuncion. Member states have adopted the [Protocol for Harmonization of Intellectual Property Rights, Trademarks, and Origins](http://www.sice.oas.org/Trade/MRCSRS/Decisions/dec0895.asp) (http://www.sice.oas.org/Trade/MRCSRS/Decisions/dec0895.asp) (in Spanish). Other MERCOSUR documents are available on the [main web site](http://www.mercosur.int/) (http://www.mercosur.int/) in Spanish and Portuguese.

*iii. North American Free Trade Agreement (NAFTA) Secretariat*

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The [North American Free Trade Agreement \(NAFTA\) Secretariat](http://www.nafta-sec-alena.org/en/view.aspx?x=202) (<http://www.nafta-sec-alena.org/en/view.aspx?x=202>) was formed as part of the [North American Free Trade Agreement \(NAFTA\)](http://www.nafta-sec-alena.org/en/view.aspx?x=343) (<http://www.nafta-sec-alena.org/en/view.aspx?x=343>) which came into effect in 1994 with three member states. NAFTA includes the elimination of trade barriers and the creation of a dispute resolution system. The [main web site](http://www.nafta-sec-alena.org/en/view.aspx) (<http://www.nafta-sec-alena.org/en/view.aspx>) includes the [Status of the Dispute Settlement Proceedings](http://www.nafta-sec-alena.org/en/StatusReport.aspx) (<http://www.nafta-sec-alena.org/en/StatusReport.aspx>) and [Panel Decisions and Reports](http://www.nafta-sec-alena.org/en/DecisionsAndReports.aspx?x=312) (<http://www.nafta-sec-alena.org/en/DecisionsAndReports.aspx?x=312>). Although so far the vast majority of the reported disputes involve goods rather than intellectual property, intellectual property is within the scope of NAFTA. NAFTA Panel Review Decisions are also available commercially on LEXIS: intlawnafdec (1995-) and WESTLAW: nafta-bip (1995-).

*iv. Free Trade Area of the Americas (FTAA)*

The [Free Trade Area of the Americas \(FTAA\)](http://www.ftaa-alca.org/alca_e.asp) ([http://www.ftaa-alca.org/alca\\_e.asp](http://www.ftaa-alca.org/alca_e.asp)) is an ongoing project to create a large free trade zone in the Western Hemisphere. It includes [negotiations regarding intellectual property rights](http://www.ftaa-alca.org/ftaadraft02/draft_e.asp#IP) ([http://www.ftaa-alca.org/ftaadraft02/draft\\_e.asp#IP](http://www.ftaa-alca.org/ftaadraft02/draft_e.asp#IP)). The FTAA web site includes [FTAA directives](http://www.ftaa-alca.org/ngroups/ngprop_e.asp) ([http://www.ftaa-alca.org/ngroups/ngprop\\_e.asp](http://www.ftaa-alca.org/ngroups/ngprop_e.asp)) and [links to national intellectual property legislation](http://www.ftaa-alca.org/IntProp/ipnatleg_e.asp) ([http://www.ftaa-alca.org/IntProp/ipnatleg\\_e.asp](http://www.ftaa-alca.org/IntProp/ipnatleg_e.asp)).

*v. Caribbean Community and Common Market (CARICOM)*

The [Caribbean Community and Common Market \(CARICOM\)](http://www.caricom.org/) (<http://www.caricom.org/>) is a regional organization with goals of free trade and integration among Caribbean nations. Although the process started long before, CARICOM came into its current incarnation in 1973. [Article IX of Protocol III amending the Treaty establishing the Caribbean Community includes the addition of Article 44 to the Treaty, covering the Protection of Intellectual Property Rights](http://www.caricom.org/jsp/secretariat/legal_instruments/) ([http://www.caricom.org/jsp/secretariat/legal\\_instruments/](http://www.caricom.org/jsp/secretariat/legal_instruments/)). Other CARICOM laws and cases are available at <http://www.caricomlaw.org/> (<http://www.caricomlaw.org/>).

*vi. Andean Community*

The [Andean Community](http://www.comunidadandina.org/endex.htm) (<http://www.comunidadandina.org/endex.htm>) is a group of countries in northwestern South America that have formed a free trade zone based on the 1969 [Cartagena Agreement](http://www.comunidadandina.org/ingles/normativa/ande_rie1.htm) ([http://www.comunidadandina.org/ingles/normativa/ande\\_rie1.htm](http://www.comunidadandina.org/ingles/normativa/ande_rie1.htm)). The web site includes [treaties and protocols](http://www.comunidadandina.org/ingles/treaties.htm) (<http://www.comunidadandina.org/ingles/treaties.htm>). As the [Cartagena Agreement](http://www.comunidadandina.org/ingles/treaties.htm) includes harmonization of intellectual property laws, the web site also includes [Decisions of the Community](http://www.comunidadandina.org/ingles/treaties.htm) (<http://www.comunidadandina.org/ingles/treaties.htm>), which will occasionally address intellectual property issues.

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## D. Regional – Europe/Eurasian

### *i. European Union (EU)*

The [European Union \(EU\)](http://europa.eu/index_en.htm) ([http://europa.eu/index\\_en.htm](http://europa.eu/index_en.htm)) is a regional organization created in 1958. The EU has numerous goals, including harmonization of internal laws, reduction of internal barriers, creation of a common external tariff, issuance of a common currency, and facilitation of free movement within the EU.

There are numerous areas within the EU's goals that touch on intellectual property, but the most important is the one dedicated to harmonizing internal EU laws, the [Internal Market](http://ec.europa.eu/internal_market/index_en.htm) ([http://ec.europa.eu/internal\\_market/index\\_en.htm](http://ec.europa.eu/internal_market/index_en.htm)). This site divides intellectual property into industrial property (patents and trademarks) and copyright (copyright and neighboring rights). [Industrial property](http://ec.europa.eu/internal_market/indprop/index_en.htm) ([http://ec.europa.eu/internal\\_market/indprop/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/index_en.htm)) includes a special section on the [latest news](http://ec.europa.eu/internal_market/indprop/news/index_en.htm) ([http://ec.europa.eu/internal\\_market/indprop/news/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/news/index_en.htm)). The copyright section has a similar structure with a [main page](http://ec.europa.eu/internal_market/copyright/documents/index_en.htm) ([http://ec.europa.eu/internal\\_market/copyright/documents/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/documents/index_en.htm)) and [the latest news](http://ec.europa.eu/internal_market/copyright/news/index_en.htm) ([http://ec.europa.eu/internal\\_market/copyright/news/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/news/index_en.htm)). Other parts of the [Internal Market page](http://ec.europa.eu/internal_market/index_en.htm) ([http://ec.europa.eu/internal\\_market/index\\_en.htm](http://ec.europa.eu/internal_market/index_en.htm)) link to pages on data protection, e-commerce, and unfair competition. The broader EU site also includes [EU intellectual property policies](http://europa.eu/scadplus/leg/en/s06020.htm) (<http://europa.eu/scadplus/leg/en/s06020.htm>) and covers [EU intellectual property and trade issues](http://ec.europa.eu/trade/creating-opportunities/trade-topics/intellectual-property/index_en.htm) ([http://ec.europa.eu/trade/creating-opportunities/trade-topics/intellectual-property/index\\_en.htm](http://ec.europa.eu/trade/creating-opportunities/trade-topics/intellectual-property/index_en.htm)).

Other parts of the EU web site include [EU intellectual property legislation in force](http://eur-lex.europa.eu/en/repert/1720.htm) (<http://eur-lex.europa.eu/en/repert/1720.htm>), the [official texts of EU copyright documents](http://ec.europa.eu/internal_market/copyright/documents/documents_en.htm) ([http://ec.europa.eu/internal\\_market/copyright/documents/documents\\_en.htm](http://ec.europa.eu/internal_market/copyright/documents/documents_en.htm)) and notice of failure to implement [EU copyright directives](http://ec.europa.eu/internal_market/copyright/infringements/index_en.htm) ([http://ec.europa.eu/internal\\_market/copyright/infringements/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/infringements/index_en.htm)).

Finally, within the EU is a harmonized process for registering [EU trademarks and designs](http://oami.europa.eu/ows/rw/pages/index.en.do) (<http://oami.europa.eu/ows/rw/pages/index.en.do>). On October 1, 2004, the EU joined the [Madrid Protocol](http://www.wipo.int/madrid/en/legal_texts/trtdocs_wo016.html) ([http://www.wipo.int/madrid/en/legal\\_texts/trtdocs\\_wo016.html](http://www.wipo.int/madrid/en/legal_texts/trtdocs_wo016.html)), so community trademarks can now be the basis for international trademark applications. It is relevant to note when searching for information about trademarks that some countries spell it "trademark", while others spell it "trade mark". When researching trademarks in the EU, it is worth starting with the substantial [Frequently Asked Questions concerning the Community trade mark system](http://oami.europa.eu/ows/rw/pages/CTM/FAQ/FAQ.en.do) (<http://oami.europa.eu/ows/rw/pages/CTM/FAQ/FAQ.en.do>). The Office for Harmonization in the Internal Market (OHIM) site also includes [publications](#)

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(<http://oami.europa.eu/ows/rw/pages/OHIM/OHIMPublications.en.do>) as well as the [Community Trade Marks Bulletin](http://oami.europa.eu/ows/rw/pages/CTM/CTMBulletinList.en.do) (<http://oami.europa.eu/ows/rw/pages/CTM/CTMBulletinList.en.do>) and [National Law Relating to the Community Trade Mark](http://oami.europa.eu/ows/rw/pages/CTM/legalReferences/nationalLaw.en.do) (<http://oami.europa.eu/ows/rw/pages/CTM/legalReferences/nationalLaw.en.do>). The site also includes the searchable [Community Trade Mark Consultation Service](http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do) (<http://oami.europa.eu/ows/rw/pages/QPLUS/databases/searchCTM.en.do>) for searching registered marks, and the [Refused Trademarks, Opposition Decisions, Cancellation Decisions, and Boards of Appeal Decisions](http://oami.europa.eu/ows/rw/pages/CTM/caseLaw/caseLaw.en.do) (<http://oami.europa.eu/ows/rw/pages/CTM/caseLaw/caseLaw.en.do>). Along with trademarks, OHIM also oversees the registration of European Community designs. For more information on European Community designs, there are sections on [legal texts](http://oami.europa.eu/ows/rw/pages/RCD/legalReferences/legalReferences.en.do) (<http://oami.europa.eu/ows/rw/pages/RCD/legalReferences/legalReferences.en.do>) and [design case law](http://oami.europa.eu/ows/rw/pages/RCD/caseLaw/caseLaw.en.do) (<http://oami.europa.eu/ows/rw/pages/RCD/caseLaw/caseLaw.en.do>)

To the extent that a case regarding intellectual property arises within the EU, rather than in a national court, the place to check would be the [European Court of Justice \(ECJ\) web site](http://curia.europa.eu/en/content/juris/index.htm) (<http://curia.europa.eu/en/content/juris/index.htm>).

*ii. [United Nations Economic Commission for Europe \(UNECE\)](#)*

*iii. [European Patent Office \(EPO\)](#)*

The [European Patent Office \(EPO\)](http://www.epo.org/index.html) (<http://www.epo.org/index.html>) was created by the 1973 [European Patent Convention](#), subsequently revised with the revised version coming into force December 13, 2007 (<http://www.epo.org/law-practice/legal-texts/epc.html>). The original Convention created a uniform patent system within Europe. The EPO is also part of the [Trilateral Cooperation](#) along with the US Patent and Trademark Office and the Japanese Patent Office. The EPO web site includes [Decisions of the Boards of Appeals](http://www.epo.org/patents/appeals.html) (<http://www.epo.org/patents/appeals.html>). The Decisions of the Enlarged Board of Appeal are available [here](http://www.epo.org/patents/appeals/eba-decisions.html) (<http://www.epo.org/patents/appeals/eba-decisions.html>). EPO Decisions are also available on LEXIS: PATENT;EPOBOA (1979-) and WESTLAW: EPO-RPTS (1979-).

*iv. [Eurasian Patent Organization \(EAPO\)](#)*

The [Eurasian Patent Organization \(EAPO\)](http://www.eapo.org/eng/ea/) (<http://www.eapo.org/eng/ea/>) was created in 1996 by the [Eurasian Patent Convention](http://www.eapo.org/eng/ea/documents/konvenci.html) (<http://www.eapo.org/eng/ea/documents/konvenci.html>), due to the need for such an organization after the fall of the Soviet Union in 1991. The EAPO web site includes [news in English](http://www.eapo.org/eng/news/index.html) (<http://www.eapo.org/eng/news/index.html>) as well as information on [how to get a Eurasian patent](http://www.eapo.org/pdf/HowToGet_ENG_2009-1.pdf) ([http://www.eapo.org/pdf/HowToGet\\_ENG\\_2009-1.pdf](http://www.eapo.org/pdf/HowToGet_ENG_2009-1.pdf)) and [related documents](http://www.eapo.org/eng/ea/documents/) (<http://www.eapo.org/eng/ea/documents/>).

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## **b. Other Electronic Sources of Primary Law**

There are numerous other electronic sources of primary law. Below are just a few of the more reliable and comprehensive free and commercial electronic sources. Due to the rapid change in electronic products, the list below is not intended as a detailed description of the products, but more as a pointer to potentially relevant resources.

Bloomberg [BNA's Intellectual Property Library](http://iplaw.bna.com/iprc/) (<http://iplaw.bna.com/iprc/>) is a commercial subscription based service with primary sources that are very recent and legal intellectual property reporting from around the world.

[Hein Online](http://www.heinonline.org) (<http://www.heinonline.org>) is a commercial subscription database with a [vast number of multilateral treaties to which the US is a party](http://www.heinonline.org/HOL/Index?collection=ustreaties)

(<http://www.heinonline.org/HOL/Index?collection=ustreaties>) as well as [International Legal Materials \(ILM\)](http://www.heinonline.org/HOL/Index?index=journals/intlm&collection=fjournals) (<http://www.heinonline.org/HOL/Index?index=journals/intlm&collection=fjournals>).

[Institute for Information Law at the University of Amsterdam](http://www.ivir.nl/index-english.html), (<http://www.ivir.nl/index-english.html>) offers a [collection of European cases revolving around the sui generis European database right](http://www.ivir.nl/files/database/index.html) (<http://www.ivir.nl/files/database/index.html>).

[International Legal Materials](http://www.asil.org/ilm.cfm) (<http://www.asil.org/ilm.cfm>) is a bi-monthly print publication of the American Society of International Law that includes recent major international documents. ILM is also available on LEXIS (INTLAW; ILM and ILMTY from 1975) and WESTLAW from 1980 (ILM).

[LEXIS](http://www.lexis.com) (<http://www.lexis.com>) is a commercial aggregation of databases that includes thousands of news and law files. It is referred to above in the relevant sections and often has decisions of international tribunals and other dispute resolution panel reports. It has topical arrangements of its databases, so the most useful will likely be listed in LEXIS (COPYRT, PATENT, and TRDMRK libraries and US treaties database (INTLAW;USTRTY), which includes US treaties in force back to 1783.

The [Multilaterals Project](http://www.thecre.com/fedlaw/legal20/multilaterals.htm) (<http://www.thecre.com/fedlaw/legal20/multilaterals.htm>) at the Tufts University's Fletcher School of Law and Diplomacy is a free web site that includes the texts of international multilateral conventions and other instruments. It includes searching by subject, date, and full-text.

Oceana, [TIARA U.S. Treaties Researcher Database](http://www.oceanalaw.com/) (<http://www.oceanalaw.com/>) is a commercial product that includes all US treaties from 1783 – 1990, and a wide array of post-1990 treaties. It is searchable in numerous ways and includes intellectual property treaties.

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[Readex AccessUN](http://infoweb.newsbank.com) (<http://infoweb.newsbank.com>) is a subscription-based product with access restricted to subscribers. It indexes a vast number of UN documents, including reports, Official Records, draft resolutions, the United Nations Treaty Series (UNTS), and much more.

[United Nations Treaty Collection](http://treaties.un.org/) (<http://treaties.un.org/>) is a commercial product from the United Nations. It includes electronic versions of the Status of Multilateral Treaties Deposited with the Secretary-General of the United Nations (and those deposited with the League of Nations) along with various bilateral treaties. The database is searchable by numerous criteria. The licensing agreement for this Collection used to be particularly strict, but has recently been revised.

[WESTLAW](http://www.westlaw.com) (<http://www.westlaw.com>) is a commercial aggregation of databases, quite similar to LEXIS. It brings together a vast number of legal and news databases and includes a wide array of treaties and decisions, as well as secondary sources on international intellectual property. WESTLAW also includes Derwent World Patents Legal (DWPL), Patents Throughout the World (PATWORLD), TRADEMARKSCAN - European Community (IP-EC) and TRADEMARKSCAN - International Register (IP-WIPO).

For additional information on finding treaties in electronic format, see ASIL Guide to Electronic Resources for International Law: [Treaties Chapter](http://www.asil.org/treaty1.cfm) (<http://www.asil.org/treaty1.cfm>).

## **VI. Primary National Legislation and Decisions**

Along with the superb sources above, notably [WIPO's CLEA](http://www.wipo.int/clea/en/) (<http://www.wipo.int/clea/en/>) and [UNESCO's Collection of National Copyright Laws](http://portal.unesco.org/culture/en/) (<http://portal.unesco.org/culture/en/>), there are several other excellent sources for national intellectual property legislation.

University of Alicante, [International Portal of the University of Alicante on Intellectual Property & Information Society](http://www.uaipit.com/en/index.php) (<http://www.uaipit.com/en/index.php>)

[World Legal Information Institute](http://www.worldlii.org/catalog/315.html) (<http://www.worldlii.org/catalog/315.html>)

For a more official source for a particular jurisdiction's laws, it is often worth checking the official web site(s) of the jurisdiction or a print compilation of national intellectual property laws.

## **VII. Recommended Link sites**

Instead of making hundreds of bookmarks for relevant sites, try starting with this ERG or one of the following sites. Each one includes hundreds of international intellectual property links.

v. Bezold & Sozien, [IP-Links](http://www.ip-firm.de/index.htm) (<http://www.ip-firm.de/index.htm>) links to German/European IP news, laws, regulations, documents, and European Court of Justice IP decisions.

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Phillips, Ormonde & Fitzpatrick, [IPMenu](http://www.iplawlink.com/ipmenu/default.htm) (<http://www.iplawlink.com/ipmenu/default.htm>) links to numerous international intellectual property web sites. It is organized topically with annotations, headlines, intellectual property conferences, and other practical information.

Pierce Law's IP Mall, [General Sources of IP](http://ipmall.info/hosted_resources/fplchome.asp) ([http://ipmall.info/hosted\\_resources/fplchome.asp](http://ipmall.info/hosted_resources/fplchome.asp)). This site includes the [Global Directory of International Resources](http://ipmall.org/web_resources/record_request_pb_05.php) ([http://ipmall.org/web\\_resources/record\\_request\\_pb\\_05.php](http://ipmall.org/web_resources/record_request_pb_05.php)) and [Traditional Knowledge Online](http://www.traditionalknowledge.info/) (<http://www.traditionalknowledge.info/>).

TRIPSagreement.com includes an excellent [bibliography of books and articles related to TRIPS](http://www.tripsagreement.net/) (<http://www.tripsagreement.net/>)

UNCTAD's links are at [IPRs, Trade and Sustainable Development](http://www.iprsonline.org/links/index.htm) (<http://www.iprsonline.org/links/index.htm>).

### VIII. Selected Non-Governmental Organizations

- [International Association for the Protection of Intellectual Property](https://www.aippi.org/) (<https://www.aippi.org/>)
- [International Chamber of Commerce](http://www.iccwbo.org/about-icc/policy-commissions/intellectual-property/) (<http://www.iccwbo.org/about-icc/policy-commissions/intellectual-property/>)
- [International Federation of Library Associations and Institutions](http://www.ifla.org/): (<http://www.ifla.org/>)
- [International Federation of Reproduction Rights Organisations](http://www.iffro.org/) (<http://www.iffro.org/>)
- [International Intellectual Property Alliance](http://www.iipa.com/) (<http://www.iipa.com/>)
- [International Intellectual Property Institute](http://iipi.org/) (<http://iipi.org/>)
- [International Trademark Association](http://www.inta.org/) (<http://www.inta.org/>)

### IX. Electronic Current Awareness

Franklin Pierce Law Center, [IP News Blog](http://www.ipmall.info/) (<http://www.ipmall.info/>)

Douglas Isenberg, [GigaLaw.com Daily News](http://gigalaw.blogspot.com/) (<http://gigalaw.blogspot.com/>)

Law.com, [IP Law Practice Center](http://www.law.com/jsp/iplawandbusiness/index.jsp) (<http://www.law.com/jsp/iplawandbusiness/index.jsp>)

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PA Axel H. Horn, [IP Law and Practice](http://www.ipjur.com/blog2/) (http://www.ipjur.com/blog2/)

[Intellectual Property Watch](http://www.ip-watch.org/) (http://www.ip-watch.org/) has reporters in Geneva and around the world and is an excellent source of news about WIPO and other breaking international intellectual property news.

[WIPO Magazine](http://www.wipo.int/wipo_magazine/en/) (http://www.wipo.int/wipo\_magazine/en/) is a bimonthly magazine with articles of interest to both practitioners and academics.

[Bloomberg BNA's World Intellectual Property Report](http://www.bna.com/world-intellectual-property-report-p6798/) (http://www.bna.com/world-intellectual-property-report-p6798/) offers up-to-date news from countries around

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He earned his A.B., A.M. Anthropology and J.D. degrees from Stanford University and M.Lib. with a Certificate in Law Librarianship from the University of Washington. Prior to the University of Washington, he spent five years as a reference librarian and foreign law selector at the University of Michigan Law Library. In law school, he was a Senior Editor of the Stanford Environmental Law Journal and a Note Editor for the Stanford Law Review.

He is a member of the American Association of Law Libraries.