

them in other countries. A suggestion made by the Crucible Group is a system for what they call "defensive publication".³⁴

5.2 Manufacturing, and Copyrighted Goods

In the area of manufacturing and copyrighted goods, three suggestions present themselves:

1. In general, countries will need to assess their level of industrial development to determine whether strong patent protection is desirable or not. Those at higher levels of development may benefit from stronger patent law, which would foster increased domestic research and development.
2. If it is determined that a weak level of protection is desired for industrial patents, countries should take advantage of the opportunity offered by the TRIPS provisions on compulsory licensing. While TRIPS clearly sets out to make such licensing difficult, it does ultimately leave the door open. In fact, some analysts suggest that the TRIPS provisions for compulsory licensing to counter anti-competitive practices comes as close as we may ever get to fulfilling the promise of the unsuccessful efforts to create an International Code of Conduct on the Transfer of Technology.³⁵
3. Governments should undertake to increase the domestic capacity to assimilate transferred technology, with the long-term goal of being ready to strengthen IPRs as a matter of national interest. Such a commitment might be expressed by measures to foster domestic research and development, training in negotiation and research for technology transfer, training in management and marketing skills, etc. Such programs should ideally find willing donors among the community of nations that has made commitments to facilitating technology transfer under such agreements as Agenda 21, the Convention on Biological Diversity, and the Montreal Protocol.

6. Conclusions

There are a number of aspects of the TRIPS Agreement that should be of concern to developing countries, such as Pakistan, which are committed to sustainable development. These have been highlighted in the paper, and some recommendations have been made for policies which will, to some degree, address those concerns. It should be stressed that there were also highlighted some ways in which stronger intellectual property rights could be beneficial in terms of promoting sustainable development, particularly in terms of stimulating domestic innovation, and these should be pursued.

The TRIPS Agreement is subject to review by the Members of the WTO as of 1999. At this time like-minded countries, both developing and developed, should approach the

³⁴ *ibid*, p. 79.

³⁵ Correa, Carlos. *op. cit.*, p. 35.