The Sustainable Development Effects of the WTO TRIPS Agreement: A Focus on Developing Countries[1]

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1. Introduction

This paper examines the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, including Trade in Counterfeit Goods (hereafter the TRIPS Agreement) and tries to analyze those areas in which the Agreement will impact, either positively or negatively, on sustainable development in developing countries such as Pakistan. Sustainable development, throughout the paper, will be taken to mean more than simply environmental protection (the implicit definition adopted by too many Northern voices), but will embrace the fundamentally interrelated concerns of environment, development and economy.

After brief introductions to the Agreement itself, and to the concept of intellectual property rights (IPRs), the paper turns to examining the possible effects (it is in most cases too early to give concrete assessments) of the Agreement, focussing on agriculture, manufacturing and copyrighted goods. It ends by proposing a number of policy actions which might contribute to sustainable development in the context of the Agreement.

It should be noted that this paper takes as a starting point the TRIPS Agreement as signed, accepting it for better or for worse as a done deal. While it contemplates a number of possible reforms, and suggests ways within the Agreement to interpret provisions to developing countries' advantage, it does not explore the option of outright renunciation of the Agreement, as advocated by some groups.

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