

NEED OF IP POLICIES FOR R&D INSTITUTES AND INDUSTRIES

Introduction

The Study of Intellectual Property Law as a subject in the Universities and Sri Lanka Law College has been of recent origin in Sri Lanka. Even in advanced countries such as England, Intellectual Property was not a subject in the law curricula until a few decades ago. Today the subject has become of such great importance that Universities of Cambridge, Oxford and London have created chairs in Intellectual Property Law, which are held by distinguished academics. In Sri Lanka the University of Colombo conducts undergraduate training in Intellectual Property Law and the Sri Lanka College has a Post Attorneys Course in Intellectual Property Law.

In 1774 the House of Lords decided that the production of an unauthorized publication of Thompson's poem "The Season" by Scottish Book Seller Alexander Donaldson did not infringe any rights of the authors. The House of Lords held that in Common Law there was no perpetual rights in literary works.

The history of the Law of Patents in England could be traced back to 1829 when a select committee on patents met to discuss the ways in which the law and administration of patents for inventions could be improved. The committee concluded that the Patent Law was in a mess. As late as 1835 it was said "there existed at present no law of patents"¹. By 1850's the law became more clear and the boundaries of patent law defined. This was partly attributable to a growing concern in England with the state of art and manufacture in Britain. The end of the Napoleonic Wars resulted in "one universal effort to recruit exhausted resources, to revive industry and civilization, and to direct to their proper objectives the genius and talent which war had either exhausted in its services or repressed in its desolations"².

In regard to a formulation of policy by research institutes in regard to Intellectual Property and particularly Patents, which is the area which they are most concerned with, would it not be appropriate for the institutes to be concerned about the unequal distribution of Intellectual Property in the same way as unequal distribution of additional property? Or should Intellectual Property Laws be used so as not to entrench and enhance existing distribution of power and wealth? These questions have been raised by Prof. David Vaver who is presently the Professor of Intellectual Property Law at the University of Oxford. He further raises the question

¹ The Hansard 13th August 1835 cited in making of Modern Intellectual Property Law – Sherman & Bentley

² For a detailed analysis of the emergence of the English Patent System. Van Zyl Smit "an Association creation of a legal reality; study of the emergence and the acceptance of the British Patent System as a legal instrument for the control of a new technology. A Ph.D Thesis, University of Edinburgh 1980.

whether too much money and time should be invested in inventive and creative activity to the detriment of the more modest but worthwhile improvements to existing technology³. Intellectual Property rights are based on the principle that it is wrong for a person to reap rewards from the intellectual or marketing efforts of another. “Reaping without sowing” is contrary to the principles of justice and therefore the law must protect such wrongs.

Considerable research and advancement has been made in several fields including computers, telecommunication, satellite, broadcasting, biotechnology and plant varieties which have evoked interest in intellectual property law. Research Institutes throughout the world are continuing research work in these fields and several publications are made available annually on these subjects. Therefore it is important for research organizations to have some background knowledge of the aspects of intellectual property Law, which concern their work so that their efforts in the research done by them is adequately protected and rewarded.

Research institutions are engaged in the pursuance and dissemination of knowledge. The knowledge gained by such institutions must also be shared with others so that there will be sufficient motivation for other intellectuals to further peruse such knowledge⁴. In regard to intellectual property, research institutions must have close links with industry and commercial institutions. Today several multi nationals have created large numbers of R&D Departments. Accordingly some research institutions may become more academic oriented and their research more “basic” rather than having practical impact on industry and commerce.

There has been a considerable debate as to whether patents are a good thing. Adam Smith and Jeremy Bentham took the view that Patents were necessary to encourage inventions. However later writers have not always followed this view. For instance writers such as Afo Pigou have taken the view that Patents neither give nor take very much from the public. Others have said that Patents were positively detrimental unless the research was so costly that no short-term reward was possible. However these views have not found acceptance today and the system of intellectual property law including the law relating to patents have been well established and well recognized in almost all countries of the world.

It is also necessary to remember the protection is not granted to theories but only to inventions. Therefore the basic research work of Albert Einstein on relativity is unpatentable. patent laws will not protect discoveries on how the world works but if somebody applies the theory of relativity to a commercial use, in other words “if one changes” rather than discover nature, then such person would be able to get a

³ David Vaver, Some agnostic observations on Intellectual Property.

⁴ A.B.Bahattacharyya- Intellectual Property Policy Proposals for Indian Academic Institutions in Intellectual property rights E.D. Nair Kumar Delhi 1995.

patent for the end product. Furthermore the standard of invention may be low. It is a question of skilful drafting. Many patents may be invalid but to challenge them would be a matter of business decision and the costs may be uneconomical.

However this is not always true, as ideas are not protected until they take some concrete shape. Newton could not get a patent for the principles of gravity although some pulp novelist may obtain copyright of his works for author's lifetime and a further 50 years. Yet it is argued that on the economic plane patents and copyrights encouraged works to be disclosed to the public and increase the pool of ideas and knowledge of the society.

Should patents also benefit the society? The Statute of Monopolies in 1624 recognized this fact.

Should not research institutes consider the potential social value of an invention? The beneficial effect to society and doing research primarily on these areas would certainly be to the benefit of institutions and the society as a whole.

There has also been a shift of emphasis by various research organizations in the world as to whether product patents or process patents are to be pursued in their activities. U.S.A. generally gives less attention to process technology and more attention to product technology. Japanese counterparts appear to take a different stand. In America it is said that research organizations generally do not pay sufficient attention at the design stage.

In Sri Lanka besides the research done in the university system, considerable research is also conducted by TRI, RRI, CRI, and CISIR. These institutions have contributed to the development of the respective plantation industry and the general industrial policy of the country as a whole. The liberalization and advancement of trade research institutions should also ensure that their research has connection with economic development, industrial development and job opportunities available in the country and research may no longer be divorced from economics.

The intellectual property is itself of recent origin. It occurs in the title of the UN Organ WIPO and in TRIPS, which forms a part of the GATT round completed in April 1994. It includes patents, trademarks, designs, copyright and confidential information. The characteristic of all types of intellectual property is to grant rights that are essentially negative. These rights stop others from doing certain things – rights in other words to stop pirates, counterfeiters, imitators and in some cases third parties who have independently reached the same idea. One of the main criticisms against granting of such rights has always been that it creates a monopoly.

The granting of such rights it is argued would reduce the quantity of something which the public wants and would increase its price. A monopolist would be able to determine factors about goods in addition to their price including the amount of

research and development into future products and services⁵. The reason why legal protection has been extended to intellectual property is not always clear and convincing and several theories have been put forward on moral and economic justifications⁶.

A person has a right to the product of his brain and the society must reward a person if it produces something useful from such a product.

Considerable research is being done throughout the world in microbiology and in pharmaceuticals where microorganisms are used as production techniques.

Biotechnology has been advantageous in cultivation of foodstuffs and other natural products, which prevent illness both in humans and animals.

The registerability of such patents would to a great extent depend not only upon the patent system of the respective countries but also on the attitude of courts and patent offices in the relevant countries.

Whilst most Patent Offices throughout the world would like to grant Patents wherever the relevant requirements have been fulfilled, policy consideration has also be given as to whether genetic manipulation out weighs the benefits of such grants⁷. The method of treating a human or animal body by surgery or therapy or diagnosis of a human body or animal body has for a long time been held to be unpatentable. Rationale for these appears to be that these activities are not of industrial application. Public policy demands that dissemination of new medical techniques should not be impeded by the granting of exclusive rights but the learned profession of medical practitioners should be rewarded in forms other than exclusive rights over commercialization. However with the advancement of drug therapies, this matter has to be reconsidered and a balance has to be struck to give protection to the pharmaceutical industry and a fresh look has to be made as to the concept of "methods of medical treatments".

A distinction was drawn between the types of claims which have already been made, in general terms, as having a novelty and a new substance or composition that is one which had no previously known use and which may be claimed "as such and therefore does not come within the exclusion of methods of medical treatment". (Cornish opcit P.219).

⁵ Cornish Intellectual Property 04th Edition p 30 et seq.

⁶ David Vavers Some agnostic Observations Intellectual Property, – Machlup) – an economic review of the Patent System 1958 No. 15 of the sub committee on Patents, Trademarks and Copyright of the US Senate on the judiciary 85th cong. ii (d) sess.

⁷ Cornish opcit p.218 L,Lewelyn 1997 E.I.P.R. 115 Nott 1998 E.I.P.R. 455.

It is however hard to see that a new substance including one specially selected should be entitled to a patent whilst work on the properties of things already known should not be patentable in the medical sphere. If the inventions of the latter kind are excluded from patenting then the industry must feel itself disinclined to investigate new substances. As a compromise the EPC Directive now provides that an invention consisting of substance or composition for use in an excluded method of medical treatment remains novel provided that its use in any such method is not comprised in the state of the art.

This means that only the first discovery of medical use of a known product can be eligible to a claim.

In the case of FISA⁸ and other applications⁸ it was decided that in addition to the exception for first medical use it was legitimate to recognize claims to use the substance for making up into a medicament for pharmaceutical administration in pursuit of a subsequently discovered use.

Patenting of biological subject matters has also raised fundamental issues of policy.

In view of the prohibition of patenting essentially biological processes suigeneris legislation for the protection of plant varieties had to be considered and it culminated in the international level in the UPOV Convention in (1961).

In this system there is a restrictive meaning for the “novelty” requirement. Proof of copying is not required but “only” prior commercialisation is required⁹. It is also essential that the variety protected should have one or more important morphological, physiological or other characteristic but differ from other new varieties. The rights extend to marketing of re-productive plant material such as seeds and cuttings. Legislation in relation to plant variety rights apply only to plant variety and patent laws may be applicable if plant components such as genes are to be protected. Therefore a gene may be protected by a patent and the new plant variety developed by the patented gene may be protected by a plant variety legislation.

Plant Breeder

⁸ N.S.Siddharthan Protection of Intellectual Property Rights – Implications of the third world.

⁹ (1985 O.J.E.P.O. 64)

Plant breeders' rights are recognized in the UPOV system and these rights give the breeders' of new variety of plants, rights to prevent others from selling the same varieties.

The convention now prevents other plant breeders' from developing new varieties from the protected varieties as essentially derived. This has enhanced the rights of the plant breeders' and has several negative consequences to developing countries such as Sri Lanka.

The monopoly in the seed industry would lead to a price increase in the seed, which would affect the agricultural industry adversely. Therefore this is an area, which should specially attract the Sri Lanka research institutes when they draw up their policy for research.

Protection of plant varieties may also impede public breeding and the public sector may be pushed to the background. In assessing the relevance of Intellectual Property System the requirements of the economy and the promotion of inventions should be balanced. In the third world it is not so much the lack of adequate plant varieties but the slow diffusion of such varieties that have caused problems. Managala Rai has shown that 20- 25% enhanced yield could be realized by replacing old varieties with new varieties which are already available and therefore warned that it would be detrimental to introduce a system which would retard the diffusion of new varieties by developing the new varieties. It could prohibit small companies from multiplying and selling new varieties of seeds over which proprietary rights are claimed.

In view of the recognition of the rights of plant varieties throughout the world, research institutes of the third world would have to consider whether alternate systems of seed productions would be available.

The protection granted to seed varieties and genetic engineering methods are sometimes very broad based and patents are granted on very wide terms.

Such patents confer a monopoly over very widely applicable processes, which may tend to retard the growth and science of technology. Material which otherwise would be disclosed to research works by publications would now be turned into proprietary knowledge.

In view of the international recognition for the protection of plant variety, Sri Lanka should also consider enacting legislation to protect such rights. The implication of any such legislation particularly in relation to any negative impact that it would have on the agricultural economy of the country would merit serious consideration of the research institutes.

In the event a proprietor refuses to grant a license it would be difficult for local producers to produce such seeds or start production. Suitable alternative strategies would have to be considered by the research institutes.

Copyright

Due to the rapid advancement and development of electronic industries legal protection had to be specially given to such developments. Dimensional structures which are considered artistic are generally difficult to be protected by patents and it was suggested that they be protected under the copyright law. However there were requests that they should be protected under the patent law and U.S.A. enacted a separate legislation viz Semiconductor Chip Protection Act. This statute provides protection to original mask work fixed or embodied in semi conductor chips. Sri Lanka at present does not have legislation covering these fields under the provisions of the Code of Intellectual Property Act No. 52 of 1979. However recognizing the importance of semi conductor chips and intergraded circuits, draft legislation has been prepared to protect such inventions.

This is an area where scientific development is taking place rapidly and scientists and technologists in the various government and research bodies, which are concerned with scientific knowledge, and research should constantly review the developments taking place internationally so that appropriate protection is granted in time.

An aspect of copyright law which may require the attention of scientific institutions is the problems connected with cable diffusion of broadcasting rights. The Berne and Rome Conventions have been found inadequate and a convention relating to the distribution of programs – Carrying Signals (1974) (Satellite Convention) has come into force.

Strategies would have to be developed in regard to the inter sections between the law of copyright and the development of broadcasting rights in these areas. Neither the Berne Convention nor the Rome Convention anticipated the developments in satellite technology. Even the satellite convention only deals with fixed services satellite signal (FSS) i.e. point-to-point and distributional satellites, leaving out direct broadcasting satellite (DBS). The latter system transmits signals through space stations intended for direct reception by the public. The problem of piracy of signals, that is the distribution by a broadcasting organization of signals for which it is not intended has created a problem and opinions differ as to whether “up-leg or down-leg” amounting to broadcasting. The established concepts of copyright law would have to be interpreted with resilience to meet the challenges of technology in the field of broadcasting and this again would be an area which should engage the attention of the research institutes in formulating their policy. The proposed amendments to our law addresses must of these issues.

Policy Considerations

As we have seen earlier one argument in favour of the protection of intellectual property rights is that unless creators of new technology are able to appropriate the benefits of their creation there would be no incentive to invest innovative activities and if there is a reduction in such innovative activities the world as a whole would be poorer.

The first stage of such innovation would be a discovery of scientific principles, which is a consequence of the research done in universities and research institutes. From such scientific principles technology is created. This again could be done to a great extent by universities and research institutes.

The next stage is the creation of the product and the process. However such technologies are not always patented by these research institutes. This aspect should therefore be closely looked into by institutes.

Patenting technology which has arisen out of the scientific principles discovered by the institutes should be protected. Protection of intellectual property is no means cheap, particularly if international protection is to be obtained. But in today's competitive world such protection becomes necessary and even inevitable. Research institutes have also to compete with the R&D divisions of multi nationals, which have played an important role in the creation of technology and registering patents throughout the world. In addition to R&D divisions of large multi nationals, in view of the present advancement in micro electronics and bio technology even small R&D units have been set up supported by venture capitalists which have also become an important player in technology creation and have filed a considerable number of patents throughout the world. Our research institutes should also consider whether there should be links with similar institutes and where commercial enterprises engage in research on similar matters to obtain the maximum advantage. The research carried out by transnational organizations in developed countries is very high. Countries such as Sri Lanka may not be spending even 1% of the amount spent by advanced countries on research. Third world countries such as Sri Lanka do not have marketing infrastructure and the export markets are very limited.

The developed countries where the transnational corporates are active always claim for more rigid intellectual property systems so that their cost for research is adequately rewarded. The Pharmaceutical Manufacturers Association of the United States in a study came to the conclusion that the cost of developing a new medical entity would be about US\$ 125 million of which the out of pocket expenses is about US\$ 55 million and the trade cost US\$ 60 million. Such cost must therefore be recovered by their global turnover and the profit margin. It would be difficult for developing countries therefore to compete with such institutions engaged in research activities.

It is further argued that without protection of copyrights or patents, research and creativity would not be carried out. It has also been argued that patents should only be granted if they would substantially benefit society. However with the expansion of knowledge and scientific discoveries the US Supreme Court has made the famous comment that “anything under the sun made by man is patentable” (Diamond vs Chakravathy 447 US 303 at 309). Therefore acting on this principle the US Patent Office has for instance granted a patent for a new artificial bread and a non naturally occurring form of passive oyster¹⁰ and a patent for a genetically engineered animal – the Harvard Mouse.

In regard to the work conducted by research organizations areas of copyright and patent would have a significant impact.

Many new areas of knowledge have developed during the last few years and questions have risen throughout the world as to whether protection should be given to such matters. Our present law relating to intellectual property is contained in **Section 52 of 1979** and although there have been minor amendments to this statute several areas have not been adequately addressed in the present statute. However amendments have been drafted and are expected to be presented to Parliament as soon as possible. Some of the matters, which are discussed in this paper, would be covered by the proposed legislation.

Nevertheless it raises several interesting questions of policy for the various institutions, which are concerned with such research.

Computer programs have today become an essential tool of commerce and industry. It was only very recently by the Amended **Act of No.40 of 2000** that computer programs have now been included within copyrights.

Electronic Hardware may still be a patentable invention. Computer programs lie on the boundary of what was previously thought to be a patentable form and a non patentable form¹¹(Rau and Watkins (1996) 27 IIC 447, Vvan Raden 1996 EIPR 384 Davies (1998) EIPR 429). An x-ray apparatus controlled by a computer program was held to be patentable by the EPO Board of Appeal¹². In another leading case Viacom’s Application (1987) OJ EPO 14 a computer program in an industrial technique was held to be patentable so as to be able to process digital images in accordance with a given mathematical procedure expressed as an algorithm. A

¹⁰ (Elizabeth of Glamis vs Rose (1966) FSR 265).

¹¹ Mangala Rai (variety registration and protection – Indian context paper presented at the Indo –British Workshop on plant variety testing, seed certification and storage cited by Usha Menon Dunkel Proposals an Indian Agriculture in Intellectual Property Rights Ed Narayan Kumar).

¹² Exparte Allen 2 US PQ (2d 1425).

program to be used in automated market for shares and similar securities was held to be patentable. In this case a program could be introduced into any suitable computer in any encoding language causing data to be acted upon so as to carry out legal transactions¹³.

Structures in such a way that the two selected atoms were super imposed and the two selected Lactic – vectors and the two selected crystal faces were super imposed. This was held un patentable because the claim left it to the operator to select what data to work on, how to work on it, how to assess the result, and which if any results to use. The process was abstract and the result of the use was undefined.

The agenda of research in most organizations is conducted by the commercial needs. Much of the agricultural research and plant breeding have been regarded as a public service. Innovations in agricultural technology benefits first those who adopt them and as such, farmers tend to benefit from their increased production and the consumers benefit from prices being lowered.

One of the casualties of intellectual property law may be the public and the free flow of scientific information. In the absence, of intellectual property legislation, the achievements of a scientist would be measured in terms of his contribution to the body of knowledge and this would depend upon the extent of scientific publications on records. However the introduction of the intellectual protection regime changes this structure and the research workers would first seek intellectual protection and keep the results secret.

The cost of administering and enforcing the intellectual property system would be more high and the cost of administering the U.S. Patent Office is said to be over Dollars 300 million¹⁴.

Trade Marks

We have so far considered the policies, which would affect R&D Institutes. In regard to Industries apart from patents and copyrights, trademarks would play an important role. An industry generally needs to identify its products by a brand or trade name, which would identify the enterprise as a separate entity (distinctiveness function) and also be a source of the identity of the enterprise (indicative function). The trademark therefore gives an assurance of the nature, quality and the characteristic of goods and provides an advertisement base. The use of a trademark or brand name enables a consumer to identify his product and protects

¹³ Cokch and Sterzel (1998) OJ EPO 19, Cornish opcit p 213.

¹⁴ (R.M.Sherwood International Property and Economic Development). The co-relation between return and the investment of this kind is questionable.

the consumers from commercial piracy. The chances of a consumer being exploited are grater when the trademark is widely known. Counterfeiting and infringement of well-known trademarks is a problem encountered throughout the world.

It is therefore essential that the owners of a trademark should realize its importance and protect the mark from possible infringers. Such action is necessary not only to protect the rights of the owners of the trademark but also that of the consumer. In the modern world a trademark has many attributes of property. It confers the right on the owner of a trademark to exclude others from using it, to grant licenses and to transfer or assign the marks. Marks also have monetary value. The magazine Financial World in 1993 valued the Marlboro mark at US\$ 39.5 Billion and Coca Cola at US\$ 33.4 Billion. Therefore the need to protect such marks need hardly be stressed.

Industries should therefore ensure that their trademarks are duly registered not only in the country of manufacture but also in the countries where such marks are exported. The more famous such a mark is the proprietor should ensure its better protection. Therefore an industry which, has a valuable mark, should ensure that the marks are registered in all countries where the goods are available and even where the goods may not be marketed but the reputation of such goods are known in such countries. In several countries the person who applies to register the mark first has an advantage although modern trademark law recognizes well known trademarks and have made provisions to prevent the dilution of such marks. Industrialists in Sri Lanka who export trademarks to other countries should therefore ensure that their marks are adequately protected in the countries where such marks are available for sale. International registration of trademarks is costly but it is in the interests of the industrialists to ensure that these marks are registered so that their value could be protected and infringement action brought against any party who infringes the rights of the proprietor. Most multi-nationals have a well developed trademark division in their company who monitor the registration, renewals and infringements of their mark globally. It is equally important that industrialists ensure that the marks of their products are registered as soon as possible. When products are launched in Sri Lanka, Sri Lankan industrialists should ensure that their mark is registered with the Director of Intellectual Property.

The various formalities and the requirements for the admissibility of a trademark to be registered is contained in the **Code of Intellectual Property Act No.52 of 1979**. It is not intended in this paper to set out in detail the requirements of such registration. The industrialists should when necessary obtain proper professional advice before applying to register a mark and ensure such application would not encounter any citations by the Director or any possibility of being opposed by other proprietors of trademarks. As far as possible it is desirable that the trademark be an invented work and does not resemble another trademark in respect of the same or similar goods or adopt of a well-known trademark.

Confidential Information

The protection of confidential information is also a matter which could seriously engage the attention of research institutes. Technology secrets such as chemical formula and mechanical techniques need special protection. A mechanical device could reveal it's working once it is marketed but a process of manufacture may not be similarly detectable. In the later case an inventor may obtain a patent that gives him monopoly protection even against independent devisers of the same invention. However this is for a limited period and on condition that the invention is sufficiently described in the specification. Therefore the obligation to keep an invention secret through obligation of confidence is alternative and not an additional form of protection. It is an alternative that is not tied to a specific time period but would be available against those who receive the information directly or indirectly responding under TRIPS Agreement now contains broad provision requiring persons who have secret information to prevent its unauthorised disclosures "in a manner contrary to honest commercial practices". Although the Sri Lanka law at present does not contain provisions relating to confidential information it is expected that the amending legislation, which is to be enacted shortly, would contain provisions relating to confidential information which would have an impact on the policies of the research institutions.

Investment and Intellectual Property

One of the best known justifications of an intellectual property system is that it provides an incentive for investment. However it has been submitted that there is no evidence at all to show that intellectual property protection is an incentive to invention¹⁵. One can make a person want to invent even if he has no inventive capacity at all but by doing so one merely stimulates yearning for an end without reference to the means by which it may be achieved. When people invent they do so because they are trying to solve a problem. In the case of employees the invention generally belongs to the employer. Viewed from a psychological point an inventor is not so much motivated by the patent system in making an invention as he is stimulated by a particular problem and to find a way around it¹⁶. Even if one concedes that an intellectual property system is an incentive it may not be quite convincing in respect of employees that it is in fact an incentive. In granting intellectual property rights it is considered that there is a contract whereby on consideration of the invention the patent office grants a monopoly¹⁷. However whilst protection of intellectual property rights may be an excellent incentive to the employer it would not have much effect on the employee. Therefore research institutions should consider when they claim inventions of employees as belonging

¹⁵ J.Phillips (ed) Employee's invention and comparative study.

¹⁶ J.Phillips ibid

¹⁷ R vs Veeler (1819) 2 B&ald 345

to them they should not remunerate such inventions. Swedish and West Germany intellectual property systems have for many years followed this trend.

When a patentee effectively exploits an invention he could prevent others from exploiting it. However there may be several instances where institutes adapt a dog in the manger policy. They own intellectual property rights which they neither use themselves nor permit others to enjoy. A person may not be able to exploit a patent for a number of reasons such as the lack of making skills, shortage of R&D funding. In such circumstances a patentee could derive no benefit from his patent unless he could rectify his short coming or find somebody else to use his patent in return for a monetary payment which has led to the concept of compulsory licensing.

It is possible for a patent to be seized by other trader and suppressed to the detriment of the public. Every student knows the story of a bulb manufacturer who heard of the making of a perpetual illuminable bulb which was purchased by another and which was suppressed by the manufacture so that the public was forced to purchase the manufacture's product. Such a situation could be a strong argument against the present intellectual property system and the policies adapted by institutes engaged in research.

It must also be remembered that an intellectual property system has international dimensions and several international treaties have been enacted which gives international protection to intellectual property rights. In addition several International bodies are actively engaged in the intellectual property area. WIPO seeks to maintain a minimum standard of protection of intellectual property in all countries. UNESCO seeks to encourage the widest exploitations of educational, scientific material. UNCTAD is working on intellectual property licensing. Norm GATT focused attention on whether developed countries were justified in applying punitive sanctions against developing countries. There are also several international pressure groups such as ALLAI which speak for authors and creators, AIPPI which speaks for those engaged in industrial property rights and FICPI, IFPI, LES who represent the interests of copyright holders and collection societies. Our legal research institutes should also have close connection and ties with these international bodies so that they could be fully informed with the latest trend of international intellectual property regimes.

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