

CONTENTS

List of contributors x
Preface xiii

PART I	International Provision of Public Goods under a Globalized Intellectual Property Regime	1
SECTION 1	THE CONCEPT OF PUBLIC GOODS IN THE EXPANDING KNOWLEDGE ECONOMY	1
	1 The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods	3
	<i>Keith E. Maskus and Jerome H. Reichman</i>	
	2 The Regulation of Public Goods	46
	<i>Peter Drahos</i>	
	Comment: Norms, Institutions, and Cooperation	65
	<i>Robert O. Keohane</i>	
	3 Distributive Values and Institutional Design in the Provision of Global Public Goods	69
	<i>Peter M. Gerhart</i>	
SECTION 2	PRESERVING THE CULTURAL AND SCIENTIFIC COMMONS	79
	4 <i>Koyaanisqatsi</i> in Cyberspace: The Economics of an “Out-of-Balance” Regime of Private Property Rights in Data and Information	81
	<i>Paul A. David</i>	
	5 Linkages Between the Market Economy and the Scientific Commons	121
	<i>Richard R. Nelson</i>	
	Comment I: Public Goods and Public Science	139
	<i>Eric Maskin</i>	

- 6 Sustainable Access to Copyrighted Digital Information Works in
 Developing Countries 142
Ruth L. Okediji
- 7 Agricultural Research and Intellectual Property Rights 188
Robert E. Evenson
 Comment II: Using Intellectual Property Rights to Preserve the
 Global Genetic Commons: The International Treaty on Plant
 Genetic Resources for Food and Agriculture 217
Laurence R. Helfer
- PART II Innovation and Technology Transfer in a Protectionist
 Environment 225**
- SECTION 1 TECHNOLOGY TRANSFER UNDER INTERNATIONAL INTELLECTUAL
 PROPERTY STANDARDS 225**
- 8 Can the TRIPS Agreement Foster Technology Transfer to
 Developing Countries? 227
Carlos M. Correa
 Comment I: Technology Transfer on the International Agenda 257
Pedro Roffe
- 9 Patent Rights and International Technology Transfer Through
 Direct Investment and Licensing 265
Keith E. Maskus, Kamal Saggi, and Thitima Puttitanun
 Comment II: TRIPS and Technology Transfer – Evidence from
 Patent Data 282
Samuel Kortum
- 10 Proprietary Rights and Collective Action: The Case of
 Biotechnology Research with Low Commercial Value 288
Arti K. Rai
- SECTION 2 STIMULATING LOCAL INNOVATION 307**
- 11 Do Stronger Patents Induce More Local Innovation? 309
Lee G. Branstetter
- 12 Markets for Technology, Intellectual Property Rights, and
 Development 321
Ashish Arora, Andrea Fosfuri, and Alfonso Gambardella
- 13 Using Liability Rules to Stimulate Local Innovation in Developing
 Countries: Application to Traditional Knowledge 337
Jerome H. Reichman and Tracy Lewis
- 14 Stimulating Agricultural Innovation 367
Michael Blakeney

PART III	Sectoral Issues: Essential Medicines and Traditional Knowledge	391
SECTION 1	DEVELOPING AND DISTRIBUTING ESSENTIAL MEDICINES	391
15	Managing the Hydra: The Herculean Task of Ensuring Access to Essential Medicines	393
	<i>Frederick M. Abbott</i>	
16	Theory and Implementation of Differential Pricing for Pharmaceuticals	425
	<i>Patricia M. Danzon and Adrian Towse</i>	
17	Increasing R&D Incentives for Neglected Diseases: Lessons from the Orphan Drug Act	457
	<i>Henry Grabowski</i>	
	Comment: Access to Essential Medicines – Promoting Human Rights Over Free Trade and Intellectual Property Claims	481
	<i>Heinz Klug</i>	
SECTION 2	PROTECTING TRADITIONAL KNOWLEDGE	493
18	Legal and Economic Aspects of Traditional Knowledge	495
	<i>Graham Dutfield</i>	
19	Saving the Village: Conserving Jurisprudential Diversity in the International Protection of Traditional Knowledge	521
	<i>Antony Taubman</i>	
20	Legal Perspectives on Traditional Knowledge: The Case for Intellectual Property Protection	565
	<i>Thomas Cottier and Marion Panizzon</i>	
	Comment: Traditional Knowledge, Folklore and the Case for Benign Neglect	595
	<i>David L. Lange</i>	
21	Protecting Cultural Industries to Promote Cultural Diversity: Dilemmas for International Policymaking Posed by the Recognition of Traditional Knowledge	599
	<i>Rosemary J. Coombe</i>	
PART IV	Reform and Regulation Issues	615
SECTION 1	BALANCING PUBLIC AND PRIVATE INTERESTS IN THE GLOBAL INTELLECTUAL PROPERTY SYSTEM	615
22	Issues Posed by a World Patent System	617
	<i>John H. Barton</i>	

- 23 Intellectual Property Arbitrage: How Foreign Rules Can Affect
 Domestic Protections 635
Pamela Samuelson
- 24 An Agenda for Radical Intellectual Property Reform 653
William Kingston
 Comment: Whose Rules, Whose Needs? Balancing Public and
 Private Interests 662
Geoff Tansey
- 25 Diffusion and Distribution: The Impacts on Poor Countries of
 Technological Enforcement within the Biotechnology Sector 669
Timothy Swanson and Timo Goeschl
- 26 Equitable Sharing of Benefits from Biodiversity-Based Innovation:
 Some Reflections under the Shadow of a Neem Tree 695
Gustavo Ghidini
- SECTION 2 THE ROLE OF COMPETITION LAW 707
- 27 The Critical Role of Competition Law in Preserving Public Goods
 in Conflict with Intellectual Property Rights 709
Josef Drexler
- 28 Expansionist Intellectual Property Protection and Reductionist
 Competition Rules: A TRIPS Perspective 726
Hanns Ullrich
- 29 Can Antitrust Policy Protect the Global Commons from the
 Excesses of IPRs? 758
Eleanor M. Fox
 Comment I: Competition Law as a Means of Containing
 Intellectual Property Rights 770
Carsten Fink
- 30 “Minimal” Standards for Patent-Related Antitrust Law under
 TRIPS 774
Mark D. Janis
 Comment II: Competitive Baselines for Intellectual Property
 Systems 793
Shubha Ghosh
- SECTION 3 DISPUTE SETTLEMENT AT THE WTO AND INTELLECTUAL
 PROPERTY RIGHTS 815
- 31 WTO Dispute Settlement: Of Sovereign Interests, Private Rights,
 and Public Goods 817
Joost Pauwelyn

CONTENTS

ix

- 32 The Economics of International Trade Agreements and Dispute
Settlement with Intellectual Property Rights 831
Eric W. Bond
- 33 Intellectual Property Rights and Dispute Settlement in the World
Trade Organization 852
Wilfred J. Ethier
- 34 WTO Dispute Resolution and the Preservation of the Public
Domain of Science under International Law 861
Graeme Dinwoodie and Rochelle Cooper Dreyfuss
- 35 Recognizing Public Goods in WTO Dispute Settlement: Who
Participates? Who Decides? The Case of TRIPS and
Pharmaceutical Patents Protection 884
Gregory Shaffer
- Index* 909