CONSTRUCTING INTELLECTUAL PROPERTY

What is ‘intellectual property’? This book examines the way in which this important area of law is constructed by the legal system. It argues that intellectual property is a body of rules, created by the legal system, that regulates the documented forms of abstract objects, which are also defined into existence by the legal system. Intellectual property law thus constructs its own objects of regulation, and it does so through the application of a collection of core concepts. By analyzing the metaphysical structure of intellectual property law and the concepts the legal system uses to construct ‘intellectual property’, this book sheds new light on the nature of this fascinating area of law. It explains anomalies between social and intellectual property uses of concepts such as authorship – here dubbed ‘creatorship’ – and originality, and it helps to explain the role of intellectual property from a structural (rather than the traditional normative) perspective.

Dr. Alexandra George is a Senior Lecturer in Law at the University of New South Wales, Australia. She is the editor of the book Globalization and Intellectual Property (2006), and her works have been published in numerous journals, including Oxford Journal of Legal Studies, Res Publica, Archiv für Rechts- und Sozialphilosophie, Santa Clara Journal of International Law, UTS Law Review, Journal of Brand Management, and Sydney Law Review. Her main areas of scholarly interest are the applied legal philosophy of intellectual property, globalization, and international intellectual property law and policy, as well as issues concerning copyright piracy and trademark counterfeiting.
Constructing Intellectual Property

Alexandra George

University of New South Wales
To my parents,

Charles and Elizabeth George
## Brief Contents

1. Introduction ........................................ page 1
2. The Difficulty of Defining ‘Intellectual Property’ ........ 31
3. The Metaphysics of Intellectual Property .......... 81
4. Intellectual Property’s Core Criteria .................. 137
5. ‘Family Resemblance’ and Intellectual Property .... 255
6. Concluding Remarks ................................ 329
Contents

List of Figures xvi
Acknowledgements xix
List of Authorities xx
List of Abbreviations xxvii

1. Introduction 1
   1.1. An Intellectual Property Fairy Tale 2
   1.2. Drawing Analogies and Questioning Assumptions 7
       1.2.1. Assumptions About the Existence of Intellectual Property 8
       1.2.2. Assumptions About the Authority of ‘Intellectual Property’ 9
       1.2.3. Compliance with Assumptions and Social Norms 11
   1.3. Exploring the Nature of Intellectual Property 15
   1.4. Structure of This Book 15
       1.4.1. Overview of the Argument 15
       1.4.2. Introduction 17
       1.4.3. What Is ‘Intellectual Property’? (Chapter 2) 17
       1.4.4. The Metaphysics of Intellectual Property (Chapter 3) 18
       1.4.5. Intellectual Property’s Core Criteria (Chapter 4) 18
## CONTENTS

1.4.6. ‘Family Resemblance’ and Intellectual Property (Chapter 5) .................................................. 20
1.4.7. Concluding Remarks (Chapter 6) ..................................................................................... 22

1.5. Scope of Analysis in This Book .......................................................................................... 22

1.5.1. Locating This Research .................................................................................................. 23
1.5.2. Intellectual Property Doctrines and Examples Considered ........................................... 24
1.5.3. Jurisdictional Focus ........................................................................................................ 26
1.5.4. Audience ....................................................................................................................... 27

1.6. Investigating the Fairy Tale ................................................................................................. 28

2. The Difficulty of Defining ‘Intellectual Property’ ................................................................. 31

2.1. The Importance of Defining ‘Intellectual Property’ .......................................................... 32

2.1.1. The Symbolic Strength of ‘Intellectual Property’ ......................................................... 36

2.1.1.a A Case for Abandoning ‘Intellectual Property’? ....................................................... 37
2.1.1.b Confronting the Charisma of ‘Intellectual Property’ ................................................. 40
2.1.1.c The Realpolitik of Intellectual Property ........................................................................ 43

2.1.3. Conclusion ...................................................................................................................... 50

2.2. Common Methods of Defining ‘Intellectual Property’ ..................................................... 51

2.2.1. Definition by Enumeration .............................................................................................. 52

2.2.1.a Intellectual Property as the Enumerated Sum of Its Legal Doctrines ....................... 53
2.2.1.b Intellectual Property as the Enumerated Sum of Its Objects of Regulation ............... 56

2.2.2. Defining Intellectual Property as a Type of ‘Property’ .................................................. 62
## CONTENTS

2.2.3. Stipulative Definition 67  
2.2.4. Intuitive Definition and Intangibility 70  
2.3. The Inadequacy of Common Definitional Methods 76  

3. The Metaphysics of Intellectual Property 81  
3.1. From Description to Constitution 82  
3.2. Law as a Social Construct 85  
3.3. Intellectual Property as an Institutional Fact 90  
3.3.1. The Nature of Intellectual Property ‘Law’ 91  
3.3.2. The Nature of Intellectual Property’s Physical Object: The ‘Documented Form’ 93  
3.3.3. The Nature of Intellectual Property’s ‘Ideational Object’ 93  
3.3.4. The Nature of the ‘Intellectual Property Object’ 95  
3.3.5. The Intellectual Property Object as an Institutional Fact 98  
3.4. Intellectual Property’s Institutional Facts in Practice 101  
3.4.1. A Copyright Example 102  
3.4.2. A Trademark Example 107  
3.4.3. Conclusion 110  
3.5. Constructing Intellectual Property’s Institutional Facts 111  
3.5.1. Intellectual Property as a Legal Fiction? 115  
3.5.2. The Role of Performative Utterance (‘Speech Acts’) 123  
3.5.3. Who Determines the Boundaries of Intellectual Property Objects? 125  
3.5.4. The Predictability Created by Intellectual Property Law 130  
3.6. Conclusion 134  

4. Intellectual Property’s Core Criteria 137  
4.1. Intellectual Property’s Conceptual Building Blocks 138
4.1.1. Core Criteria? 141
  4.1.1.a Conceptual Criteria 144
  4.1.1.b Rights 145
  4.1.1.c Conclusion 147

4.2. Constructing the Intellectual Property Object 147
  4.2.1. Propertization of an Ideational Object Using the Core Conceptual Criteria 151
  4.2.2. Ideational Object 152
  4.2.3. Documented Form 158
  4.2.4. Creatorship 161
    4.2.4.a The ‘Romantic Author’ 164
    4.2.4.b Literary Critiques of the Authorship Concept 167
    4.2.4.c Critiques of Intellectual Property Law Creatorship 170
    4.2.4.d Collaborative and Collective Creatorship 174
    4.2.4.e Brands: A Case Study 178
    4.2.4.f Indigenous ‘Intellectual Property’: A Case Study 191
    4.2.4.g Scientific Authorship: A Case Study 196
    4.2.4.h Conclusion 207

4.2.5. Originality 210
  4.2.5.a Similar Doctrinal Approaches to Originality 211
  4.2.5.b Originality and the Public Domain 214
  4.2.5.c Is Anything Original? 217
  4.2.5.d Originality and Influences in the Art of Pablo Picasso: A Case Study 222

4.2.6. The Artificiality and Factuality of Intellectual Concepts in Practice 234
  4.2.6.a Conclusion 236
CONTENTS

4.3. Intellectual Property Rights 238
   4.3.1. Typical Intellectual Property Rights 238
   4.3.2. Property Theory and Intellectual Property Rights 241
4.4. The Operation of Intellectual Property’s ‘Objects’ and ‘Rights’ 244
   4.4.1. The Intellectual Propertization Process: A Copyright Example 246
      4.4.1.a Subsistence (Creating Copyright’s Intellectual Property Objects) 246
      4.4.1.b Rights 248
      4.4.1.c The Elasticity of Intellectual Property Doctrines 250
5. ‘Family Resemblance’ and Intellectual Property 255
   5.1. Intellectual Property’s Extended Family? 256
      5.1.1. Testing the Core Criteria: Subjects of Analysis 258
      5.1.2. Methodology 260
   5.2. Indigenous Customary Lore 262
      5.2.2. Australian Aboriginal ‘Intellectual Property’ Lore: A Case Study 266
         5.2.2.a The Dreaming as Intellectual Property Lore 267
         5.2.2.b ‘Infringement’ of the Dreaming 272
         5.2.2.c The Dreaming and Intellectual Property Law 273
      5.2.3. Conclusion 277
      5.2.4. The International Intellectual Propertization of Customary Lore 279
   5.3. Heraldry 281
   5.4. Branding of Animals 291
Contents

5.5. Workers’ Marks 294
   5.5.1. Guild Marks 297
       5.5.1.a Guild Marks as Intellectual Property (Collective Trademarks) 300
   5.5.2. Hallmarks 301
       5.5.2.a Traditional Hallmarking 302
       5.5.2.b Modern Hallmarking 303
   5.5.3. Standards 309
       5.5.3.a Standards as Intellectual Property (Certification Trademarks) 312
   5.5.4. Conclusion 315
5.6. Refining the Definition of ‘Intellectual Property’ 317
   5.6.1. Definition in Context 319

6. Concluding Remarks 329
   6.1. This Study 329
   6.2. Brief Recap of the Argument 330
   6.3. Themes 331
       6.3.1. The Symbolic but Unsettled Nature of ‘Intellectual Property’ 331
       6.3.2. Definitions of Intellectual Property 333
       6.3.3. The Constructed and Self-Referential Nature of Intellectual Property 333
       6.3.4. Refining the Theory: Intellectual Property in Context 334
   6.4. Contribution to the Literature 335
   6.5. Directions for Future Research 336
   6.6. Likely Implications of This Research for Intellectual Property Law 338

Appendix Normative Approaches to Intellectual Property 341
   A1 Rights-Based Justifications 341
       A1a Labour Theory (‘Lockean Theory’) 341
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1b Desert Theory</td>
<td>343</td>
</tr>
<tr>
<td>A1c Personality Theory</td>
<td>343</td>
</tr>
<tr>
<td>A2 Economic Justifications</td>
<td>345</td>
</tr>
<tr>
<td>A2a To Counter Free-Riding / Incentive to Create</td>
<td>345</td>
</tr>
<tr>
<td>A2b To Counter Information Asymmetry</td>
<td>346</td>
</tr>
<tr>
<td>A3 Consequentialist Justifications</td>
<td>346</td>
</tr>
<tr>
<td>A3a Utilitarian Theory</td>
<td>347</td>
</tr>
<tr>
<td>A3b Instrumentalist Theory</td>
<td>347</td>
</tr>
<tr>
<td>A3c Social Planning Theory</td>
<td>348</td>
</tr>
<tr>
<td>Bibliography</td>
<td>351</td>
</tr>
<tr>
<td>Filmography</td>
<td>389</td>
</tr>
<tr>
<td>Index</td>
<td>391</td>
</tr>
</tbody>
</table>
Figures

3A The Construction of Intellectual Property as an Institutional Fact  
   page 92

3B Campbell v Acuff-Rose Music (1994): Illustrating the distinction and relationship between an ideational object, its documented form, and the scope of the monopoly it attracts (i.e. the intellectual property object) under copyright law (US)  
   103

3C Criminal Clothing Ltd V. Aytan's Manufacturing (UK) Ltd (2005): Illustrating the distinction and relationship between an ideational object, its documented form, and the scope of the monopoly it attracts (i.e. the intellectual property object) under trademark law  
   108

3D ‘Cattle’ or a Pig?  
   120

4A Conceptual Requirements for Converting Ideational Objects into Intellectual Property Objects  
   149

4B Diego Velázquez, Portrait of Felipe IV (1652–1653)  
   224

4C Pablo Picasso, copy of Diego Velázquez’s Portrait of Felipe IV (1897)  
   225

4D Diego Velázquez, Las Meninas (c. 1656)  
   226

4E Pablo Picasso, Las Meninas after Velázquez (1957)  
   227

4F ‘PIZZA PICASSO PIZZAS OF ART and Palate Device’ trademark (Aust.)  
   233
FIGURES xvii

4G Copyright’s Objects: Intellectual Property Objects Protected by Copyright Law (UK) 246
4H Copyright’s Rights: The Proprietor’s Legally Awarded Exclusive Rights to Control Intellectual Property Objects (UK) 247
5A Use of Scania Heraldic Image in Saab Trademark (EU) Coat of Arms of Scania and registered trademark of Saab Automobile 285
5B Trademarks and Logo of the University of Sydney (Aust.) 289
5C Cattle Earmark Codes and Shapes (Queensland, Australia) 293
5D Guild Mark and Registered Trademark of the Gold and Silversmiths Guild of Australia (Aust.) 296
5E Example of Silver Hallmark from Birmingham Assay Office (UK) 303
5F Detail of Silver Hallmark from Birmingham Assay Office (UK) 304
5G Tiffany & Co. Hallmark (‘trademark’ & ‘maker’s mark’) (US) 306
5H Tiffany & Co. Registered Trademark (US) 307
Acknowledgements

The debts I have incurred in writing this book are numerous and deep. I would here like to thank all of those people who have assisted me.

Infinite thanks to my family and friends for being unwavering in their support for me. I appreciate it more than I can express.

My sincere thanks to Derek Jones, Dave Lexton, and Jeff Duckett, who acted with kindness, selflessness, and honour to combat gross injustice.

I am greatly indebted to Chris Birch SC, Ralph Melano, Dennis Patterson, Matt Rimmer, Daniel Stoljar, Wojciech Sadurski, and Tom Campbell for their support and feedback on drafts of this work. Thank you also to Lionel Bently and Roger Shiner for helpful comments on an early draft chapter, to all of those who offered suggestions on papers that became parts of the work, and to Cambridge University Press’s insightful and supportive anonymous reviewers.

Tremendous thanks to John Berger at Cambridge University Press. Thank you also to David Jou and the copy editor, Mary Becker, and to Bindu and the team at NewGen Publishing for their careful editorial work.

Thank you also to Tony Antoniou, Bruce Ayling, Philip Baker QC, Linda and Graham Christian, Susanna and Dicky Clymo, Monika and John Cutts, Graham Dutfield, Brendan Edgeworth, Richard Gallifant, John Gardner, Tibor Gold, Paul Gwynne, Jose and Jim Harris, Patsy Hay, Paul Huehnergard, Andrew Karney, Dimity Kingsford-Smith, Nicola Lacey, Bruce Landesman, Kathleen Mastrogiacomo, Margaret McKercher,
ACKNOWLEDGEMENTS

James Rigney, Leon Trakman, Michael Williams, and Alex Ziegert, for their kindness, friendship, advice, feedback, mentoring, and encouragement along the way.

Above all, to my parents, who invested so much in my education and supported so many years of my studies, and to my grandparents, who always encouraged and believed in me, I will be eternally grateful.

Of course, any errors, oversights, or omissions are mine alone, and entirely my responsibility.
Authorities

CONVENTIONS AND TREATIES

Agreement on Technical Cooperation between ISO and CEN (1991);
  passed as ISO Council resolution 18/1990 and CEN General Assembly
  resolution 3/1990
Agreement on Trade Related Aspects of Intellectual Property Rights
  (1984)
Berne Convention for the Protection of Literary and Artistic Works of
  9 September 1886, completed in Paris on 4 May 1896 (as revised and
  amended)
Convention on the Control and Marking of Articles of Precious Metals
  (1972)
Convention Establishing the World Intellectual Property Organization
  (1967)
General Agreement on Tariffs and Trade (1947)
Nice Agreement Concerning the International Classification of Goods and
  Services for the Purposes of the Registration of Marks (1957)
Paris Convention for the Protection of Industrial Property of March 20,
  1883 (as revised and amended)
Universal Copyright Convention (1952)
Universal Declaration of Human Rights (1948) (UN)
STATUTES AND CASES ORGANIZED BY JURISDICTION

AUSTRALIA

Statutes and Regulations:
- Brands Act 1918 (Qld)
- Brands Regulation 1998 (Qld)
- Copyright Act 1968 (Cth)
- Copyright Amendment Act 1984 (Cth)
- Copyright Amendment (Moral Rights) Act 2000 (Cth)
- Crimes Act 1900 (NSW)
- Interpretation of Legislation Act 1984 (Victoria)
- Patent Act 1990 (Cth)
- Road Safety (Traffic Management) Regulations 2009 (Victoria)
- Trade Marks Act 1995 (Cth)
- Trade Practices Act 1974 (Cth)
- US Free Trade Agreement Implementation Act 2004 (Cth)

Cases:
- Apple Computer Inc v Computer Edge Pty Ltd (1983) 50 ALR 581
- Doodeward v Spence (1908) 6 CLR 406
- Federal Commissioner of Taxation v United Aircraft Corp (1943) 68 CLR 525
- IceTV Pty Ltd v Nine Network Australia Pty Ltd (2009) 239 CLR 458
- Nine Network Australia Pty Ltd v IceTV Pty Ltd [2007] FCA 1172
- John Bulun Bulun & Anor v R & T Textiles Pty Ltd (1998) IPR 51
- Prior v Lansdowne Press Pty Ltd (1975) 12 ALR 685
- R v Jagamara (Unreported, Northern Territory Supreme Court, 28 May 1984)
- Rescare Ltd v Anaesthetic Supplies Pty Ltd (1992) 25 IPR 119
AUTHORITIES

Row Weeder Pty Ltd v Nielsen (1998) IPR 400
Shell Co of Australia Ltd v Rohm & Haas Co (1949) 78 CLR 601
Smith Kline & French Laboratories (Australia) Ltd v Secretary, Department of Community Services and Health (1990) 17 IPR 545
Taco Co (Aust) v Taco Bell (1982) 42 AR 177
Universal City Studios v Zeccola (1982) 46 ALR 189; 67 FLR 225
Victoria Park Racing and Recreation Grounds Company Limited v Taylor (1937) 58 CLR 479

EUROPEAN UNION

Directives and Regulations:
The Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (Council of Europe)

European Court of Justice Cases:
Canon Kabushiki Kaisha v MGM [1999] RPC 117
Lloyd Schuhfabrik Meyer & Co GmbH v Klisjen Handel BV [2000] FSR 77
Ralf Sieckmann v Deutsches Patent-und Markenamt [2003] ETMR 466
Reckitt & Colman Products v Borden Inc [1990] All ER 873
Sabel BV v Puma AG, Rudolf Dassler Sport [1998] RPC 199

UNITED KINGDOM

Statutes and Regulations:
An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown 1689
Adventure Activities Licensing Regulation 2004
Copyright Act 1709, 8 Anne c.19
xxiv

AUTHORITIES

Copyright Act 1775
Copyright Act 1911, s.22
Copyright, Designs and Patents Act 1988
Duration of Copyright and Rights in Performances Regulations 1995
(Statutory Instrument 1995, No. 3297)
Hallmarking Act 1973
Patent Law Amendment Act 1852 (15 & 16 Vict. c.83)
Patents Act 1835 (5 & 6 Will. 4 c.83)
Patents Act 1886 (49 & 50 Vict. c.37)
Patents Act 1902 (2 Edw. 7 c.53)
Patents Act 1949 (12, 13 & 14 Geo. 6 c.87)
Patents Act 1977
Patents and Designs Act 1907 (& Edw. 7 c.29)
Patents and Designs Act 1919 (9 & 10 Geo. 5 c.80)
Patents and Designs Act 1932 (22 & 23 Geo. 5 c.32)
Patents, Designs and Trade Marks Act 1883 (46 & 47 Vict. c.57)
Patents, Designs and Trade Marks Act 1885 (48 & 49 Vict. c.63)
Statute of Anne, 8 Anne, ch.19 (1710)
Statute of Monopolies 1623 (21 Jac. 1 c.3)
Theft Act 1968
Trade Mark Registration Act 1875 (38 & 39 Vict. c.91)
Trade Marks Act 1994
Cases:
Arsenal Football Club Plc v Reed [2001] RPC 46
Ashdown v Telegraph Group Ltd (2001) 3 WLR 1368
Ashmore v Douglas Horne [1987] FSR 533
BBC v Talksport [2001] FSR 53
Clothworkers of Ipswich Case Godbolt, tit. 351, p. 25; reported (1653) 78 ER 147
Criminal Clothing Ltd v Aytan’s Manufacturing (UK) Ltd [2005] EWHC 1303
Darcy v Allin, 77 Eng. Rep. 1260 (Queen’s Bench, 1602)
AUTHORITIES

Donoghue v Allied Newspapers Limited (1938) Ch. 106
Exxon Corporation v Exxon Insurance Consultants International [1982] 1 Ch. 119
Francis Day and Hunter v 20th Century Fox [1940] AC 112
Hyde Park Residence Ltd v Yelland [2000] Ch. 14; EMLR 363
Lion Laboratories v Evans [1985] QM 526
MacMillan v Cooper (1924) 40 TLR 186
Philips v Remington (1998) RPC 283
Powell v Birmingham Vinegar [1897] 14 RPC 720
Reddaway v Banham [1896] AC 199
University of London Press Ltd v University Tutorial Press Ltd [1916] 2 Ch. 601
Walter v Lane (1900) AC 539
Warnink v Townend [1979] AC 731
Wood v Boosey (1868) LR 3 QB 223
ZYX Music GmbH v King [1995] 3 All ER 1

UNITED STATES

Statutes:
Constitution of the United States of America
Declaration of Independence (4 July 1776)
Food and Agricultural Code, s.20661–20672 (California)
Omnibus Trade and Competitiveness Act 1988

Cases:
AUTHORITIES

Burrow-Giles Lithographic Co. v Sarony, 111 U.S. 53 (1884)

Calhoun v Lillenas Publishing, Civ. Nos. 01-11413, 01-11415 (11th Circuit, 2002)


CDN Inc. v Kapes, 197 F.3d 1256, 1261 (9th Circuit, 1999)

Dallas Cowboys Cheerleaders, Inc. v. Pussycat Cinema, Ltd., 604 F.2d 200 at 2005 (2d Cir. 1979)


Durham Industries, Inc. v Tomy Corp., 630 F.2d 905 (2nd Circuit, 1980)

Emerson v Davies, 8 F.Cas 615 at 619 (CCD Mass, 1845)

Ets-Hokin v Skyy Spirits Inc., 225 F.3d 1068 (9th Circuit, 2000)


Folsom v Marsh, 9 F.Cas. 342 (Circuit Court of Massachusetts, Oct Term 1841)

Gracen v Bradford Exchange, 698 F.2d 300 (7th Circuit, 1983)


Herman v Youngstown Car Manufacturing Co., 191 F. 579, 112 CCA 185 (6th Cir. 1911)

Jacobellis v Ohio (1964), 378 US 184


Panduit Corp v Stahlin Bros Fibre Works Inc, 575 F.2d 1152 at 1159, 197 USPQ (BNA) 726 (6th Circuit, 1978)

Ringling Bros.-Barnum & Bailey Combined Shows, Inc. v. Utah Div. of Travel Dev., 170 F.3d 449 at 459 (4th Cir. 1999)

OTHER JURISDICTIONS

Zimbabwe:

Armorial Bearings, Names, Uniforms and Badges Act [Acts 12/1971, 40/1977, 29/1981 (s.59), 7/198, 22/2001 (s.4); S.I. 490/1981 (s.3)], Ch. 10:01
## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCC</td>
<td>Australian Competition and Consumer Commission</td>
</tr>
<tr>
<td>AWI</td>
<td>Australian Wool Innovation Limited</td>
</tr>
<tr>
<td>Berne Convention</td>
<td><em>Berne Convention for the Protection of Literary and Artistic Works</em> (1886)</td>
</tr>
<tr>
<td>BSI</td>
<td>National Standards Body (UK), formerly known as the British Standards Institution</td>
</tr>
<tr>
<td>CEN</td>
<td>European Committee for Standardization</td>
</tr>
<tr>
<td>Cth</td>
<td>Commonwealth of Australia</td>
</tr>
<tr>
<td>CTM</td>
<td>Community Trade Mark (EU)</td>
</tr>
<tr>
<td>IAAO</td>
<td>International Association of Assay Offices</td>
</tr>
<tr>
<td>IPC</td>
<td>Intellectual Property Committee</td>
</tr>
<tr>
<td>IPRs</td>
<td>intellectual property rights</td>
</tr>
<tr>
<td>ISO</td>
<td>International Organization for Standardization</td>
</tr>
<tr>
<td>NIAAA</td>
<td>National Indigenous Arts Advocacy Agency</td>
</tr>
<tr>
<td>Nice Convention</td>
<td><em>Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks</em> (1957)</td>
</tr>
<tr>
<td>NSW</td>
<td>New South Wales, Australia</td>
</tr>
<tr>
<td>Paris Convention</td>
<td><em>Paris Convention for the Protection of Industrial Property</em> (1883)</td>
</tr>
<tr>
<td>Qld</td>
<td>Queensland, Australia</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sonny Bono Copyright</td>
<td>Copyright Term Extension Act (1998) (US)</td>
</tr>
<tr>
<td>Term Extension Act</td>
<td></td>
</tr>
<tr>
<td>TCEs</td>
<td>traditional cultural expressions</td>
</tr>
<tr>
<td>TK</td>
<td>traditional knowledge</td>
</tr>
<tr>
<td>TRIPS Agreement</td>
<td>Agreement on Trade Related Aspects of Intellectual Property (1994)</td>
</tr>
<tr>
<td>USPTO</td>
<td>United States Patent and Trademark Office</td>
</tr>
<tr>
<td>Vienna Agreement</td>
<td>Agreement on Technical Cooperation between ISO and CEN (1991)</td>
</tr>
<tr>
<td>WIPO</td>
<td>World Intellectual Property Organization</td>
</tr>
<tr>
<td>WTO</td>
<td>World Trade Organization</td>
</tr>
</tbody>
</table>