

## Book reviews

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### ***Resource Book on TRIPS and Development* edited by Fiona Macmillan (Cambridge University Press, New York, 2005)**

This book is a comprehensive source of information on the background and technical application of the TRIPs Agreement (“the Agreement”). Each provision is examined from a legal and economic perspective in order to identify ways in which the Agreement can be implemented. It aims to clarify the implications of the Agreement and to provide an explanation of rights and obligations of WTO Members. The book also considers the interaction of developments at the regional, national and international level with the objectives of the Agreement.

It was created as part of the UNCTAD-ICTSD Project on Intellectual Property Rights and Sustainable Development, which began in 2001. The main aim of the Project is to help inform key members in the IP community (such as decision makers, the private sector and civil society) so they can establish and implement effective development objectives.

The book comprises six parts to reflect the structure of the Agreement. Each part is further divided into chapters dealing with individual topics. Part one focuses on Articles 1–8 and discusses a range of topics on the nature of obligations, principles and objectives under the Agreement. Topics addressed include the characterisation of the TRIPs rules as a minimum standard, the discretion afforded to Members to decide on how the Agreement is implemented, which IP rights are covered and the Agreement’s principles and aims.

Part two examines substantive obligations under the Agreement and analyses Sections 1–7 of Part II of the Agreement. Particular attention is paid to patents and issues such as access to medicines and the patentability of life forms under Article 27.3(b). In regards to this last issue, the book contains an in-depth analysis of the options for implementation of Article 27.3(b), and a run-down of the Members’ positions on the reconsideration of the provision.

This part includes a thorough discussion of the provisions relating to geographical indications and also addresses topics such as copyright, trademarks and industrial designs.

Part three concentrates on IP rights and competition, specifically methods that can be utilised to prevent the abuse of IP rights under Articles 8.2 and 40 of the Agreement.

Enforcement, acquisition and maintenance of rights are addressed in Part four. Considerable discussion of Parts III and IV of the Agreement are included and the challenges faced by Members in establishing and implementing effective enforcement procedures are highlighted.

Part five deals with dispute prevention and settlement under Part V of the Agreement. Methods of interpretation used by the WTO panels and Appellate Body are examined, as well as the WTO dispute settlement system and the issues related to the proposed introduction of “non-violation” complaints in disputes relating to the Agreement.

In Part six, Parts VI and VII of the Agreement, covering transitional and institutional arrangements, are considered.

The book is well structured to allow for the reader to easily navigate through the information contained within it. The book makes effective use of break-out boxes to display the parts of the Agreement being discussed. This is an extremely useful device, as it makes it quite straightforward for the reader to be able to locate the actual text of the Agreement.

Each chapter includes the same user-friendly arrangement of information under common headings, enabling the reader to find relevant information with ease and allowing for efficient cross-referencing. Each chapter includes an introduction of the issue covered, the history of the provision and possible interpretations of the provision. Following this is a summary of the parts of the WTO and Appellate Body that deal with the provision being analysed. The relationship with other international agreements such as WTO Agreements and other international instruments is then addressed. Each chapter includes discussions on new developments, comparing the approaches adopted by national laws, international instruments, regional and bilateral contexts and proposals for review. Concluding comments focus on development policy issues and economic and social implications.

The book provides a rich source of information on the Agreement while also considering its place alongside other international agreements. It will no doubt prove an excellent resource for lawyers, policy-makers, academics and diplomats. A unique and commendable aspect of the book is that it is periodically updated online, allowing for the consideration and evaluation of topical developments and related issues.

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