

Intellectual property rights: Maintain a practical balance

MR TAN Tee Jim's observation that many developing countries seem dismissive towards intellectual property (IP) tells part of the story ("Become an Asian intellectual property hub? Here's what it takes"; yesterday).

The Trade-Related Aspects of Intellectual Property Rights (Trips) agreement has had several implementation issues – so much so that governments have had to debate extensively and agree on a major amendment in one highly publicised area, that of access to medicines, especially in poor

countries. The agreement requires governments to ensure minimum protection, such as through patents, for those who innovate to produce new medicines.

The patent – through its grant of an exclusivity period to the inventor to exploit and charge for the invention – is accepted by many as it rewards and encourages innovation.

However, it also raises issues such as costs and availability of inventions (such as medicines), which is an example of a very real issue that is relevant to

Asian countries; and which may cause hesitation in further strengthening or harmonising IP laws.

In addition, several recent free trade agreements have required signatory governments to give up some flexibilities in regulation originally permitted under Trips.

As Mr Tan observed, "attempts to apply only the laws, regulations and norms of a particular country will likely fail".

For a country such as Singapore that is seeking to encourage innovation as well as

maintain a strong IP system, a balance must be carefully sought between regulation that effectively protects and rewards innovation and other wider concerns. Providing leadership in such successful balancing – and not just promoting strong IP laws alone – can lend persuasiveness when trying to forge a consensus to achieve what Mr Tan refers to as "a common and coordinated IP protection regime" in Asia.

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