

Paper to participate in the 2015 IPSC at the DePaul University College of Law

Topic: A Brief Analysis of the Least Developed Countries' Endless Fight against the WTO's Economic-Based IPRs Policy*

Abstract: Since the Intellectual Property Rights (IPRs) issue was brought to the agenda of international trading system of the GATT in 1986, leading to the conclusion of the *TRIPS Agreement*, it has been the stumbling block of an unprecedented controversy. At the forefront of this controversy, the WTO's Least Developed Countries (LDCs) seem to stand for a roll-back position, twenty years after the *TRIPS Agreement* has entered into force. In fact, the agreement has opened doors to what one would call an implementation game, which consists, either in an ineffective legislative implementation or a consistent request for transitional period by the LDCs. Yet, the agreement is aimed to create an attractive business climate around the world by incentivizing innovations, which, in turn, are for the benefit of every country. As a matter of fact, empowering IPRs has the potential effect to help countries and especially the developing world shape their economic development in supporting their needs from the outcomes of businesses on innovations. Therefore, one may wonder whether or not it suits to fight the global economic-based IPRs policy that the WTO stands for.

This paper seeks to point out some positive aspects of the *TRIPS Agreement* on economic growth, from a Law-and-Economics perspective. In this respect, supportive arguments are drawn from examples of success experienced by countries which have embodied the *TRIPIS Agreement* in their domestic legislation. In any case, a free trade system is an opportunity to move forwards, and the economic-based IPRs policy of the WTO is necessary to flow international business of innovative goods.

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