Chapter I

Theoretical Framework

This study focuses on how conflicts over valuable information are becoming a part of international relations. The consolidation of power by nation-states has always been an important area of study in international relations. Today, information goods have become a significant form of power in the world economy. Nations are attempting to increase their power by seeking greater control over commercially important information. Disputes over intellectual property rights are becoming a part of international politics. This study attempts to analyze the controversy over IPRs between the US and India as an important issue in world politics by applying relevant theoretical perspectives.

The conflict between developing and developed nations provides an important area of analysis for several aspects of international relations. A focus on the attempt by industrialized nations to coerce developing nations to accept greater IPR protection can provide insights into the way dominant powers promote their policies. It can show how weaker nations attempt to resist such pressure. The IPR conflict is important in that it is one area in which developing nations have put up stiff opposition and have even attempted to evolve international changes to suit their interests. The IPR issue has witnessed the active involvement of non-state actors such as corporations, non-governmental organizations and farmer’s lobbies. It reveals how local level issues are promoted in the national and international arena. Developing and developed nations have established international regimes to
promote their interests on the issue. A study of the issue can therefore contribute to an understanding of various topics central to international relations including: the way developing and developed nations create regimes and influence policy change; the role of non-state actors in international politics; and the linkage between domestic level processes and international developments.

The study attempts to analyze these issues by focusing on the patent conflict between the US and India. US attempts to increase patent laws created enormous resistance in India. The study tries to understand why this complex issue caused opposition from such varied groups in India including from the local level. The protest on the patent issue created such an enormous outburst in India that a movement emerged to initiate changes internationally. India and other developing nations were able to shift the international regime governing genetic resources and traditional knowledge to protect their interests. This study attempts to evaluate how India, along with other developing nations, was able to bring about this change at the global and national level.

The theoretical framework is applied to the study to analyze the questions raised by the study: Why did US policy on patents create such resistance in India? Why and how is it leading to changes in India’s policy? How is India protecting its interests by initiating changes internationally? Theoretical perspectives are used to explore the following hypotheses: 1) US patent policy is leading to changes in India’s view of ownership rights over information. The change in viewpoint is seen as occurring at two levels: an increase in patent protection and a shift in view of genetic resources and traditional knowledge 2) India and other developing nations
have been able to revise the "common heritage" regime due to the impact of ideas that enabled developing nations to redefine interests.

The aim of the study is to analyze the reasons for the policy changes taking place in India and to explain how India and other developing nations were able to assert their interests at the international level on this issue. Theoretical perspectives are applied to the study to answer three specific questions: What factors are leading India to change its patent policy? What factors are leading India to shift its view of genetic resources and traditional knowledge? What factors enabled India and other developing nations to initiate these changes internationally? Different theoretical perspectives in international relations theory explain policy changes in various ways. No one theory can adequately explain the complex issues involved in the developments. ¹

Realist based approaches: Realist theories have held sway for the longest period in international relations. Classical realism focuses on power as a dominant force. Realists believe that nation-states pursue power and shape the economy to this end. Policy change is explained as a result of the powerful exerting their interests over the weak. Structural neorealism asserts that the international state system molds states and defines the possibilities of co-operation and conflict. Interests are derived from structures. Both realists and neorealists state that the international system is anarchical.

Realist thinkers include Morgentheau, Gilpin and others. The main exponent of neorealism is Kenneth Waltz. Realist approaches would explain the

¹ Note: None of the theories (or their major proponents) described in this chapter, have focused specifically on the issue of IPRs. An attempt is made here to adapt these theories to the study.
resistance and change in India as a result of power politics. India’s change in policy is due to coercion by the dominant economic power, the United States. The protest occurred in India because of the perceived loss in power that would result from greater patent protection. India and other developing nations were able to make some changes internationally as they acted as a bloc increasing their power potential. These provide only partial answers ignoring the ideological factors and the domestic level changes that played a role in policy change. The interests of nations were not derived only from the structure, but were influenced by ideas and norms. Various economic changes that were promoted by industrialized nations were perceived as leading to loss of power in India, but these did not lead to the kind of response found in the case of patents. Developing nations have not been able to co-operate on several issues on which they had common interests, but on this topic there has been cohesion. The realist analysis does not tell us why this has been so. Even in areas where developing nations have co-operated, they have not been able to evolve policy changes. The realist analysis does not explain how developing nations were able to bring about changes in the view of genetic resources and traditional knowledge. This study attempts to focus on various normative factors as providing the explanation for these developments.

Liberalism: Classical liberalism, drawn primarily from economics, emphasizes the market and free trade. Employing a cost-benefit analysis, the theory attempts to understand policy change in terms of utility-maximization. Adam Smith laid the foundation of liberalist thought and Robert Keohane is one of the most famous neoliberal institutionalists. This theory would state that India adopted changes due to rational self-interest. India understood that an increase in
patent laws, along with a demand for sovereign rights over genetic resources would be in its best interests. Neoliberal approaches see interests as fixed, ignoring the formulation and redefinition of interests. The theory does not explain why India felt that the "common heritage" regime was in its best interests at one point of time, and then later changed its view. Some neoliberal approaches accept that norms and values are important in shaping policy. However, neoliberalism views these as important only in influencing already fixed preferences. Domestic level processes are not given importance in neoliberal theory. The theory does not adequately explain the reasons for India's enormous protest, nor the ability of India to evolve domestic and international policy change. Rational choice provides only part of the explanation. There are many other areas in which a rational policy existed but India could not mobilize the will to make the change, as it could in the case of genetic resources and traditional knowledge. Again, ideological elements are focused upon as being important here.

In order to highlight several factors ignored by realist and liberal based approaches, this study attempts to apply two other perspectives, namely, Gramscian theory and Constructivism. These theoretical perspectives are used to assert the following points: India's change in patent laws is due to coercion and ideological predominance exercised by the US; India is shifting its view of genetic resources and traditional knowledge due to a process of learning and redefinition of interests; this learning was important in enabling developing nations to revise the international regime of "common heritage" to sovereign rights. A Gramscian perspective is used to evaluate how coercion and ideological predominance played a role in promoting changes in India's patent policy. India has resisted US
demands for increasing patent protection for decades. Recently, however, India has had to start reforming its laws due to US pressure. This study tries to argue that the change is taking place not only due to coercion, but also due to changes in viewpoint in India. Constructivism is used to analyze the second change occurring in India with regard to genetic resources and traditional knowledge. India is changing from a view that held that these resources were public property to one that sees them as the sovereign right of nations. This study argues that this change is taking place as a result of learning on the part of India and other developing nations. India and other developing countries had accepted the common heritage regime, which views genetic resources as common property, for years. However, as industrialized nations began to extend patent protection, developing countries understood that the common heritage regime was not in their interests and shifted to a sovereign rights position, that views such resources are their property. Thus learning played an important role in leading to the shift both nationally and internationally. Three aspects of the study will be dealt with in the following sections: 1) Change in India's patent policy 2) Change in India's view of genetic resources and traditional knowledge 3) International shift from "common heritage".

*Change in India's patent policy:* India has been one of the foremost opponents of US patent policies. Widespread protest has taken place in India against increasing patent laws. The United States has exerted enormous pressure on India to grant greater patent protection. Although resistance still exists in India, a gradual process of change is taking place. India is beginning to revise its patent laws to conform to US demands. Industry and various scientific institutions are
beginning to adopt a more pro-patent view. It is clear that US trade pressure has been one of the main factors causing the change in India. In addition, an element of ideological changes promoted by the US is also important. Gramsci's analysis provides an understanding of how coercion and social hegemonization play a role in bringing about policy change. In other words, India's policy change cannot be explained only as a result of coercion, but also due to change in viewpoint in India. Gramsci argues that 'internal control' is important in establishing hegemony. Gramsci's theory is applied to understand how much of a role consensus building by the dominant social group in the US played in changing IPR policies in developing nations.

In his *Prison Notebooks*, the former leader of the Italian Communist Party, Gramsci, produced an innovative and important reformulation of Marxist thinking. Writing in a fascist prison between 1929 and 1935, Gramsci was interested in understanding the capitalist societies in the 1920s and 1930s, particularly the meaning of fascism, and the possibilities of building an alternative form of state and society based on the working class.\(^2\) His writings dealt with the state, the relationship of state and civil society, and the relationship of politics, ethics and ideology to production.\(^3\) Gramsci was interested in understanding the dynamics of the consolidation of power.\(^4\) His analysis provides significant insights into contemporary international politics.


\(^3\) Ibid.

According to Gramsci, the supremacy of a social group manifests itself in two ways, as 'domination' or coercion and as 'intellectual and moral leadership'⁵. The latter type of supremacy constitutes hegemony. Gramsci distinguishes between rule by 'force' and rule through 'consensus' borrowing from Machiavelli.⁶ The former refers to exercising social control externally through rewards and punishments, and the latter to internal control where personal convictions are molded into a replica of social norms. Such 'internal control' is based on hegemony, which refers to an order in which one concept of reality is dominant, informing with its spirit all modes of thought and behavior.⁷ Hegemony is the predominance obtained by consent rather than force of one class or group over other classes.⁸ In the real world, these two forms of rule are mutually supportive and often combine in ambiguous ways. Gramsci took over from Machiavelli the image of power as a centaur: half man, half beast, a necessary combination of consent and coercion.⁹ Gramsci's approach applied to the study would emphasize that the United States utilized both coercive tactics and "intellectual and moral leadership" to ensure that India changed its patent laws. The United States promoted change in India not only by trade threats, but also by establishing international norms that viewed India's patent policy as fostering "piracy", or theft of US technology. The US was also able to bring about some

⁵ Ibid.
⁶ Ibid.
⁷ Ibid.
⁸ Ibid.
⁹ Cox, n. 2, p.52
change within India regarding the importance of promoting innovations through patents.

In addition, Gramsci’s analysis would indicate that private actors and intellectuals were important in bringing about the change. Gramsci speaks of a dominant social group that promotes the ideas and shapes the perceptions. Hegemony, according to Gramsci, is exercised through the civil society. Whereas ‘domination’ is realized through the coercive machinery of the state, ‘intellectual and moral leadership’ is objectified in, and mainly exercised through civil society, the ensemble of educational, religious and associational institutions. Gramsci states, “What we can do, for the moment, is to fix two major superstructural ‘levels’: the one that can be called ‘civil society’, that is the ensemble of organisms commonly called ‘private’, and that of ‘political society’ or ‘the State’. These two levels correspond on the one hand to the function of ‘hegemony’ that the dominant group exercises through society and on the other hand to that of ‘direct domination’ or command exercised through the State and ‘juridical government’.”

Gramsci’s civil society consists of various forms of voluntary association. It included the church, the educational system, the press, and all the institutions which helped to create in people certain modes of behavior and expectations consistent with the hegemonic social order. Hegemony is attained through the

11 Quoted in Augelli and Murphy, n. 4, p. 128
12 Augelli and Murphy, n. 4, p. 129
13 Cox, n. 2, p. 51
myriad ways in which the institutions of civil society operate to shape, directly or indirectly, the cognitive and affective structures whereby men perceive and evaluate problematic social reality.\textsuperscript{14} Moreover, this ideological superiority must have solid economic roots: "if hegemony is ethico-political, it must also be economic, it must also have its foundation in the decisive function that the leading group exercises in the decisive nucleus of economic activity."\textsuperscript{15} Important corporate actors were the main forces that were behind US attempts to promote IPRs. These companies established industry associations to promote their view of intellectual property rights.

Intellectuals play an important role in the creation of hegemony. Gramsci states, "The role of the intellectuals is to represent the ideas that constitute the terrain where hegemony is exercised."\textsuperscript{16} They must supply intellectual and moral support for the hegemon's dominant political role to the point that "what is 'politics' to the productive (and potentially hegemonic) class becomes 'rationality' to the intellectual class."\textsuperscript{17} The intellectuals organically tied to the hegemonic class must produce a philosophy, political theory, and economics which together constitute a world-view, the principles of which can be translated from one discipline to another.\textsuperscript{18} Lawyers and economists that rationalized the IPR policy promoted by the corporate actors were important in increasing IPR laws worldwide. Thus intellectuals played a role in creating the hegemony.

\begin{footnotes}
\item[14] Ibid., p. 24
\item[15] Ibid.
\item[16] Augelli and Murphy, n. 4, p. 131
\item[17] Ibid.
\item[18] Ibid.
\end{footnotes}
Application of Gramscian theory would reveal that the foreign expansion of IPR policy began in the domestic sphere. On the issue of IPRs, it is clear that it was an outward expansion of US domestic policy. As Gramsci notes international relations follow fundamental social relations. Gramsci states, "Do international relations precede or follow (logically) fundamental social relations? There can be no doubt that they follow. Any organic innovation in the social structure, through its technical-military expressions, modifies organically absolute and relative relations in the international field too."19 By 'organic' Gramsci meant that what is structural, long-term or relatively permanent, as opposed to the short-term or 'conjunctural'.20 Basic changes in international power relations or world order, can be traced to fundamental changes in social relations.21

Gramsci emphasizes the role of consensus building in promoting a world order. To become hegemonic, a state would have to found and protect a world order which was universal in conception, i.e., not an order in which one state directly exploits others but an order which most other states (or at least those within the reach of hegemony) could find compatible with their interests.22 Such an order would hardly be conceived in inter-state terms alone, for this would likely bring to the fore oppositions of state interests.23 It would most likely give prominence to the forces of civil society to operate on a world scale.24 A world hegemony is in its beginnings an outward expansion of the internal (national)

19 Cox, n.2, p. 58
20 Ibid.
21 Ibid.
22 Ibid., p. 61
23 Ibid.
24 Ibid.
hegemony established by the dominant social class. The economic and social institutions, the culture, the technology associated with this national hegemony become patterns for emulation abroad. One mechanism through which the universal norms of world hegemony are expressed is international organization. The corporate actors that promoted US IPR policy realized the need to build consensus with allies. They negotiated with companies in Japan and Europe to build a consensus on the need for increasing IPRs worldwide. Thus consensus building was important in US policy of IPRs.

Gramsci’s analysis applied to the study would indicate that social control and overt pressure were factors that promoted the change in India. India is beginning to increase patent protection not only for fear of trade retaliation but also due to changes in view within India. With an enormous base of scientific and research expertise, India is hoping to gain in future through greater patents. The international structure that the US was able to create played a role in convincing India that it must get into the patent race. Dominant groups within the US extended the domestic policy on patents internationally through both coercion and consensus building. Due to the norms that the US was able to promote, India was forced to accept that it needs to increase its patent laws and adopt a more pro-patent view.

Change in India’s view of genetic resources and traditional knowledge: US policy on patents is also leading to other changes in India’s view of ownership

25 Ibid.
26 Ibid.
27 Ibid., p.62
rights over information. The second change pointed out in this study is in India’s view of genetic resources and indigenous knowledge. Due to US policy of extending patents, India has changed its position regarding resources that are found in India. India has viewed these resources as existing in the public domain, to be freely used by all and owned by none. But due to US policy of granting patents on products derived from these resources, India has changed its stance. The view that such resources should remain in the public domain, while developed nations were able to gain patents on industrial applications of these resources, was perceived as leading to losses for India. Non-governmental organizations were influential in pointing out the losses that resulted from viewing these resources as “common heritage”. Most of these resources existed in developing nations and industrialized nations were making profits exploiting these resources freely. Developing nations attempted to extend the common heritage view to the patented products, arguing that even these should be freely accessible to all. When industrialized nations refused to concede to these demands, developing nations decided that a change was required.

Constructivism provides an important analysis of how learning can play a role in policy change. This study argues that India’s shift in view of genetic resources from common heritage to sovereign rights occurred as a process of learning. India and other developing nations redefined their interests due to a shift in ideas. Power and interests were interpreted and redefined according to perceptions. Initially, developing nations felt that the common heritage regime would be in their interests despite of having a vast store of genetic resources. It was a belief that certain resources must be kept out of private property and should
remain in the public domain. Developing nations felt that this would ensure that the advanced countries could not appropriate these resources which existed in developing nations. Developing nations, however, found that industrialized nations were benefiting from this regime. Advanced nations could freely take these resources and patent products derived from these resources. When developed nations began extending patent laws and utilizing their resources, developing nations changed their view and asserted sovereign rights over their resources. A process of learning enabled them to understand that the common heritage regime was not in their interests. The Constructivist approach focuses on ideas and the origin and redefinition of interests. While neorealist and neoliberal approaches look to variables of power and interest to explain change, constructivism adopts ideational factors as an independent variable. The major proponents of Constructivism include Adler, Kratochwil, Katzenstein and Haas.

Constructivism argues that international reality is socially constructed by cognitive structures that give meaning to the material world. Constructivism is the view that the manner in which the material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world.28 Constructivists believe that International Relations consist primarily of social facts, which are facts only by human agreement.29 At the same time, constructivists are ‘ontological realists’; they believe not only in the existence of the material world, but also that ‘this material world offers resistance

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29 Ibid., p. 323
when we act upon it'. 30 Constructivists believe that the identities, interests and behavior of political agents are socially constructed by collective meanings, interpretations and assumptions about the world.

Constructivists question the methodological individualism that underpins both neoliberalism and neorealism. 31 This agent-centered view asserts that all social phenomena are explicable in ways that involve only individual agents and their goals and actions. 32 Also implicit in many constructivist accounts is a model of human agents and state behavior where rule-governed action and logics of appropriateness prevail. 33 Such logics involve reasoning by analogy and metaphor and are not about ends and means. Under them, agents ask "What kind of situation is this?" and "What should I do now?"—with norms helping to supply the answers. 34 Norms therefore constitute states/agents, providing them with understandings of their interests.

Scholars of rational choice, by contrast, use a behavioural model based on utility maximization: when confronted with various options, an agent picks the one that best serves its objectives and interests. 35 Much rational choice research ("thick rationalism") also makes assumptions about the content of these interests, typically that they are material goods such as power and wealth. 36 State (agent) interests are

30 Ibid.
32 Ibid.
33 Ibid.
34 Ibid.
35 Ibid.
36 Ibid.
given a priori and exogenously.\textsuperscript{37} Norms and social structures at most constrain the choices and behavior of self-interested states, which operate according to a logic of consequences (means-ends calculations).\textsuperscript{38}

The concept of \textit{norm} is used to describe collective expectations for the proper behavior of actors within a given identity.\textsuperscript{39} In some situations norms operate like rules that define the identity of the actor, thus having "constitutive effects" that specify what actions will cause relevant others to recognize a particular identity.\textsuperscript{40} In other situations norms operate as standards that specify the proper enactment of an already defined identity.\textsuperscript{41} In such instances norms have "regulative" effects that specify standards of proper behavior. Norms thus either define (or constitute) identities or prescribe (or regulate) behavior, or they do both.\textsuperscript{42} Realists see norms as lacking causal force, and neoliberal regime theory argues that they play an influential role in certain issue-areas.\textsuperscript{43} However, even for neoliberals, norms are still a superstructure built on a material base: they serve a regulative function, helping actors with given interests maximize utility. Agents (states) create structures (norms and institutions).\textsuperscript{44} For constructivists, by contrast, norms are collective understandings that make behavioral claims on actors.\textsuperscript{45} Their

\begin{itemize}
\item \textsuperscript{37} Ibid.
\item \textsuperscript{38} Ibid.
\item \textsuperscript{40} Ibid.
\item \textsuperscript{41} Ibid.
\item \textsuperscript{42} Ibid.
\item \textsuperscript{43} Checkel, n. 31, p. 327
\item \textsuperscript{44} Ibid.
\item \textsuperscript{45} Ibid.
\end{itemize}
effects reach deeper: they constitute actor identities and interests and do not simply regulate behavior. As explanatory variables, their status moves from intervening to independent. Norms are no longer a superstructure on a material base; rather, they help to create and define the base. For constructivists, agents (states) and structures (global norms) are interacting; they are mutually constituted.

The constructivist approach applied to the study would interpret the change taking place in India not as a result of power or cost-benefit analysis but rather as a product of redefinition of interests due to learning. The norm existed for decades that genetic resources and traditional knowledge were freely accessible to all. Due to the increase in patent policy by industrialized nations, developing nations changed their view. They felt that the common heritage regime was no longer in their interests and changed their policy. Thus learning played a role in bringing about the change in India. Interests were not fixed as would be explained by neorealist or neoliberal theories, but changed in accordance with perceptions. It was not based on rational choice, but rather on normative factors that defined the actors interests.

_**International shift from “common heritage”:**_ The third aspect of study is how India and other developing nations were able to bring about the change internationally on the issue of genetic resources. It is significant that on the issue of IPRs developing nations have been able to evolve policy alternatives at the global and domestic level. India and other developing nations were able to conclude an

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46 Ibid.  
47 Ibid.  
48 Ibid.
international agreement, known as the Convention on Biological Diversity, that asserted their sovereign rights over genetic resources, and rejected the common heritage regime. It is important to understand the factors that enabled this movement to emerge and garner enough momentum to cause an international shift. This study attempts to point out that India and other developing nations were able to build up this movement due to several factors: 1) In addition to perceived economic loss, the patent issue affected India in terms of ideological factors such as culture. The movement would not have been as strong had there not been an element of emotional perceptions that shaped the view 2) Developing nations would not have been able to evolve the shift without the involvement of non-governmental organizations. The ability of these organizations to point out various inequalities that existed and propose alternate models was crucial 3) The developing nation's use of concepts such as "sovereignty" which were well established in western ideology was important in bringing about the change. Developed nations found it difficult to argue against the rationality that resources that existed within a nation should be under that nation's sovereign control. 4) Concerns regarding biodiversity loss had emerged within developing and developed countries. Developing nations played on such concerns and pointed out that countries would not initiate biodiversity conservation unless they had a stake in it. Conservation required ownership rights. 5) Another important factor that played a role in developing nation's ability to promote the issue internationally was the emerging concerns regarding indigenous people. Indigenous communities have begun to assert their interests internationally in forums such as the United Nations. Awareness regarding the needs of such groups has emerged worldwide.
This enabled developing nations and non-governmental organizations to point out that indigenous knowledge was being ignored by IPR systems.

Domestic level learning and various international perceptions played a role in determining India and other developing nation's ability to make changes at the global level. India and other developing nations were able to make the change internationally due to a process of learning which they underwent. Domestic level change was a key factor in promoting the multilateral demands and cohesion among developing nations. Learning was a key factor in enabling developing nations to redefine their interests. Learning and new knowledge played a key role in intergroup consensus on the part of the G-77. The South was taken seriously due to perception that they could block access to genetic resources which was important for biotechnology.

Gramsci's analysis also provides some insights into developing nation's ability to promote change. Gramsci speaks of how dominant groups arise to challenge the existing hegemony. As India and other developing nations did evolve a process to assert their interest in the existing IP regime, the question here is whether such a movement can be seen as a counter-hegemony in Gramsci's terms. According to Gramsci, the state and society together constituted a solid structure and revolution implied the development within it of another structure strong enough to replace the first.\footnote{Cox, n. 2, p. 56} Whether dominant or emergent, such a structure is what Gramsci called a historic bloc.\footnote{Ibid.} For Gramsci, the historic bloc had a revolutionary orientation through its stress on the unity and coherence of socio-
political orders.\textsuperscript{51} It was an intellectual defense against co-optation.\textsuperscript{52} A new bloc is formed when a subordinate class, (e.g., the workers) establishes hegemony over other subordinate groups (e.g., small farmers and marginals).\textsuperscript{53} Gramsci also provides an analysis of how the counter-hegemonic force can succeed. The attempt here is to understand whether India and other developing nations utilized such mechanisms. According to Gramsci, a direct attack against the bourgeois state (war of manoeuvre) will not be successful. Rather what is needed is a ‘war of position’ on the cultural front. This strategy requires steady penetration and subversion of the complex and multiple mechanisms of ideological diffusion.\textsuperscript{54} Attention must be directed to the civil society, to the dissemination of radical ideas about man and society—in short, to the creation of a proletarian counter-hegemony.\textsuperscript{55} The major premise of Gramsci’s theory of revolution is that objective material interests are not automatically or inevitably transformed into class consciousness.\textsuperscript{56} It is possible to view the movement by developing nations as an attempt at counter-hegemony, for it does encompass the rise of other groups to challenge hegemony, but not necessarily Gramsci’s version of proletarian counter-hegemony. It is difficult at this stage to analyze it in detail as developments are in the process of taking shape. Developing nations have been able to establish an international agreement that states that genetic resources are no more common heritage, but are

\textsuperscript{51} Ibid.
\textsuperscript{52} Ibid.
\textsuperscript{53} Ibid.
\textsuperscript{54} Femia, n. 10, p. 53
\textsuperscript{55} Ibid.
\textsuperscript{56} Ibid., p. 55
now in the process of implementing it. Developing and developed nations are currently engaged in the process of defining ownership rights over information.

This study attempts to show that ideas are a powerful force in international relations. The change in patent policy in India is explained as a result of both coercion and ideological pressure used by the United States. The shift from the “common heritage” regime, both domestically within India and internationally, are accounted for by a process of learning. Domestic level changes were important in bringing about the change internationally. Neorealist and neoliberal approaches do not explain the role of ideas in determining interests, nor do they explain how interests are redefined. Power and interests, in other words, are not given, but must be interpreted and periodically redefined. Thus constructivism is used to focus on the importance of ideas in bringing about change, and a Gramscian approach is used to analyze the role of dominant groups in using ideas to promote change.