**Glossary**

**Bolar Exception:** An exception to patent rights allowing a third party to undertake, without the authorisation of the patentee, acts in respect of a patented product necessary for the purpose of obtaining regulatory approval for a product.

**Compulsory Licence:** A licence to exploit a patented invention granted by the state upon request to a third party for instance in order to remedy an abuse of rights by the patentee.

**Copyright:** Exclusive rights of the creators of original literary, scientific and artistic works, which are created, without formalities, with the creation of the work, and last (as a general rule) for the life of the creator plus 50 years (70 years in the US and EU). It prevents unauthorized reproduction, public performance, recording, broadcasting, translation, or adaptation, and allows the collection of royalties for authorised use.

**Counterfeiting:** The act of producing or selling a product containing an intentional and calculated reproduction of a genuine trademark.

**Database Protection:** A *sui generis* protection system, preventing unauthorised use of data compilations, even if non-original.

**Differential Pricing:** Practice of setting different prices for different markets, typically higher prices in richer markets and lower prices in poorer markets.
Doha Declaration (on TRIPS and Public Health): Declaration, agreed at the Doha WTOMinisterial Meeting in 2001, which states that to the TRIPS agreement should be interpreted and implemented in a way that supports public health, and clarifies some flexibilities allowed by the Agreement for that purpose.

Examination (Substantive Examination): A full examination of the patent application, undertaken by a patent examiner, to determine whether the application complies with all the legal requirements for patentability set out in the legislation. The examination takes into account any documents found during the search.

Exhaustion of Rights: Principle whereby the rightholders’ IP rights in respect of a product are considered exhausted (i.e. he no longer can exercise any rights) when that product has been put on the market by the IP holder, or by an authorised party.

GATT: Known formally as the General Agreement on Tariffs and Trade, GATT refers both to an international organization headquartered at Geneva, Switzerland, as well as the 1947 agreement that gave birth to the organization. The organization provided a framework for negotiations - called "rounds" - within which contracting parties negotiated to lower barriers to trade. The GATT also provided a consultative mechanism that could be invoked by governments seeking to protect their trade interests. The Uruguay Round of GATT led to the creation of the World Trade Organization (WTO) -- which replaced the GATT organization on January 1, 1995.
**Generic Medicine or Drug:** A generic drug is the chemical equivalent of a patented drug. A pharmaceutical product usually intended to be interchangeable with the innovator product, which is not protected by a patent in the country or is licensed. Generic drugs are marketed either under a non-proprietary or approved name rather than a proprietary name.

**Geographical Indication (GI):** Name that identifies the specific geographical origin of a product when certain qualities, reputation or other characteristics of the products can be associated with that origin. For example, food products sometimes have qualities that derive from their place of production and local environmental factors. The GI prevents unauthorized parties from using a protected GI for products not from that region or from misleading the public as to the true origin of the product.

**Intellectual Property Rights (IPRs):** Rights awarded by society to individuals or organisations over inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. They give the titleholder the right to prevent others from making unauthorized use of their property for a limited period.

**Mailbox Provision:** This Refers to the requirement of the TRIPS Agreement applying to WTO members which do not yet provide product patent protection for pharmaceuticals and for agricultural chemicals. Since 1 January 1995, when the WTO agreements entered into force, these countries have to establish a means by which applications of patents for
these products can be filed. (An additional requirement says they must also put in place a system for granting “exclusive marketing rights” for the products whose patent applications have been filed.)

**Malaria:** An infection caused by the protozoan parasite Plasmodium and transmitted by an infected anopheline mosquito. *P. falciparum*, the most widespread and dangerous of the four species of malaria, can, if left untreated, lead to fatal cerebral malaria. There are 300-500 million new cases and 1-2 million deaths from malaria each year. Over 90% of cases occur in sub-Saharan Africa. Malaria strikes mostly poor and rural communities, and targets primarily children, pregnant women and refugees. Treatment depends on resistance — first-line usually chloroquine or sulfadoxine + pyrimethamine; second-line treatment with mefloquine, quinine, artemether or a combination of these.

**National treatment:** The principle of giving others the same treatment as one’s own nationals. GATT Article III requires that imports be treated no less favourably than the same or similar domestically-produced goods once they have passed customs. GATS Article XVII and TRIPS Article 3 also deal with national treatment for services and intellectual property protection.

**Parallel Imports:** The import of a patented product from another country once it has been put on the latter’s market by the titleholder, or other authorised party. For instance, in the EU it is legal to buy a product from a wholesaler in Portugal to retail in the UK, although the product is patented in both countries. The legal status of parallel imports is a matter for national decision, and is related to the issue of the Exhaustion of Rights.
**Patent**: An exclusive right awarded to an inventor to prevent others from making, selling, distributing, importing or using their invention, without licence or authorisation, for a fixed period of time. In return, society requires that the patentee discloses the invention in the public. There are usually three requirements for patentability: novelty (new characteristics which are not prior art), inventive step or non-obviousness (knowledge not obvious to one skilled in the field), and industrial applicability or utility (US).

**Plant Variety Protection (PVP)**: Rights granted to breeders of new, distinct, uniform and stable plant varieties. They normally offer protection for at least twenty years. Most countries have exceptions for farmers to save and replant seeds on their holdings, and for further research and breeding.

**Prior Art**: Publications or other public disclosures made before the filing (or priority) date of a patent application and against which the novelty and inventiveness of the invention in the patent application is judged.

**Registration**: A formal procedure for obtaining an IP right typically requiring an application and examination of that application. Certain IP rights such as copyright are available automatically without the need for registration. Patent applications in some countries may simply be registered after a basic check.

**Research Tools**: The full range of resources, methods and techniques that are used in research.
**Special 301:** Special 301 is the principal U.S. statute for addressing foreign unfair practices concerning intellectual property rights; under the "Special 301" provisions in U.S. trade law, the U.S. Trade Representative (USTR) at least annually identifies those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access for persons that rely on intellectual property protection.

**Sui Generics:** Latin expression meaning “of its own kind”. A sui generis system of protection for example for traditional knowledge would be a system of protection separate from the existing IP system.

**Trade Secret:** Commercially valuable information about production methods, business plans, clientele, etc. They are protected as long as they remain secret by laws which prevent acquisition by commercially unfair means and unauthorised disclosure.

**Trademark:** Exclusive rights to use distinctive signs, such as symbols, colours, letters, shapes or names to identify the producer of a product, and protect its associated reputation. The period of protection varies, but a trademark can be renewed indefinitely.

**TRIPS (formally known as The Agreement on Trade-Related Aspects of Intellectual Property Rights):** The TRIPS agreement is the most comprehensive multilateral agreement on intellectual property in existence. TRIPS sets a minimum standard for intellectual property protection that countries that join the WTO must conform to.

The minimum standard in TRIPS is set primarily with reference to the Paris Convention for the Protection of Industrial Property (Paris Convention) and the Berne Convention for
the Protection of Literary and Artistic Works (Berne Convention). The TRIPS agreement also covers some forms of intellectual property not enumerated in the Paris or Berne Conventions, including the protection of computer programs and some compilations of data. TRIPS also provides for the resolution of disputes between nations through the WTO.

The general timetable for nations joining the WTO within which they must implement the TRIPS agreement is one year for industrialized countries; five years for developing countries and countries shifting from centrally planned economies; and 11 years for least-developed countries.


Tuberculosis (TB) An infection by Mycobacterium tuberculosis which causes lesions on the lungs and other tissues of the body, often developing long after the initial infection.


World Trade Organization (WTO): The WTO is a permanent umbrella organization composed of countries and customs territories that was created to replace the General Agreement on Tariffs and Trade (GATT) organization. The WTO provides a forum for multilateral trade negotiations, conducts reviews of member country trade policies, and cooperates with the World Bank and the International Monetary Fund in an attempt to achieve greater coherence in global economic policy-making.