

TWO POINTS OF VIEW ON INTELLECTUAL PROPERTY RIGHTS

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One of controversial problem relating to international trade in recent years is the intellectual property rights. In fact, one of reasons accepted by policy researchers is either the absence of laws on strict protection for intellectual property or unsuccessful implementation of these laws in many countries, especially developing ones.

Intellectual property embraces a number of subjects, including copyright and related rights, trademark, topography, trade secret, industrial designs, software, satellite signal with coded programs and living organisms.

These subjects require big investment in researches and invention of intellectual works but cost of producing these goods is small. This is verified by increases in counterfeiters. The "stealing" of intellectual property reduces the payback to the original researchers leading to reduction in ability to make more investment in research and development of new products. As trade in goods and services is globalized, many companies in developed countries have lost billion of dollars. American companies declare they lose some US\$50 billion a year because their intellectual property rights are violated or aren't protected properly.

Governments of developed countries, especially in ones with many companies are suffering such losses, have suggested various bilateral measures. For example, the MFN status granted by the U.S. to Chinese exports requires the promulgation and implementation of laws protecting the intellectual property. The same measure is also included in the U.S.-Vietnam Trade Agreement.

At multilateral level, there are dozens of intellectual property treaties, the most important among them are:

Table 1: Degree of protection of intellectual property in some countries (from 0, the lowest, to 10, the highest)

Country	Patent	Copyright	Trademark	Trade secret
Argentina	3.8	5.7	7.1	4.4
Brazil	3.3	5.2	3.3	3.3
Canada	8.1	7.7	9.0	7.8
Chile	5.7	5.7	7.6	7.8
China	2.4	2.9	6.2	3.3
Germany	8.6	8.6	9.0	10.0
India	3.3	5.7	3.8	3.3
Israel	7.1	7.1	8.6	8.9
Mexico	3.3	7.6	3.8	3.3
New Zealand	7.1	8.1	9.5	7.8
South Korea	3.3	4.8	3.8	3.3
Singapore	7.1	6.7	8.6	5.6
Thailand	2.4	4.8	6.7	5.6
United States	9.0	8.1	9.0	7.8

Source: Belay Seyoum, "The impact of intellectual property rights on foreign direct investment", Columbia Journal of World Business, 1996.

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in the WTO context.

- Paris Convention for the Protection of Industrial Property,

- Berne Convention for the Protection of Literary and Artistic Works.

Although many treaties were designed to protect different intellectual property rights, the implementation of these treaties differs widely over countries.

This situation originates from two different points of view taken by developed and developing countries.

Developed countries argue that the protection of intellectual property rights is a reward for creative activities and innovation of intellectual products. In their view, if the intellectual property rights aren't protected properly, many companies will lose the ability to invest in development of new products.

On the contrary, many developing countries consider intellectual property as public product. Easy access to intellectual property will help them develop their economies and bridge the gap between theirs and developed economies.

Those two points of view could be represented in the following figure:

Difference between those two points of view helps Vietnam realize challenges and opportunities presented by the use of intellectual property. In implementing articles relating to intellectual property rights set forth by the U.S.-Vietnam Trade Agreement, Vietnam should pay attention to potentially great risks as inevitable facts. This consideration is even more important to the effort to develop a knowledge-based economy.

I hope I can discuss opportunities and challenges posed by the protection of intellectual property rights in other article. ■

