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HOW TREATIES AND TECHNOLOGY HAVE CHANGED INTELLECTUAL PROPERTY LAW

GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE

By Ronald O'Leary*

I. INTRODUCTION

Since the nineteenth century, intellectual property (“IP”) law has become more globalized.¹ This has been the result of both international treaties and technological changes. The earliest examples of this phenomenon are the 1883 Paris Convention for the Protection of Industrial Property and the 1886 Berne Convention for the Protection of Literary and Artistic Works.² Since then, there have been various multilateral agreements regarding intellectual property. These agreements include the Agreement on Trade Related Aspects of Intellectual Property (TRIPS),³ the Marrakesh Treaty,⁴ and the ASEAN Charter.⁵ The authors in the book entitled *Global Governance of Intellectual Property in the 21st Century: Reflecting Policy Through Change* provide a fascinating account of the most recent international agreements and technological changes. The authors also discuss how countries have revised their laws to adapt to these changes.

This book review will discuss the essays on recent agreements as they apply to specific issues including standards for copyrighting works, access to works for blind or visually impaired people, and trademark registration. This review also discusses the essays that address technologies that have driven the evolution of IP law. These developments include internet service providers and patentomics. This book effectively discusses why these recent developments in IP law have been necessary. The book seems to be geared toward academics as opposed to a general audience because the authors do not define some terms that a lay person may not know. However, this book still gives readers a great opportunity to study the current situation of IP law in international relations. This book could also benefit IP lawyers because they might encounter these issues more frequently in IP law as it becomes more globalized.

II. SUMMARY

The essay *Code, Autonomous Concepts and Procedure: Stepping Stones for European Law?*, by Alison Firth aims to defend two propositions: (1) judicial development is

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¹ MARK PERRY, THE CHANGING FACE OF INTELLECTUAL PROPERTY: GLOBAL FORCES AND COMPLIANCE, IN GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE, 1 (Mark Perry ed., Springer International Publishing 2016).

² *Id.*

³ *Id.* at 2.

⁴ *Id.* at 5.

⁵ *Id.* at 6.

occurring in the European Union regarding intellectual property and (2) remedies and procedures determine what issues are brought forward.⁶ Regarding the first proposition, the European Union (EU) and its member states are signatories to the TRIPS Agreement and other IP treaties.⁷ The EU subsequently started harmonizing IP law among its member states to comply with these treaties.⁸ Because EU law supersedes national laws, member states must implement the laws that the EU adopts to comply with TRIPS.⁹ The Court of Justice (CJ) of the EU interprets these laws when member states find them unclear.¹⁰ In the area of IP, the CJ has interpreted EU law by establishing “autonomous concepts.”¹¹ These autonomous concepts are necessary when a specific term of an EU law does not refer to the laws of member states to determine that term’s meaning.¹² In these situations, the CJ establishes an independent interpretation that applies throughout the EU.¹³ When framing a concept to interpret EU law, the court must consider the context of the concept and the purpose of the legislation that the court is interpreting.¹⁴ Some examples of autonomous concepts developed by the CJ are “human embryo,” “sale,” and “parody.”¹⁵

The second proposition is that procedures and remedies determine the issues brought forward. The EU has planned to establish EU-wide patent rights using the European Patent Office.¹⁶ The EU has also established a Unified Patent Court.¹⁷ This will encourage the development of more autonomous concepts as this court adopts procedures regarding patent law.¹⁸ To conclude, the CJ has created autonomous concepts that assist the harmonization of IP law across the EU, and the EU has established a specialized court to develop autonomous concepts in patent law.

The essay *The Harmonization of EU Copyright Law: The Originality Standard* by Professor Thomas Margoni discusses the history of how the EU has harmonized the originality requirement in copyright law. This requirement says that works of authorship must show some originality to qualify for copyright protection.¹⁹ However, international treaties have not defined this requirement. Consequently, national legislatures and courts have needed to define the originality requirement.²⁰ Countries have interpreted the originality requirement in various ways. The United Kingdom (UK) has emphasized the amount of labor the author

⁶ ALISON FIRTH, CODE, AUTONOMOUS CONCEPTS AND PROCEDURE: STEPPING STONES FOR EUROPEAN LAW, IN GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE, 71 (Mark Perry ed., Springer International Publishing 2016).

⁷ *Id.* at 73.

⁸ *Id.*

⁹ *Id.* at 74.

¹⁰ *Id.*

¹¹ *Id.* at 75-76.

¹² FIRTH, *supra* note 6, at 76.

¹³ *Id.* at 76.

¹⁴ *Id.*

¹⁵ *Id.* at 77.

¹⁶ *Id.* at 81.

¹⁷ *Id.*

¹⁸ FIRTH, *supra* note 6, at 82.

¹⁹ THOMAS MARGONI, THE HARMONIZATION OF EU COPYRIGHT LAW: THE ORIGINALITY STANDARD, IN GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE, 85, 87 (Mark Perry ed., Springer International Publishing 2016).

²⁰ *Id.* at 88-89.

has put into the work, while Germany, France, and Italy have emphasized the personal creativity that the author brings to the work.²¹ The EU initially did not set a standard for originality because it only had limited power to regulate copyrights.²² The Treaty on the Functioning of the European Union (TFEU) allowed the EU to ensure the smooth functioning of the “internal market.”²³ This limitation of EU power caused the fragmented regulations mentioned above. For example, countries had diverse originality requirements for software.²⁴ The EU created a uniform standard of originality specifically for software to ensure that the internal market continued to function.²⁵ The standard was that the software had to be the author’s “own intellectual creation.”²⁶ The subsequent directives addressed photographs and databases.²⁷

However, the CJ expanded on the originality requirement between 2009 and 2012.²⁸ The CJ concluded that the “author’s own intellectual creation” standard applies to all works covered by copyright law.²⁹ This transition to a fully-harmonized standard occurred regardless of any considerations of the internal market.³⁰ The CJ’s rulings will not substantially affect countries like Italy, Germany, and France because these countries already emphasize personal creativity.³¹ However, The United Kingdom might try to interpret the new originality standard in a way that reflects the UK’s traditional view.³² The UK has already stated that the “author’s own personal creation” standard does not significantly change the UK’s originality requirements.³³ Thus, Professor Margoni says that countries will interpret the new originality standard according to their traditions but that this will be easier for countries that have already adopted a similar requirement to that of the CJ. Overall, Professor Margoni demonstrates in this essay how the EU’s CJ has required countries to change their originality requirements.

The essay *International Copyright: Marrakesh and the Future of Users’ Rights Exceptions* by Dr. Margaret Ann Wilkinson discusses the 2013 Marrakesh Treaty, which sought to facilitate access to works for people who are blind or visually impaired.³⁴ This treaty was not in force when Dr. Wilkinson wrote her essay.³⁵ However, it has since come into force.³⁶ Dr. Wilkinson addresses three questions: (1) what has previously constituted a

²¹ *Id.* at 89.

²² *Id.*

²³ *Id.* at 90.

²⁴ *Id.*

²⁵ MARGONI, *supra* note 18, at 90.

²⁶ *Id.* at 91.

²⁷ *Id.* at 93.

²⁸ *Id.* at 94.

²⁹ *Id.* at 95.

³⁰ *Id.* at 96.

³¹ MARGONI, *supra* note 19, at 101.

³² *Id.*

³³ *Id.*

³⁴ MARGARET ANN WILKINSON, *INTERNATIONAL COPYRIGHT: MARRAKESH AND THE FUTURE OF USERS’ RIGHTS, IN GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE*, 107 (Mark Perry ed., Springer International Publishing 2016).

³⁵ *Id.* at 118.

³⁶ World Intellectual Property Organization, *Canada’s Accession to Marrakesh Treaty Brings Treaty into Force*, June 30, 2016, http://www.wipo.int/pressroom/en/articles/2016/article_0007.html.

shift in international copyright law, (2) whether Marrakesh is such a shift, and (3) whether Marrakesh indicates a greater focus on users of copyrighted works instead of the rights holders.³⁷

Regarding the first question, agreements subsequent to the Berne Convention have made copyright law a part of public international law. These agreements include the Universal Declaration of Human Rights and the International Convention on Economic, Social and Cultural Rights. These agreements stated that authors have a moral right to benefit from their own works.³⁸ However, the North American Free Trade Agreement (NAFTA) and TRIPS transferred IP law from public international law to international trade law.³⁹ According to Dr. Wilkinson, countries now needed to comply with minimum international standards; this was not the case when IP law was a part of public international law.⁴⁰ However, these are not “historic shifts” in copyright law but only a series of changes.⁴¹ In contrast, there has been a historic shift from economic rights to moral rights. The Berne Convention initially recognized authors’ economic rights to their works.⁴² However, the Convention has since been expanded to include moral rights as well.⁴³

Dr. Wilkinson addresses her next two questions together. The Marrakesh treaty is historic because it is the first to focus on users’ rights. However, Marrakesh might not represent a historic shift in copyright law unless it encourages further recognition of users’ rights.⁴⁴ Most people are neither blind nor visually impaired. Therefore, the treaty does not benefit most people.⁴⁵ If subsequent treaties recognize users’ rights more broadly, then Marrakesh would represent a historic shift.⁴⁶ To conclude, Dr. Wilkinson questions the extent to which the Marrakesh Treaty is making countries change their copyright laws.

The essay *Moments of Flux in Intermediary Liability for Copyright Infringement in Australia* by Nicolas Suzor, Rachel Choi, and Dr. Kylie Pappalardo discusses how Australia has tried to make online intermediaries more responsible for copyright infringements. Online intermediaries facilitate communication on the internet. They include search engines, internet service providers (ISPs), and content hosts.⁴⁷ This essay mainly discusses ISPs. It is very difficult to make every individual liable for copyright infringement that occurs online. Therefore, governments have started encouraging online intermediaries to detect copyright infringements and notify rights holders of such infringements.⁴⁸ In Australia, different groups have lobbied for changes in copyright law: consumers have lobbied for more exceptions to copyright infringement, the telecommunications industry has requested limitations on the risk

³⁷ WILKINSON, *supra* note 34, at 109.

³⁸ *Id.* at 110.

³⁹ *Id.*

⁴⁰ *Id.* at 111.

⁴¹ *Id.*

⁴² *Id.* at 112-13.

⁴³ WILKINSON, *supra* note 34, at 115.

⁴⁴ *Id.* at 125.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ NICOLAS SUZOR ET AL., *MOMENTS OF FLUX IN INTERMEDIARY LIABILITY FOR COPYRIGHT INFRINGEMENT IN AUSTRALIA*, IN *GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE*, 127, 130 (Mark Perry ed., Springer International Publishing 2016).

⁴⁸ *Id.*

of liability, and rights holders have sought stronger enforcement of their copyrights.⁴⁹ The Australian High Court said as recently as 2012 that ISPs were not liable when their subscribers infringed copyrights because ISPs had no control over how their subscribers used the ISPs' file sharing services.⁵⁰ After this case, three changes occurred that made ISPs more liable for copyright infringement.

First, ISPs established their own system for detecting and discouraging copyright infringement. ISPs had initially refused to increase policing of copyright infringement even though the Australian government kept requesting ISPs to develop their own code. Eventually, the government threatened to impose its own requirements if the ISPs did not form their own code.⁵¹ In response, 70 Australian ISPs created their own code in 2015. Under the code, rights holders can send to ISPs infringement reports containing the IP addresses associated with the infringing activity.⁵² The ISP must then match the IP address with the account holder. The ISP then notifies the account holder about the infringement allegation. The ISP must also inform the account holder about how to lawfully access materials online.⁵³ If the ISP issues three notices within a twelve-month period and the account holder cannot successfully challenge the allegation, the account is placed on a "final notice list."⁵⁴ Rights holders may request this list, and ISPs must work with rights holders to obtain that list.⁵⁵

Secondly, the Australian government allows the courts to order preliminary discovery of the people on the "final notice list."⁵⁶ This allows rights holders to find out the details of the account holder.⁵⁷ However, Australian courts have imposed requirements to prevent rights holders from abusing the process.⁵⁸ Specifically, rights holders may only use the information they obtain to get compensation for the infringement, and the rights holder must submit to a judge the letter that the rights holder intends to send to the account holder.⁵⁹ The authors speculate that these protections might prevent rights holders from seeking excessive damages.⁶⁰

Finally, the Australian government now allows rights holders to make ISPs block access to foreign websites that either infringe copyrights or facilitate infringement.⁶¹ The rights holder has the burden of proving that access should be blocked.⁶² The authors express concern about the term "facilitate," which has not been defined in copyright law, arguing that rights holders might abuse the law if the term is broadly interpreted.⁶³

⁴⁹ *Id.* at 132.

⁵⁰ *Id.* at 133.

⁵¹ *Id.* at 136-37.

⁵² *Id.* at 137.

⁵³ SUZOR, ET AL., *supra* note 47, at 137.

⁵⁴ *Id.* at 138.

⁵⁵ *Id.*

⁵⁶ *Id.* at 139.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ SUZOR, ET AL., *supra* note 47, at 140.

⁶⁰ *Id.* at 141.

⁶¹ *Id.* at 142-43.

⁶² *Id.* at 143.

⁶³ *Id.*

These three provisions create uncertainty among ISPs over what actions will require a response.⁶⁴ If ISPs do not respond to infringement, they could be required to pay large amounts of money to rights holders.⁶⁵ Therefore, ISPs might over-enforce these provisions and consequently threaten users' rights.⁶⁶ As a result, the enforcement of private codes by rights holders and ISPs could threaten such constitutional rights as due process and free expression.⁶⁷ Therefore, there must be more discussion about private parties respecting constitutional rights as both state and non-state actors pressure ISPs to enforce copyrights on the internet.⁶⁸

The essay *The ASEAN Single Market: A Perspective on Thailand's Trade Mark Development* by Professor Kanya Hirunwattanapong argues that Thailand should change its trademark law after joining the Association of Southeast Asian Nations (ASEAN) Community Single Market. The ASEAN Charter took effect on December 31, 2015.⁶⁹ Its goal is to create an integrated market where goods, services, and investment can flow freely.⁷⁰ Protection of intellectual property was a major motivation for the establishment of ASEAN.⁷¹ ASEAN's goal is to ensure that protection of IP does not form a barrier to international trade.⁷² Professor Hirunwattanapong argues that ASEAN must address exhaustion of trademark rights and encourage its members to become members of treaties that encourage the international registration of trademarks. These treaties include the Madrid Agreement Concerning the International Registration of Marks and the Madrid Protocol.⁷³ Professor Hirunwattanapong believes that these steps would integrate ASEAN into the international IP community.⁷⁴

The ASEAN Charter requires ASEAN members to follow the rules that the World Trade Organization has established to eliminate barriers to international trade. TRIPS is an example of the WTO rules that ASEAN members must follow.⁷⁵ However, TRIPS does not address either the international exhaustion of trademark rights or parallel imports; as a consequence, each jurisdiction may form its own rules in these areas.⁷⁶ The exhaustion doctrine says that a trademark owner no longer has trademark rights when the owner sells the product on the market.⁷⁷ A parallel import is "When a product made legally (i.e. not pirated) abroad is imported without the permission of the intellectual property right-holder."⁷⁸

⁶⁴ *Id.* at 144.

⁶⁵ SUZOR, ET AL., *supra* note 47, at 144.

⁶⁶ *Id.*

⁶⁷ *Id.* at 145.

⁶⁸ *Id.*

⁶⁹ KANYA HIRUNWATTANAPONG, *THE ASEAN SINGLE MARKET: A PERSPECTIVE ON THAILAND'S TRADE MARK DEVELOPMENT*, IN *GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE*, 193 (Mark Perry ed., Springer International Publishing 2016).

⁷⁰ *Id.* at 194.

⁷¹ *Id.* at 195.

⁷² *Id.*

⁷³ *Id.* at 196.

⁷⁴ *Id.*

⁷⁵ HIRUNWATTANAPONG, *supra* note 69, at 197.

⁷⁶ *Id.*

⁷⁷ See WTO Glossary - Exhaustion, https://www.wto.org/english/thewto_e/glossary_e/exhaustion_e.htm.

⁷⁸ See WTO Glossary - Parallel Imports, https://www.wto.org/english/thewto_e/glossary_e/parallel_imports_e.htm.

Thailand's Trade Mark Act does not address either of these issues.⁷⁹ However, Thailand's Supreme Court has recognized both concepts.⁸⁰

ASEAN must develop its own system of registering trademarks.⁸¹ In the meantime, every ASEAN member should join the Madrid System, which is a cost-effective means of trademark registration.⁸² The trademark owner fills out an application that indicates the countries where the owner wants trademark protection. Each country determines according to its own laws whether to grant trademark protection to the applicant.⁸³

This essay also discusses the registration of foreign trademarks in Thailand, which is not a member of the Madrid System.⁸⁴ Foreign trademark applications from non-ASEAN countries outnumber applications from ASEAN countries.⁸⁵ This is partially due to Thailand not being a member of the Madrid System and to ASEAN not strongly encouraging trade within its community.⁸⁶ The Thailand Commerce Council has said that not joining the Madrid System harms small and medium businesses because they cannot afford to register their trademarks in Thailand and in other countries.⁸⁷ Additionally, these businesses might not be allowed to compete in other countries while only holding a Thai trademark if another business has the same trademark or a similar one already registered in that country.⁸⁸ The Madrid System would allow these businesses to fill out a single application to obtain trademark protection in multiple countries.⁸⁹

This essay finally discusses how the Thailand Supreme Court has used both the Trade Mark Act and the Criminal Code to protect both registered and unregistered foreign trademarks from infringement.⁹⁰ Protecting unregistered foreign trademarks is unfair to Thai trademark owners because foreign trademark owners could potentially invalidate Thai trademarks if the foreign plaintiff has a better claim on that mark.⁹¹ This would be true even if the Thai trademark owner registered the mark in Thailand but the foreigner did not.⁹² This being the case, Thailand should join the Madrid System to make the playing field more even for Thai trademark owners.⁹³ To conclude, this essay discusses how Thailand should join the Madrid System to comply with the ASEAN Charter.

The essay *Innovation Cartography and Patentomics: Past, Present and Future* by Dr. Kylie Lingard and Professor Mark Perry discusses the evolution of tools that tell investors where companies are innovating. The study of the structure, function, and evolution of patents

⁷⁹ HIRUNWATTANAPONG, *supra* note 69, at 197.

⁸⁰ *Id.* at 197-98.

⁸¹ *Id.* at 198.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.* at 199.

⁸⁵ HIRUNWATTANAPONG, *supra* note 69, at 199.

⁸⁶ *Id.*

⁸⁷ *Id.* at 200.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 201-03.

⁹¹ HIRUNWATTANAPONG, *supra* note 69, at 206.

⁹² *Id.*

⁹³ *Id.* at 207.

is called patentomics.⁹⁴ Patents can sometimes hinder innovation because patent owners can refuse to allow others to utilize the patented invention to further innovate.⁹⁵ This is especially problematic in the area of crop production.⁹⁶ Some countries give patent rights to inventors in exchange for the inventors disclosing the nature of the invention, allowing innovators to see previous patents so they can improve on them.⁹⁷ Both the Organization for Economic Cooperation and Development (OECD) and the World Intellectual Property Organization (WIPO) keep track of patents. The OECD tracks patents in science, technology, and industry.⁹⁸ WIPO prepares reports on patents in areas like food security, climate change, and public health.⁹⁹ This information can tell inventors how they can innovate within a certain field without infringing any patents.¹⁰⁰ The information can also tell countries how they can structure their legal systems to boost innovation.¹⁰¹ However, these public records do not reveal the people to whom the patent owner has licensed a patent.¹⁰² The information also does not disclose who owns the legal rights to databases that contain other important information.¹⁰³ Despite these shortcomings to patent cartography, Dr. Lingard and Professor Perry argue that visual displays of patents have allowed inventors to avoid infringing patents and allowed countries to use this data to encourage innovation.¹⁰⁴ This is another example of how changing technology has encouraged countries to change their IP laws.

III. ANALYSIS

The authors of this book effectively demonstrate the necessity of these recent developments in IP law. The economy is continuously becoming more globalized as businesses sell more products in multiple countries. This raises the concern of how to better protect IP rights on an international scale. Without a uniform standard, businesses and authors might find it harder to engage in commerce because they will not know to what extent their IP rights will be protected and when they themselves infringe on another person's IP rights. Consequently, the developments that the authors discuss are necessary for the standardization of IP rights in an international market place.

This phenomenon is seen most clearly in the EU and ASEAN. The two authors writing about the EU show how the CJ has tried to define IP concepts so that IP rights can be protected across the EU. This has been necessary because the EU is a member of TRIPS, and the EU and its members have needed to reform their IP laws accordingly. However, as Ms. Firth states, the laws that the EU develops do not always clearly define terms. The autonomous concepts developed by the CJ allow countries to better comply with EU laws.

⁹⁴ KYLIE LINGARD AND MARK PERRY, INNOVATION CARTOGRAPHY AND PATENTOMICS: PAST, PRESENT AND FUTURE, IN GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE, 225 (Mark Perry ed., Springer International Publishing 2016).

⁹⁵ *Id.* at 226.

⁹⁶ *Id.*

⁹⁷ *Id.* at 228.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ LINGARD & PERRY, *supra* note 94, at 229.

¹⁰¹ *Id.* at 230.

¹⁰² *Id.* at 233.

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 237.

These concepts also ensure that certain standards apply uniformly across the EU. Because the CJ is now more actively enforcing IP rights, the EU has also created the Unified Patent Court. This is necessary because more businesses will seek to enforce their rights across the EU. Thus, there should be a court that specializes in IP law and develops more autonomous concepts as they are required. Additionally, the CJ has standardized the originality requirement across the EU for copyrighting works so that the European market can function better. Before the CJ issued its rulings between 2009 and 2012, each country had its own originality standard for most types of copyrighted works. The CJ rulings have now created a uniform originality requirement that all of the countries must adopt. This shows how the internationalization of IP law across the EU has required a harmonization of IP concepts.

Additionally, Professor Hirunwattanapong shows how Thailand must integrate itself more into the current IP regime in order to ensure that Thai businesses remain competitive. The evidence Professor Hirunwattanapong presents shows that foreigners have an advantage over Thai businesses because the foreigners could utilize a trademark registered in another country. In contrast, Thailand not being a party to the Madrid System means that Thai businesses find it harder to register their trademarks in other countries and to compete on an international scale. If Thailand joins the Madrid System, Thai businesses might find it easier to register their trademarks and remain competitive in their fields. If Thailand does not join the Madrid System, Thai businesses might not compete effectively with foreigners who sell their products in Thailand. These examples show the idea that countries must change their IP regimes as the international community adopts more treaties defining IP rights.

Furthermore, the internet facilitates the illegal sharing of copyrighted files in violation of national copyright laws, and countries have historically varied in their approaches when dealing with this issue. Therefore, it makes sense that ISPs should play a more active role in preventing illegal file sharing. At the same time, the more active policing of the internet could raise free speech concerns because people might not be able to share files without risk of being held liable by the ISPs for copyright infringement. If national governments choose to require ISPs to more actively police the internet, the governments will need to confront the danger of infringing on any rights constitutionally guaranteed to the people, such as freedom of speech and due process.

In addition, if IP rights are enforced on an international scale, there should be a system that alerts businesses to the current IP rights in force in their respective fields. Patentomics accomplishes this purpose by detailing what patents are currently in force in what country. This way, businesses would know where they can innovate without possibly infringing another business's patents.

A fascinating case is that of the Marrakesh Treaty. From what Dr. Wilkinson says, countries have focused on the rights of authors when drafting copyright law. Yet, consumer access is now being facilitated, not just through national laws, but an international treaty. This is an interesting topic in IP law, and I would have liked to hear more about how this change occurred. Dr. Wilkinson says that the Marrakesh Treaty could represent a historic shift in copyright law. Because of this treaty's potential importance, I am curious as to what events brought about this change. This discussion would have further contributed to an already enlightening essay.

IV. CONCLUSION

To conclude, this book shows how the globalization of the economy has made it necessary for countries to draft treaties in order to better protect IP rights. Some of these treaties include the TRIPS Agreement, the ASEAN Charter, and the Marrakesh Treaty. Additionally, the internet has required ISPs to more actively police infringements of copyrights. This book shows how countries have responded to these treaties and technologies, while also showing where countries like Thailand have fallen short in adapting to the globalized economy. Finally, the book discusses the Marrakesh Treaty, which seeks to make sure that blind people can access copyrighted works. Overall, both academics and practicing IP attorneys can benefit from the book's perspective on international IP law.