

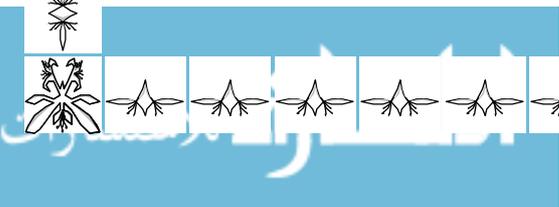
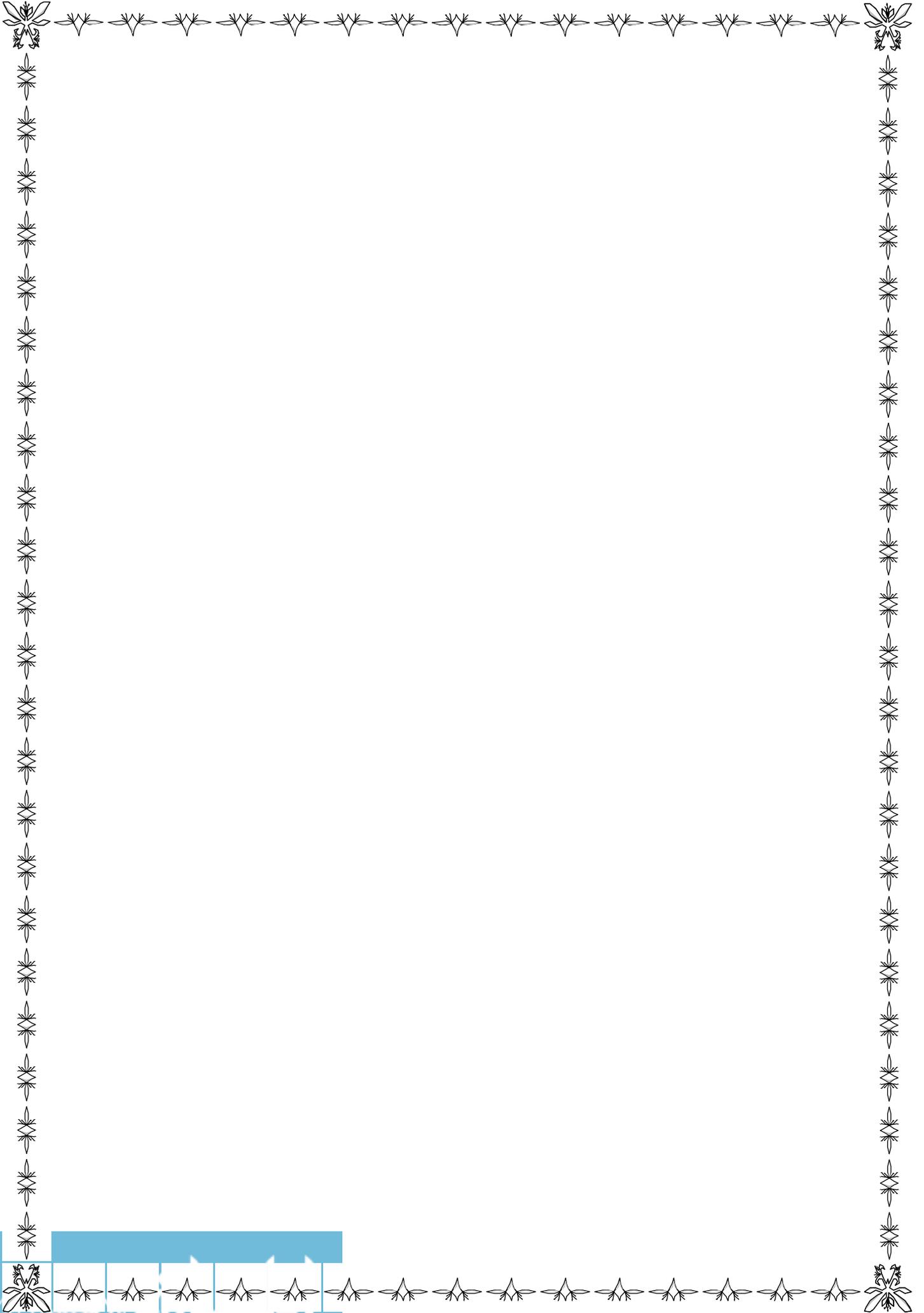
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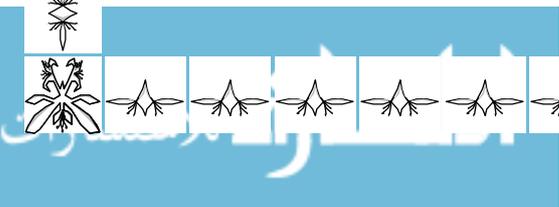
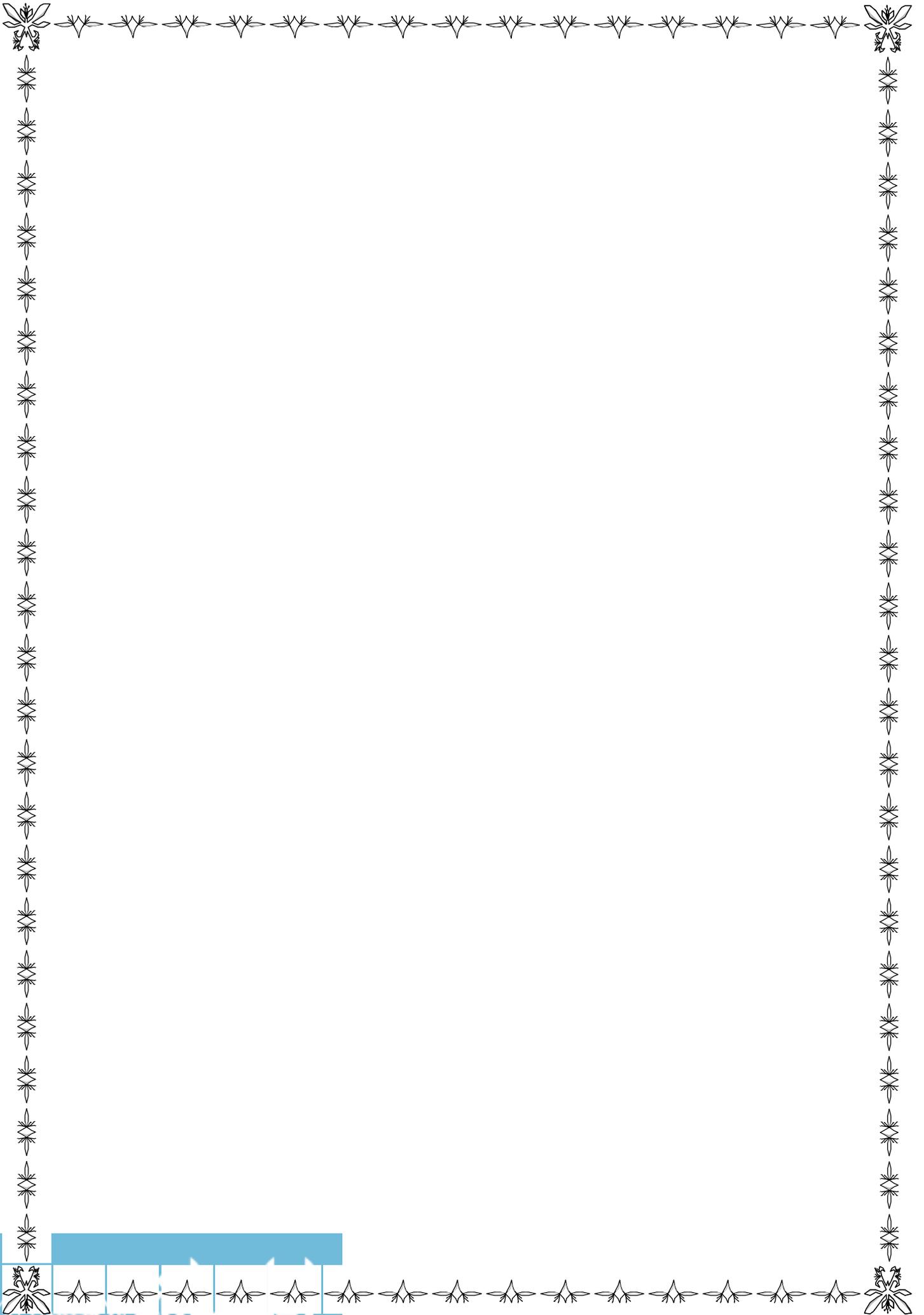
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1252003-1992	:19

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Chen Chunlai, **Provincial Characteristics and Foreign Direct Investment Location Decision Within China**, Chinese Economies Research Centre Working Papers, Paper N°97/16 (Adelaide, Australia: School of Economics, the University of Adelaide, December 1997), p.9., http://www.rrojasdatabank.org/97_16.pdf, Last Visited: May 15, 2007.

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Harmonised Commodity

Standard International Trade Classification (SITC) Description and Coding System (HS)

SITC Revision 3

1962

¹. **Doing Business in China**, (Kowloon, Hong Kong: Ernst & Young, 2003), p.70.

². United Nation Conference on Trade and Development, **UNCTAD Handbook of Statistics** (Geneva: United Nations, 2005), p.xi.

SITC 3	Description الوصف
0	Food and live animals
1	Beverages and tobacco
2	Crude materials, inedible, except fuels
3	Mineral fuels, lubricants and related materials
4	Animal and vegetable oils, fats and waxes
5	Chemicals and related products, n.e.s.
6	Manufactured goods classified chiefly by material
7	Machinery and transport equipment
8	Miscellaneous manufactured articles
9	Commodities and transactions not classified elsewhere in the SITC

www.intracen.org/tradstat/SITC-Rev3.pdf, Last Visited: May 30, 2007.

Level	Number of Digits	Number of codes	Example	
			SITC	Description
Section	One digit	10	7	Machinery and transport equipment
Division	Two digits	67	72	Machinery specialized for particular industries
Group	Three digits	261	721	Agricultural machinery (excluding tractors), and parts thereof
Sub-Group	Four digits	1033	721.1	Agricultural, horticultural or forestry machinery for soil preparation or cultivation; lawn or sports ground rollers; parts thereof
Sub-Heading	Five digits	3118	721.11	Ploughs

Statistics on the Trading of Goods-User Guide, (Belgium: Office for Official Publications of the European Communities, 2002), p.18.; And: www.intracen.org/tradstat/SITC-Rev3.pdf, Last Visited: May 30, 2007.

¹.1982 Laster Davis

¹. Laster Davis, "Technology Intensity of US Output and Trade", US Department of Commerce, International Trade Administration (1982).

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²Thomas Hatzichronoglou

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Hamburg Institute of International Economics

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High Technology

Medium Technology Products

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Products

www.comtrade.un.org/db/

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BEC, HS2002, HS1996, SITC Revision3 :

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.International Standard Industrial Classification, ISIC

ISIC Code Revision 3	Description
High-Technology Industries	
2423	Pharmaceuticals
30	Office, computing and accounting machinery
32	Radio, TV and communications equipment and apparatus
353	Aircraft
33	Instruments/optics/watches
Medium-Technology Industries	
24(less 2423) plus 25	Chemicals
29	Mechanical machinery
31	Electrical machinery
34	Motor vehicles
352	Railroad equipment
Other Industries	ISIC less (Medium technology plus high technology industries)

Source: www.hwwa.de/wmatrix/technical_description.html, Last Visited: May 31, 2007.

¹. Sunil Mani, "Exports of High Technology Products from Developing Countries: Is it Real a Statistical Artifact", **Discussion Paper Series**, N°2000-1 (Maastricht, Netherlands: The United Nations University, Institute of New Technologies, May 2000), p.p.16-17.

². Thomas Hatzichronoglou, **Revision of the High Technology Sector and Products Classification**, (Paris: OECD/GD, 1997).

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:(*Intellectual Property Rights*)

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¹. «Property rights refer to the bundle of legal rights over the use to which a source is put and over the use made of any income that may be derived from that resource.», see: Charles W. L. Hill, **International Business Competing in the Global Marketplace**, 2nd Ed. (Chicago: Irwin, 1997), P.40.

². Ibid., p.40.

³. **Qu'est-ce Que La Propriété Intellectuelle?**, Publications de l'Organisation Mondiale de la Propriété Intellectuelle, Publication N° 450 (F) (Genève:OMPI), p.2.

⁴. Hill, Op. Cit., P.41.

Intellectual Property Rights

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1. OMPI, Publication N° 450 (F), Op. Cit., P.3.

2. "Every one has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which is the author", see: **Human Rights the International Bill of Human Rights** (New York: United Nations, February 1988), P.9.

3. WIPO: World Intellectual Property Organization.

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Hill, Op. Cit., P.41. 405. (2001 :)

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¹. OMPI, Publication N°450 (F), Op. Cit., P.9.

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⁴. OMPI, Publication N°450 (F), Op. Cit., P.13.

⁵. Ibid., P.12.

⁶. Ibid., P.14.

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"Suisse"

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OMPI, Publication N°450 (F), Op. Cit., P.15. :

*Bordeaux**" Bordeaux"*

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La Propriété Intellectuelle et Les Expressions Culturelles Traditionnelles ou Expressions du Folklore, Publications de l'Organisation Mondiale de la Propriété Intellectuelle, Publication N°913(F) (Genève:OMPI), P.3.

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OMPI, Publication N°913 (F), Op. Cit., p.6.

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⁴. A Summary Report of the Conference on How IPRS Could Work Better for Developing Countries and Poor People, 21-22 February 2002, **Sustainable Developments**, Vol. 70, N°1 (Geneva: International Institute for Sustainable Development, Thursday, 28 February 2002), p.1., www.iisd.ca/download/pdf/sd/sdvol70num1.pdf, Last Visited : May 28, 2007.

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kamil Idris, **La Propriété Intellectuelle Moteur de la Croissance Economique, Résumé**, Publications de l'Organisation Mondiale de la Propriété Intellectuelle, Publication N° 888.1(F) (Genève:OMPI, Juin 2003), p.3.

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 .2004/10/31 www.sudanlaw.org/index.php?tp=6&id=24
 .2007/5/31 http://douis.free.fr/livres-gratuits/PI-islame.doc

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³. UNCTAD-ICTSD (August 2003), Op. Cit., p.33.

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⁶. UNCTAD-ICTSD (August 2003), Op. Cit., p.44.

.Company of Stationers .⁷

⁸. UNCTAD-ICTSD (August 2003), Op. Cit., p.34.

⁹. Ibid.; Commission on Intellectual Property Rights (February 2003), Op. Cit., P.18.

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³. UNCTAD-ICTSD (August 2003), Op. Cit., p.35.

⁴. UNCTAD-ICTSD (August 2003), Op. Cit., p.40.

⁵. Ibid., p.35.

⁶. **Parties Contractantes ou Signataires des Traités Administrés Par l'OMPI, Membres des Assemblés, des Autres Organes et des Comités De l'OMPI, Membres de L'Union Internationale Pour la Protection des Obtentions Végétales (UPOV)**, Documents de L'Organisation Mondiale de la Propriété Intellectuelle, Document N° 423 (F) (Genève: OMPI, 15 Octobre 2005), p.p.5-7.

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¹. Ibid.

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*International Union for the**Protection of New Varieties of Plants- UPOV*

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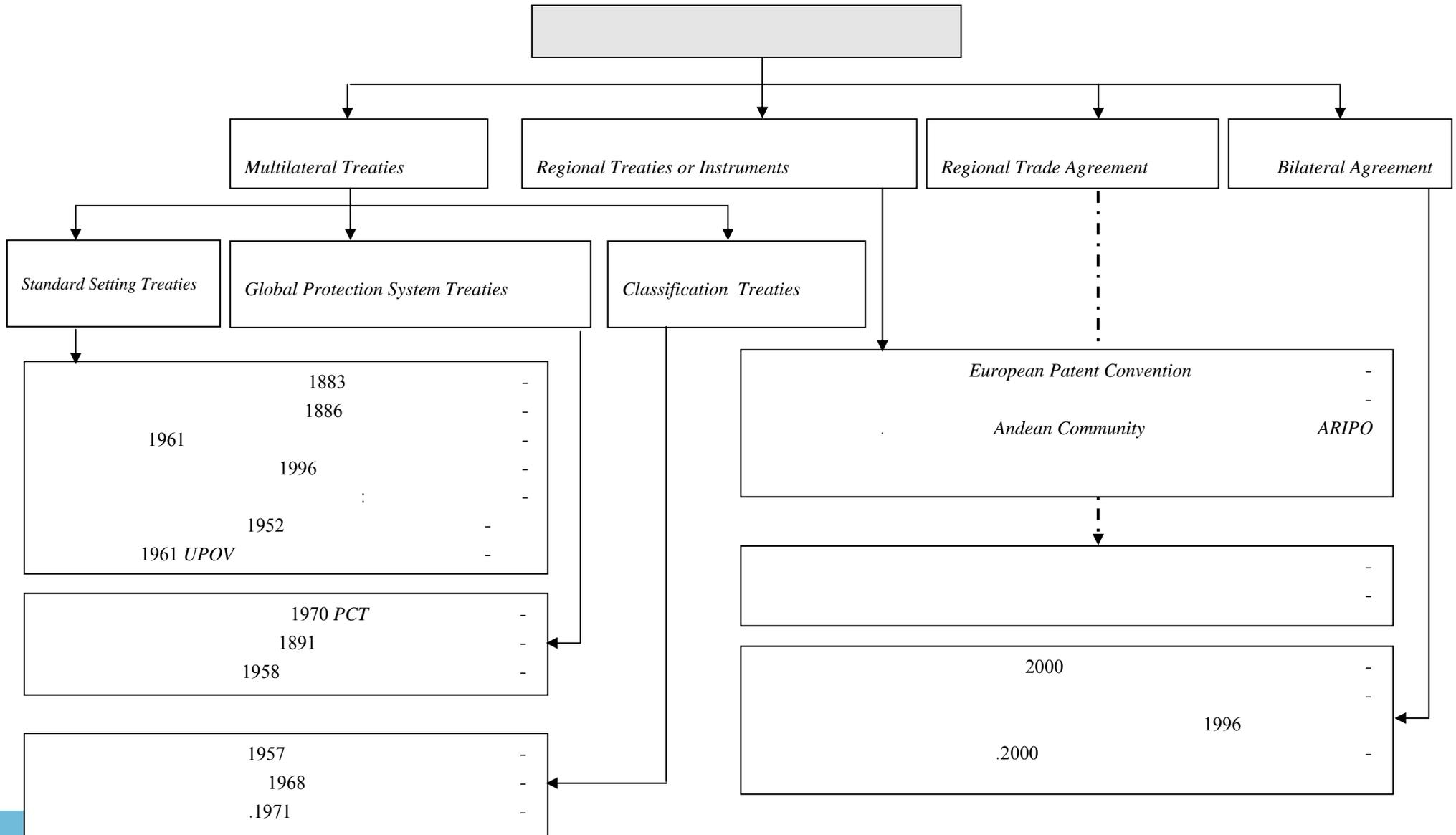
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¹ . **Investing The Future an Introduction to the Patents for Small and Medium-Sized Enterprises,** Publications of The World Intellectual Property Organization, Publication N° 917 (E) (Geneva: WIPO), p.39.

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⁴. "Pour Rester au Sommet, NESTLE Affine Ses Services de Propriété Intellectuelle", **Revue de l'OMPI** (Genève : OMPI, Novembre- Décembre 2005), p.19.

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⁷. WIPO, Publication N° 917 (E), Op. Cit., p.35.

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The Income Approach :*Amount of Income**Cost Approach**Market Approach**.Risk of Income**Duration of Income*

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². "Valuation of Intellectual Property: What, Why and How", **WIPO Magazine** (Geneva: WIPO, September- October 2003), p.5.

.21. .³

⁴. WIPO Magazine (September- October 2003), Op. Cit., p.p.7- 8.; Gordon Smith, "Assessment and Valuation of Inventions and Research Results for Their Use and Commercialization", International Work Shop on Management and Commercialization of Inventions and Technology (Monterrey, Mexico: April 17 to 19th, 2002), Document N° wipo/inv/mty/02/4, p.p.2-5, www.wipo.int/innovation/en/meetings/2002/inv_mty/pdf/mty02_4.pdf, Last Visited: February 7, 2006.

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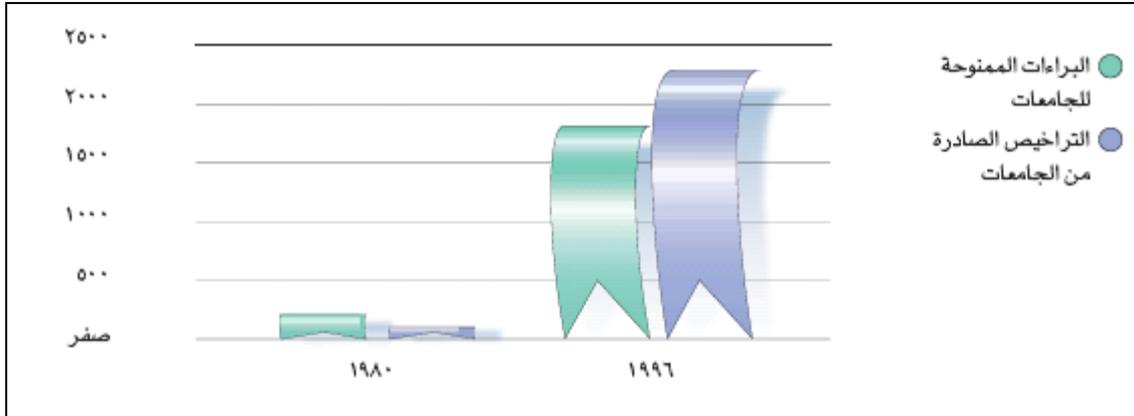
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"Il est donc difficile de déterminer avec précision le rôle de la loi Bayh-Dole dans l'expansion des brevets et, ce qui est plus important, de savoir si son adoption a réellement fait une différence en termes de croissance du transfert de technologie et de l'application de la technologie." Voir: Commission sur la Propriété Intellectuelle, **Intégrer les Droits de Propriété Intellectuelle et la Politique de Développement** (Londres: Commission Britannique des Droits de la Propriété Intellectuelle, 2003), p.124.

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¹.Stephen P. Ladas .*S. Pretnar* .².V. Vaitos

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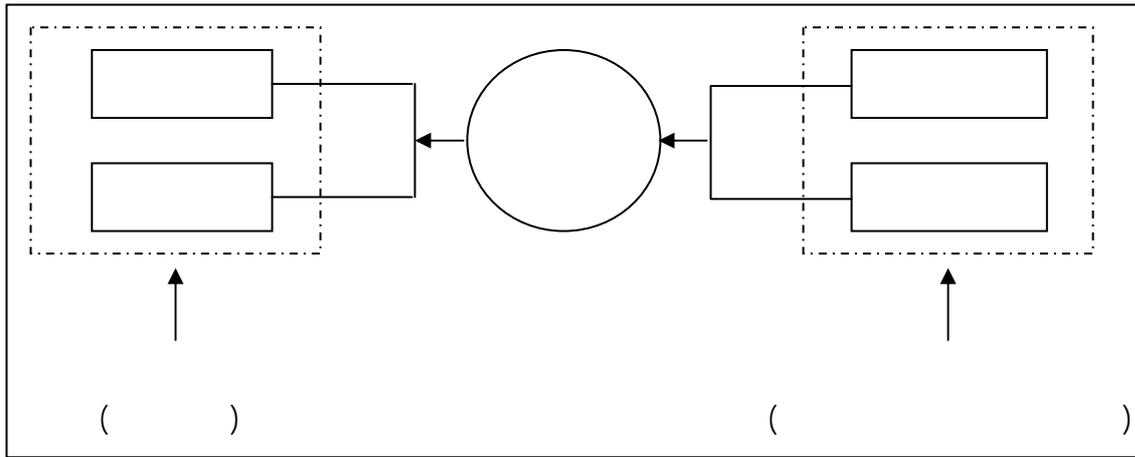
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:Exporting Contracts () .1

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:Direct Exporting - .

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:Intracorporate Transfer - .

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¹. Hill, Op. Cit., p.405.

². Rickey W. Griffin & Michael W. Pustay, **International Business a Managerial Perspective** (New York: Addison-Wesley Publishing Company, 1996), p.384.

³. Ibid., p.384.

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:Turn-Key Contracts - .2

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:Manufacturing Contracts - .3

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¹. Griffin & Pustay, Op. Cit., p.401.

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³. Hill, Op. Cit., p.406.

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⁵. Ibid., p.406.

Hill, Op. Cit., p.p.404-407.

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.4 - Management Contracts -

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.5 - Licensing -

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¹. Griffen & Pustay, Op. Cit., p.400.

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³. Hill, Op. Cit., p.407.

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⁶. Hill, Op.Cit, p.398.

⁷. Ibid., p.409. ==

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Greenfield Investment (or Strategy)

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⁵.Strategy

¹. WIPO, Publication N° 917 (E), Op. Cit., p.36.

². Ibid.

³. Griffen & Pustay, Op. Cit., p.404 and p.413.; Hill, Op. Cit., p.410.

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⁵. Griffen & Pustay, Op. Cit., p.401; Hill, Op. Cit., p.412.

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- ¹. *The protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations.* Article 7, Annex 1C, Op. Cit., p.323.
 - ². Carlos M. Correa, "Can TRIPS Agreement Foster Technology Transfer to Developing Countries?", in: Keith E. Maskus; Jerome H. Reichman, **International Public Goods and Transfer of Technology Under a Globalized Intellectual Property Regime** (New York: Cambridge University Press, 2005), p.234.
 - ³. *Appropriate measures, provided that they are consistent with the provisions of this Agreement, may be needed to prevent the abuse of intellectual property rights by right holders or the resort to practices which unreasonably restrain trade or adversely affect the international transfer of technology.*, Article 8.2, Annex 1C, Op. Cit., p.323.

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TRIPS and Development: Resource Book, Part Three: Intellectual Property Rights and Competition (Draft), UNCTAD-ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development, February 2003, p.p.10-17.

². Correa, Op. Cit., p.235.

³. Ibid., p.236.

⁴. *Members shall require that an applicant for a patent shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art and may require the applicant to indicate the best mode for carrying out the invention known to the inventor at the filing date or, where priority is claimed, at the priority date of the application, Article 29.1, Annex 1C, Op.Cit. p.332.*

⁵. Correa, Op. Cit., p.239.

⁶. Ibid, p.240.

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Less Developing Countries-LDCs

¹. *Members agree that some licensing practices or conditions pertaining to intellectual property rights which restrain competition may have adverse effects on trade and may impede the transfer and dissemination of technology.*, Article 40.1, Annex 1C, Op. Cit., p.337.

². *Nothing in this Agreement shall prevent Members from specifying in their legislation licensing practices or conditions that may in particular cases constitute an abuse of intellectual property rights having an adverse effect on competition in the relevant market...*, Article 40.2, Annex 1C, Op. Cit., p.337.

Resource book Part Three: Intellectual Property Rights and Competition (February 2003), Op.Cit., p.p.17-18.

⁴. Correa, Op. Cit., p.236.

⁵. *Developed country Members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base.*, Article 66.2, Annex 1C, Op. Cit., p.348.

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¹. [Paragraph 11.2 of the Decision]: *Reaffirming that the Provisions of Article 66.2 of the TRIPS agreement are mandatory, it is agreed that the TRIPS Council shall put in place a mechanism for ensuring the monitoring and full implementation of obligations in question. To this end, developed-country Members shall submit prior to the end of 2002 detailed reports on the functioning in practice of the incentives provided to their enterprises for the transfer of technology in pursuance of their commitments under Article 66.2. These submissions shall be subject to a review in the TRIPS Council and information shall be updated by Members annually"*, See: Resource Book Part Six: Transitional and Institutional Arrangement 6.2 International and Technical Cooperation and Transfer of Technology (January 2004), Op. Cit., p.15.

². Correa, Op. Cit., p.251.

³. *Developed countries Members shall submit annually reports on actions taken or planned in pursuance of their commitments under article 66.2. To this end, they shall provide new detailed reports every third year and, in the intervening years provide updates to their most recent reports, these reports shall be submitted prior to the last Council meeting scheduled for the year in question"*, Correa, Op. Cit., p.p.251-252.

⁴. Resource Book Part Six: Transitional and Institutional Arrangement 6.2 International and Technical Cooperation and Transfer of Technology (January 2004), Op. Cit., p.p.15-16.

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². B. Seyoum, "The Impact of Intellectual Property Rights on Foreign Direct Investment", *Journal of Business*, Vol. xxxi, N°1 (Columbia, 1996).

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Source: Edwin Mansfield, **Intellectual Property Protection, Foreign Direct Investment, and Technology Transfer**, Discussion Paper N°19 (Washington, D.C.: The World Bank and International Finance Corporation IFC, February 1994), p.3.(Adapted)

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². Edwin Mansfield, **Intellectual Property Protection, Foreign Direct Investment, and Technology Transfer**, Discussion Paper N°19 (Washington, D.C.: The World Bank and International Finance Corporation IFC, February 1994), p.1.

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¹ Edwin Mansfield & J.-Y. Lee

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¹ Edwin Mansfield & J.-Y. Lee, "Intellectual Property Protection and U.S. Foreign Direct Investment", *Review of Economics and Statistics*, 1996.

² Keith Maskus, **Encouraging International Technology Transfer** (Draft), UNCTAD/ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development (Geneva: ICTSD, December 2003), p.31.

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10	0	0	0	10	40	7	
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Source: Edwin Mansfield, **Intellectual Property Protection, Foreign Direct Investment, and Technology Transfer**, Discussion Paper N°19 (Washington, D.C.: The World Bank and International Finance Corporation IFC, February 1994), p.4. (Adapted)

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² *Guinarte & Park* :

¹ *Keith Maskus Yang Guifang*

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¹. *Yang Guifang, Keith Maskus, "Intellectual Property Rights and Licensing an Economic Investigation", Weltwirtschaftliches Archiv, 137(2001).*

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Guinarte Juan Carlos and Walter G. Park, "Determinants of Patent Rights: A Cross-National Study", Research Policy N°26.

³. Maskus (December 2003), Op. Cit., p.p.31-32.

⁴. Mansfield (February 1994), Op. Cit., p.5.

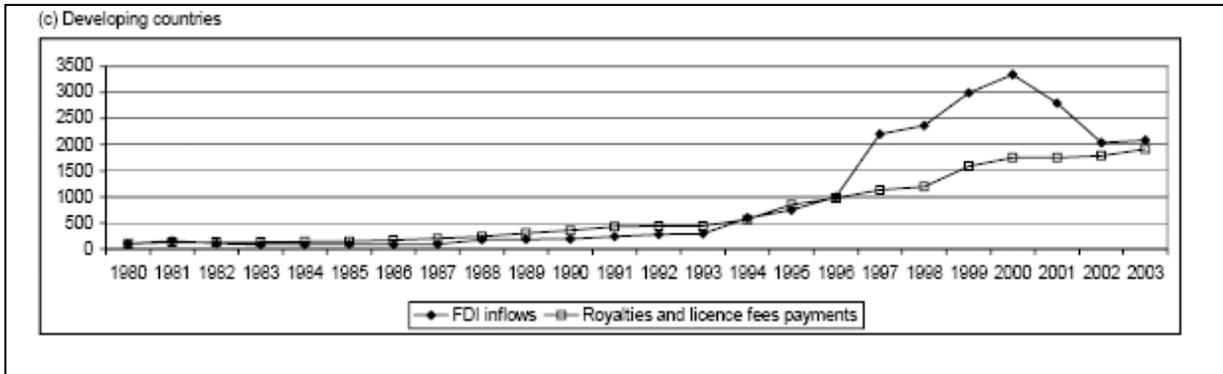
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Source: Edwin Mansfield, **Intellectual Property Protection, Foreign Direct Investment, and Technology Transfer**, Discussion Paper N°19 (Washington, D.C.: The World Bank and International Finance Corporation IFC, February 1994), p.8. (Adapted)

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Source: Masataka Fujita, **Foreign Direct Investment and Developing Countries**, Asian Development Bank, Incentive Course on Investment, February 22-25, 2005, p.17., www.adb.org/Documents/Events/2005/Intensive-Course-Investment/foreign-direct-investment.pdf, Last Visited: May 31, 2007.

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Walter G. Park

¹. Fujita, Op. Cit., p.16.

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Source : Walter G. Park, **International Licensing and the Strengthening of Intellectual Property Rights in Developing Countries**, Working Party of the OECD Trade Committee, 21-22 June 2004, Paper N°TD/TC/WP(2004)31 (Paris: OECD, 2004), p.39. (Adapted)

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Source : Walter G. PARK, **International Licensing and the Strengthening of Intellectual Property Rights in Developing Countries**, Working Party of the OECD Trade Committee, 21-22 June 2004, Paper N°TD/TC/WP(2004)31 (Paris: OECD, 2004), p.40. (Adapted)

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⁴. Peter Kleen, Elisabeth Dahlin, Gunnar Fors & Others, **Consequences of WTO-Agreements for Developing Countries** (Stockholm, sweden: Konnerskoll-Egium (National Board of Trade), 2004), p.225.

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³ Pamela Smith

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¹. Juan S. Blyde & Cristina Acea, "The Effects of Intellectual Property Rights on Trade, and FDI in Latin America", Inter American Development Bank, Manuscript, 2002.

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⁶. Keith E. Maskus, Kamal Saggi & Thitima Puttitanun, "Patents Rights and International Technology Transfer Through Direct Investment and Licensing", **International Public Goods and Transfer of Technology Under a Globalized Intellectual Property Regime**, in: Keith E. Maskus & Jerome H. Reichman (New York: Cambridge University Press, 2005), p.272.

Ferrantino

¹ M. P. Zuniga E .Bascavusoglu

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⁴ Thitima Puttitanun ³ Michael Nicholson

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⁵ Nicholson

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- ¹ E .Bascavusoglu & M. P. Zuniga, "Foreign Patent Rights, Technology and Disembodied Knowledge Transfer Cross Borders: An Empirical Application", Unpublished Manuscript, University of Paris I (2002).
 - ² Ashish Arora, Andrea Fosfuri & Alfonso Gambardella, "Markets For technology, Intellectual Property Rights, and Development", **International Public Goods and Transfer of Technology Under a Globalized Intellectual Property Regime**, in: Keith E. Maskus; Jerome H. Reichman (New York: Cambridge University Press, 2005), p.328.
 - ³ Michael Nicholson, "Intellectual Property Rights and International Technology Transfer: The Impact of Industry Characteristics", U.S. Federal Trade Commission, Manuscript (2002).
 - ⁴ Thitima Puttitanun, "Essays on Intellectual Property Rights, Innovation, and Technology Transfer", Unpublished Dissertation, University of Colorado at Boulder (2003).
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*Genetically Modified Organism*²

³Primo Braga Carlos A. Carsten Fink

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Jean-Claude Grenier, "Les Organismes Génétiquement Modifiés, Une Nouvelle Arme Américaine", **Economia**, N°22-23 Août/Septembre 2002 (Exclusif) (Paris: Ariane Communication, 2002), p.p.120-121.

³. Carsten Fink, Carlos A. & Primo Braga, "The Relationship Between Intellectual Property Rights and Foreign Direct Investment", **Duke Journal Of Comparative and International Law**, N°9 (1998).

⁴. Edson K. Kondo, "The Effects of Patent Protection on Foreign Direct Investment", **Journal of World Trade**, N° 29 (1995).

⁵. Maskus (December 2003), Op. Cit., p.31.

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³. Smarzynska, Op. Cit., p.2.

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26	22	40	12	28	20	31	
3	13	0	0	7	0	0	
27	35	0	25	41	40	19	
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20	18	0	12	18	20	50	
22	20	5	15	25	28	38	

Source: Edwin Mansfield, **Intellectual Property Protection, Foreign Direct Investment, and Technology Transfer**, Discussion Paper N°19 (Washington, D.C.: The World Bank and International Finance Corporation IFC, February 1994), p.7. (Adapted)

Kleen, Dahlin, Fors and Others, Op. Cit., p.226. .24 -23. . (2002) .¹

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³. Mansfield (February 1994), Op. Cit., p.2.

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¹ S. Nagaoka

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¹. S. Nagaoka, "Impact of Intellectual Property Rights on International Licensing: Evidence From Licensing Contracts of Japanese Industry", Unpublished Manuscript, Histotsubashi University, Tokyo(2002).

². Arora, Fosfuri & Gambrardella, Op. Cit., p.327.

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¹. Michel Oksenberg, Pitman B. Potter & William B. Abnett, "Advancing Intellectual Property Rights: Information Technologies and The Course of Economic Development in China", **NBR Analysis**, Volume 7, Number 4 (USA: The National Bureau of Asian Research (NBR), 1996), p.11.

². *William Alford, To Steal a Book is an Elegant Offence: Intellectual Property Law in Chinese Civilization* (Stanford, Canada: Stanford University Press, 1997).

Donald Munro ³

Bad Knowledge

Good Knowledge

See: Oksenberg, Potter & Abnett, Op. Cit., p.11. .

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⁶. Oksenberg, Potter & Abnett, Op. Cit., p.11.

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¹. Yu, Op. Cit., p.6. and p.34.

². Ibid., p.6.

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Nationalist Government

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Technology Commission (SSTC)

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Deng Xiaoping Zhou Enlai

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¹. Oksenberg, Potter & Abnett, Op. Cit., p.13.

². Ibid., p.12.

³. Ibid., p.13.

⁴. Ibid.

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¹. Yu, Op. Cit., p.8. and p.36.

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² Yahyavi, Op. Cit., p.31. .8. (2005

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Technology Regulations

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== China's Legislative Works in Implementing Obligations Under TRIPS Agreement, **Asia-Pacific Economic Cooperation (APEC) Papers**, Paper N°2003/IPEG1/006 (2003), p.4., www.apec.org/apec/publications/free_downloads/2003.html, Last Visited: April 1, 2007.

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⁴. Ibid., p.7.

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².*Microsoft Windows*

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². Beck & Pan, Op. Cit., p.8.

³. APEC Papers, Paper N° 2003/IPEG1/006 (2003), Op. Cit., p.3.

⁴. Beck & Pan, Op. Cit., p.8.

⁵. Ibid., p.p.8-9.

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¹. APEC Papers, Paper N° 2003/IPEG1/006 (2003), Op. Cit., p.p.1-2.

Beck & Pan, Op. Cit., p.9. .10.

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Law and Regulations	Date of Implementation	Status of Implementation	Description	Old versions of law and Regulations
New version of Copyright Law	Upon accession into the WTO	Adopted on 27 October 2001	60 articles including : 10 new articles 6 canceled 31 revised articles	1990 Copyright Law : 56 articles
Regulations for Implementation of Copyright Law	Upon accession into the WTO	Effective as of 15 September 2002		
Regulations for the Protection of Computer Software.	Upon accession into the WTO	Effective as of 1 January 2002		
New version of Trademark Law	Upon accession into the WTO	Adopted on 27 October 2001	64 articles including 23 new articles 2 canceled articles 20 revised articles	- 1993 Trademark Law: 43 articles including 6 revised article - 1982 Trademark Law : 43 articles
Regulations for Implementation of Trademark Law	Upon accession into the WTO	Effective as of 15 September 2002		
New version of Patent Law	Before accession into the WTO	Adopted on 25 August 2000	69 articles including 5 new articles 5 canceled articles 29 revised articles	- 1992 Patent Law: 69 articles including 14 revised articles - 1984 Patent Law : 69 articles
Detail Rules for the Implementation of Patent Law	Before accession into the WTO	Effective as of 1 July 2001		
Regulations for the Protection of New Varieties of Plants	Before accession into the WTO	Effective as of 1 October 1997		
Law Against Unfair Competition	Before accession into the WTO	Effective as of 1 December 1992		
Regulations on the Implementation of the Integrated Circuit Layout Design	Before accession into the WTO	Effective as of 10 October 2001		

Source: Zhang Naigen, China Intellectual Property Regime and the WTO, p.p.4-5. (Adapted), www.ipsmart.cn/download/IP%20and%20WTO.pdf, Last Visited: May 12, 2007.

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¹. Donald Clarke, "Private Enforcement of Intellectual Property Rights in China", Intellectual Property Rights in china: Evolving Business and Legal Frameworks, **National Bureau of Asian Research Analysis (NBR Analysis)**, Volume 10, N°2 (Washington: NBR, April 1999), p.33.

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³. Clarke, Op. Cit., p.34.

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.Hainan, Guangdong, Fujian, Beijing & Shanghai :

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¹. Clarke, Op. Cit., p.p.34-35.

². Ibid.

³. Asia-Pacific Economic Cooperation (APEC) Papers, Paper N° 2005/IPEG2/014 (Manila, Philippines: 21st APEC Intellectual Property Experts' Group Meeting, 2-3 August 2005), p.21., www.apec.org/apec/publications/free_downloads/2005.html, Last Visited: April 1, 2007.

⁴. Sumner La Croix & Denise Eby Konan, "Intellectual Property Rights in China: The Changing Political Economy of Chinese- American Interests", **Economics Series**, East-West Center Working Papers, Working Paper N°39 (Honolulu, Hawaii: January 2002), p.4., www.eastwestcenter.org/stored/pdfs/ECONwp039.pdf, Last Visited: May 31, 2007.

⁵. Yahyavi, Op. Cit., P.45.

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	Features/strengths	Limits/weaknesses
Administrative enforcement	<ul style="list-style-type: none"> ▪ Inexpensive, fast, local. ▪ Expert agency-nearly an administrative agency for each type of IP right. ▪ Do not need a lawyer. ▪ May be able to obtain an injunction. 	<ul style="list-style-type: none"> ▪ Local protectionism. ▪ Penalties usually non- deterrent, non transparent. ▪ Difficult to transfer to criminal prosecution. ▪ Limited geographic jurisdiction. ▪ Damages for injured party not likely available. ▪ Luck of co-ordination among enforcement bodies.
Civil enforcement	<ul style="list-style-type: none"> ▪ Specialised judiciary that may be trained in IPR. ▪ Availability of damages and injunctive remedies. ▪ Rights of appeal. ▪ Nationwide jurisdiction. 	<ul style="list-style-type: none"> ▪ High cost. ▪ Low damage awards.
Criminal enforcement	<ul style="list-style-type: none"> ▪ Can be sought by police/prosecutors and injured party. ▪ Deterrent damages possible (fine and imprisonment). ▪ Possibility of civil damages in addition to criminal punishment. 	<ul style="list-style-type: none"> ▪ High thresholds. ▪ Not all IP infringement are criminalised. ▪ May be a problem in having administrative cases referred to criminal prosecution.
Customs enforcement	<ul style="list-style-type: none"> ▪ Available for import export, stops goods in transit. ▪ Expensive. ▪ Stops the harm caused by export of counterfeit goods. 	<ul style="list-style-type: none"> ▪ Storage charges and other expenses can be high. ▪ Export of counterfeit and pirated goods increasing. ▪ Customs can only expect a limited percentage of goods exported.

Source: Gang Zhang, **Promoting IPR Policy and Enforcement in China**, Summary of OECD-China Dialogues on Intellectual Property Rights Policy and Enforcement, Directorate for Science, Technology and Industry Working Papers (STI) Working Papers, Working paper N°DSTI/DOC(2005)1(OECD, February 9, 2005), p.23.

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www.ustr.gov/assets/Document_Library/Reports_Publications/2006/2006_NTE_Report/asset_upload_file684_9235.pdf, Last Visited: May 22, 2007.

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². Economic Analytical Unit, Department of Foreign Affairs and Trade, Australian Government, **Unlocking China's Services Sector** (Australia: Commonwealth of Australia, 2005), p.48.; Clarke, Op. Cit., p.34.

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⁴. Yahyavi, Op. Cit., p.45.

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¹. Hufbauer & Wong, Op. Cit., , p.23.

². Yahyavi, Op. Cit., p.44.

³ Legal Affairs Division, World Trade Organization, **WTO Dispute Settlement: One-Page Case Summaries 1995-September 2006** (Switzerland: world trade organization, 2006).

⁴ : . 61 3.1 14 9 59 46 41.1

⁴ www.wto.org/english/tratop_e/dispu_e/cases_e/ds362_e.htm, Last Visited: May 31, 2007.

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⁶. **OECD Economic Surveys: China** (OECD, 2005), P.41.

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99780	84170	67970	95620	134900	56700	92020	52690	32210	15800	Yuan
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67	16	1	2	1	3	42	67	85	659	
37	26	14	14	21	57	5	27	16	8	
1210	1051	756	573	330	295	225	233	193	705	

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Statistics for China Customs IPR Seizures (1996-2005),
www1.customs.gov.cn/Portals/191/IPR/1996-005%20figure.doc, Last Visited: May 18, 2007.

¹. U.S.-China Economic and Security Review Commission (2004), Op. Cit., p.65.

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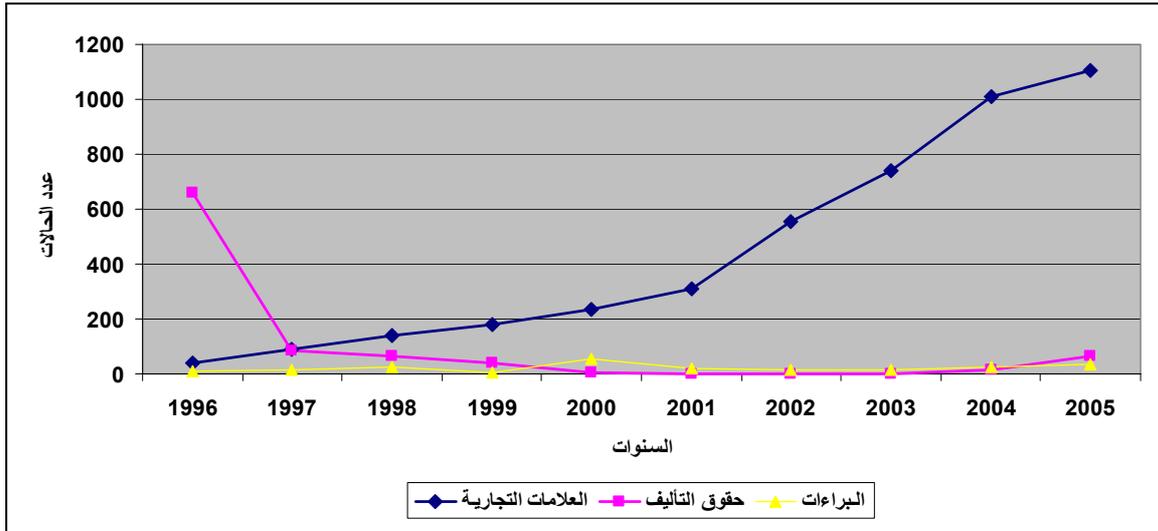
³. OECD Economic Surveys (2005), Op. Cit., P.41.

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¹. Yahyavi, Op. Cit., P.45.

². US Chamber of Commerce Report (2006), Op. Cit., p.16.

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³.Fujian

Xiamen Guangdong

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¹. La Croix & Konan, Op. Cit., p.16.

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¹. Braunstein & Epstein, Op. Cit., p.5.

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³. Owen C.H. Ho, "Determinants of Foreign Direct Investment in China: A Sectoral Analysis", p.6., Proceedings of the 16th Annual Conference of the Association for Chinese Economics Studies, Australia (ACESA), Brisbane, QLD, 19 - 20 July 2004, www.uq.edu.au/economics/acesa2004/pro/Ho.pdf, Last Visited: May 18, 2007.

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⁸. Long, Op. Cit., p.p.329-330.

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The Guiding Directory on Industries Open to

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². Ibid., P.138.

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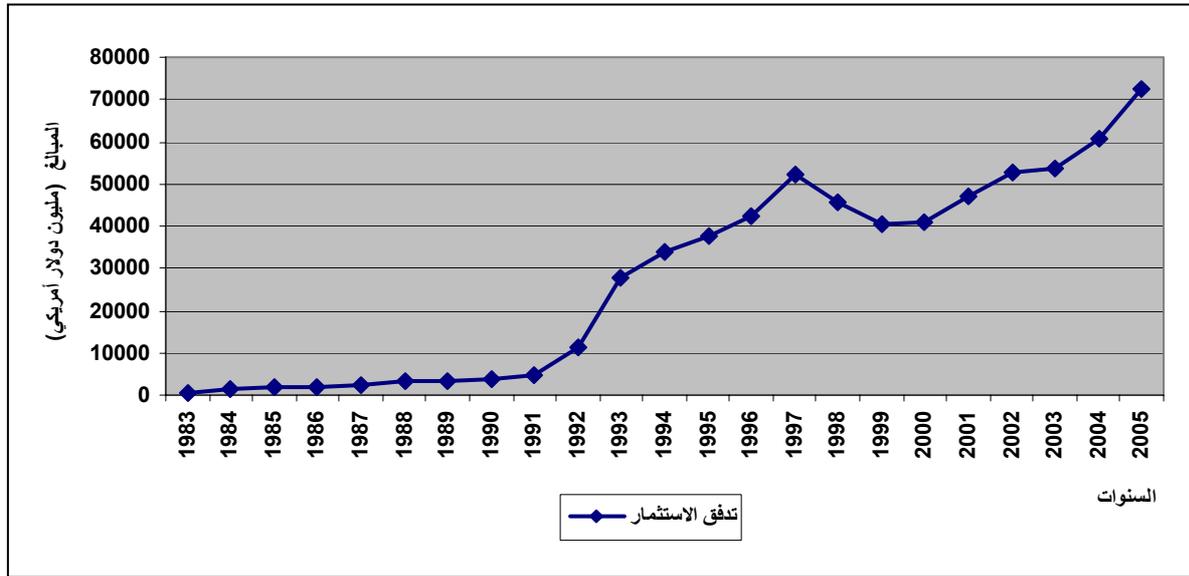
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2005 SinoCast LLC (August 26, 2004), www.uscc.gov/trade_data_and_analyses/broad_economic_trade_trend/2005/A%20PRC's%20FDI%20Policies%20for%20Industries.pdf, Last Visited: May 31, 2007.

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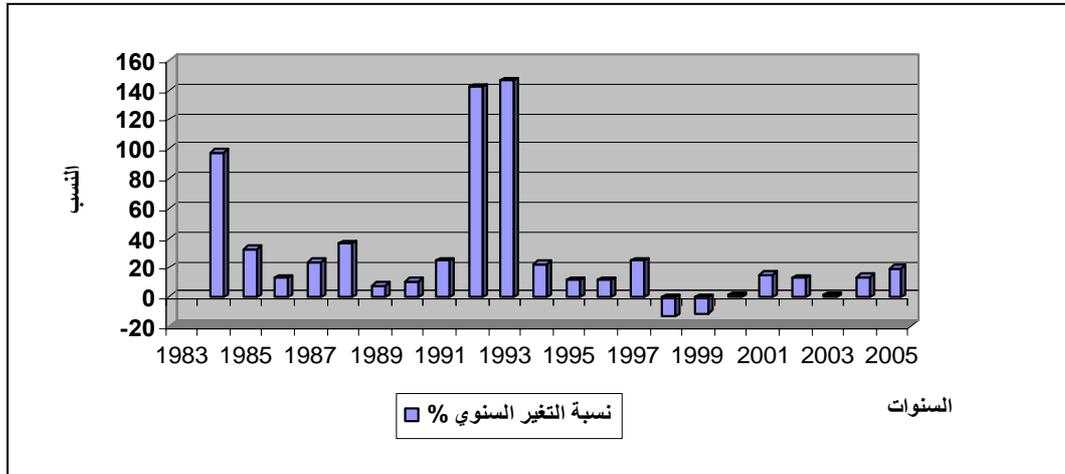
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¹.Investment

¹. Long, OP. Cit., p.315.

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¹. Report of Foreign Investment in China 2003, p.64 and p.80,
<http://english.mofcom.gov.cn/bizchina/3.pdf>, Last Visited: April 26, 2007.

2. %70 2001 1. %65 2002 127 *Jiang Xiaojuan* %35 %60 1997 2002 3. 1997 %13 2002 %40 %33 %54 1997 4. 1997 .

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<http://english.mofcom.gov.cn/bizchina/5.pdf>, Last Visited: April 26, 2007.

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³. Ibid., p.327.

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Jiangsu, Liaoning, Shanghai, Guangdong, Shandong	0.079	2.73	75	-	4.01	110	3.984	93.26	2560	3.451	76.76	2107	2745	
Guangdong, Tianjin, Jiangsu, Shandong, Liaoning	0.145	4.98	74	433	8.28	123	3.132	86.74	1289	2.766	69.85	1038	1486	
Guangdong, Tianjin, Jiangsu, Shandong, Liaoning	0.291	6.05	203	319	8.20	275	4.855	85.74	2875	4.083	69.34	2325	3353	
	0.515	4.64	352	-	6.70	508	11.971	88.66	6724	10.3	72.13	5470	7584	

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Report of Foreign Investment in China 2003, p.p.73-81., <http://english.mofcom.gov.cn/bizchina/3.pdf>, Last Visited: April 26, 2007.

¹.2005-1986

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Others	WFOE	CJV	EJV	
13.89	0.87	42.3	42.9	1986
7.92	1.06	26.8	64.2	1987
6.64	7.08	24.4	61.9	1988
6.84	11	22.2	60.1	1989
7.01	19.6	19.3	54.1	1990
3.87	26	17.5	52.7	1991
2.27	22.9	19.3	55.6	1992
1.5	23.7	19	55.8	1993
2	23.8	21.1	53.1	1994
0.08	36.87	19.51	43.54	1995
0.4	36.59	19.51	43.5	1996
1.43	35.78	19.73	43.08	1997
2.04	36.22	21.38	40.36	1998
1.72	38.55	20.47	39.26	1999
1.26	47.31	16.20	35.23	2000
2.25	50.93	13.25	33.57	2001
1.84	60.15	9.59	28.42	2002
0.06	63.05	7.25	29.07	2003
0.04	67.62	5.13	27.03	2004
0.00	72.74	3.04	24.23	2005
0.13	75.5	1.85	22.52	(4) 2007

Lipu, OP.Cit., p.64. :2002-1995 :

Fung; Lau; Lee, Op.Cit., p.49. :2003 1994-1986

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China Statistical Year Book 2005, www.stats.gov.cn/tjsj/ndsj/2005/html/R1814E.HTM, Last Visited May 4, 2007.

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China Statistical Year Book 2006, www.stats.gov.cn/tjsj/ndsj/2006/html/R1815e.HTM, Last Visited May 4, 2007.

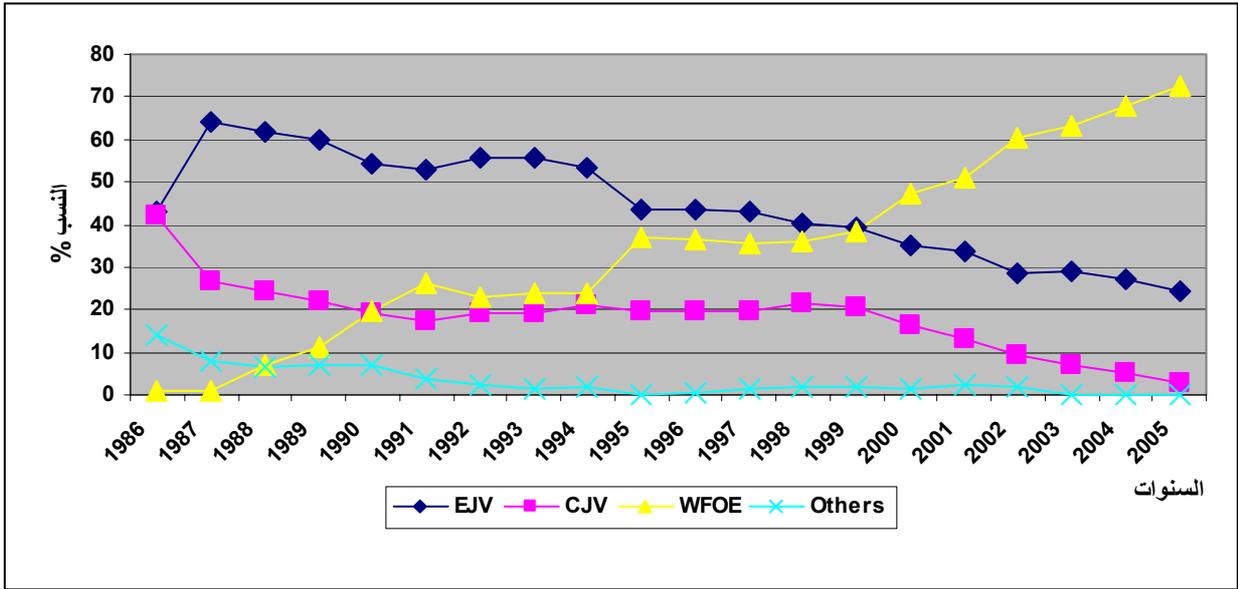
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www.fdi.gov.cn/pub/FDI_EN/Statistics/t20070517_78544.htm, Last Visited: June 8, 2007.

¹. **WFOE**: Wholly Foreign Owned Enterprises; **EJV**: Equity Joint Ventures; **CJV**: Contracted Joint Ventures; **Others**: such as Cooperative Development.

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25.8	9.7	41.9	0	22.6	Equally shared- joint ventures
14.1	17.9	26.9	1.3	39.7) (Foreign majority-owned joint ventures
15.7	23.3	29.4	1.7	31.7	Solely foreign-owned
24	2	32.2	6	28	Cooperative foreign-owned
21.2	15.3	34.8	2.1	26.8	Total foreign-owned

Source: Guoqiang Long, "China's Policies on FDI: Review and Evaluation", in: **Does Foreign Direct Investment Promote Development?**, Edited by: Theodore H. Moran; Edward M. Graham; Magnus Blomström (Washington D. C.: Institute of International Economics, May 2005), p.329 (Adapted).

¹. Long, Op. Cit., p.327. and p.329.

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http://www.fdi.gov.cn/pub/FDI_EN/Statistics/AnnualStatisticsData/AnnualFDIData/FDIStatistics2005/t20060906_61448.htm. Last Visited: May 31, 2007.

2. Greeven, Op. Cit., p.p.10-11.

Greeven, Op. Cit., p.11.:

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¹. Greeven, Op. Cit., p.13.

². Ibid.

³. Ibid., p.14.

⁴. Ibid., p.14 and p.17.

⁵. Ibid., p.17.

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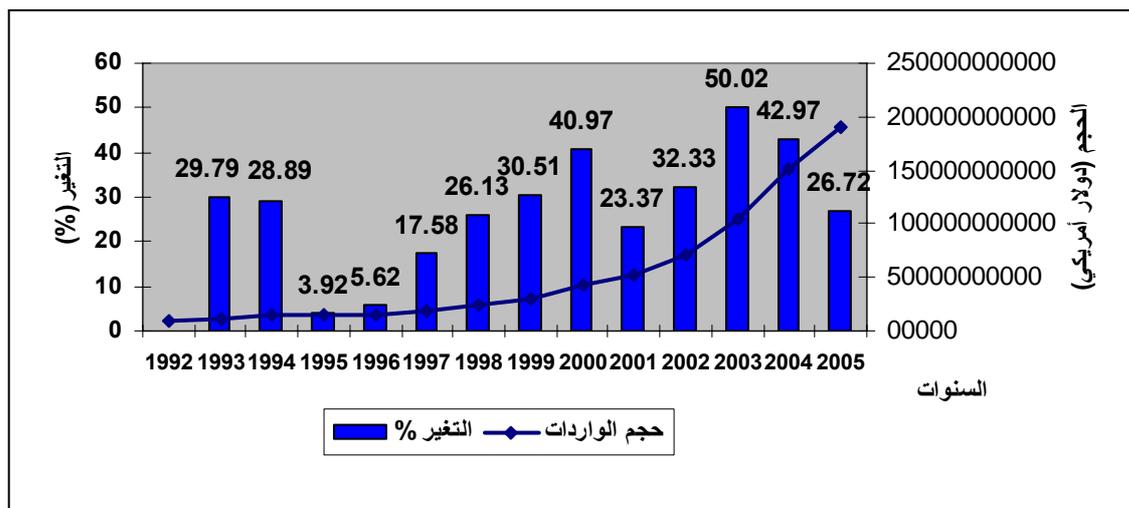
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1. Greeven, Op. Cit., p.15.

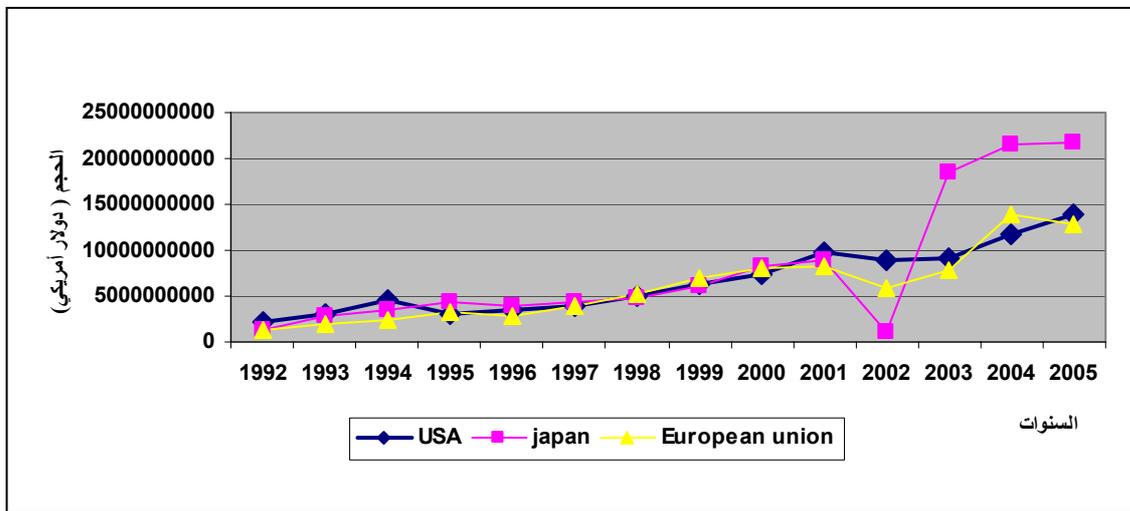
2. Henry, OP. Cit., p.p.22-23.

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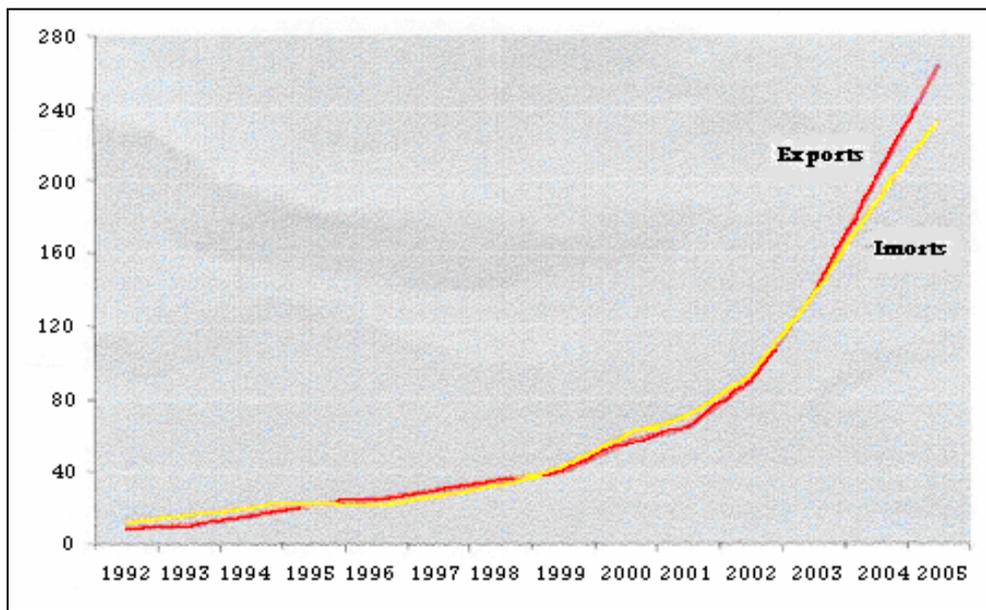
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Source: Frédérique Sachwald, "China, High or Low Tech Power ? The Contrasted Picture of China Scientific and Technological Capabilities", Tokyo Club Macro Conference (Tokyo, 6-7 December 2006), p.8., www.tcf.or.jp/data/2006120607_Frederique_Sachwald.pdf, Last Visited: May 31, 2007.

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³ La Croix & Konan, Op. Cit., p.39.

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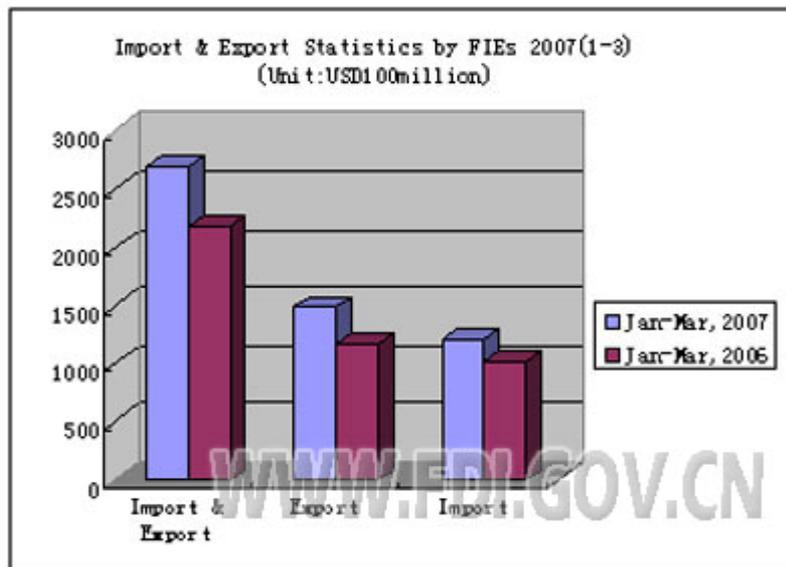
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Source: www.fdi.gov.cn/pub/FDI_EN/Statistics/t20070430_77871.htm, Last Visited: June 1, 2007.

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www.fdi.gov.cn/pub/FDI_EN/Statistics/t20070430_77871.htm, Last Visited: June 1, 2007.

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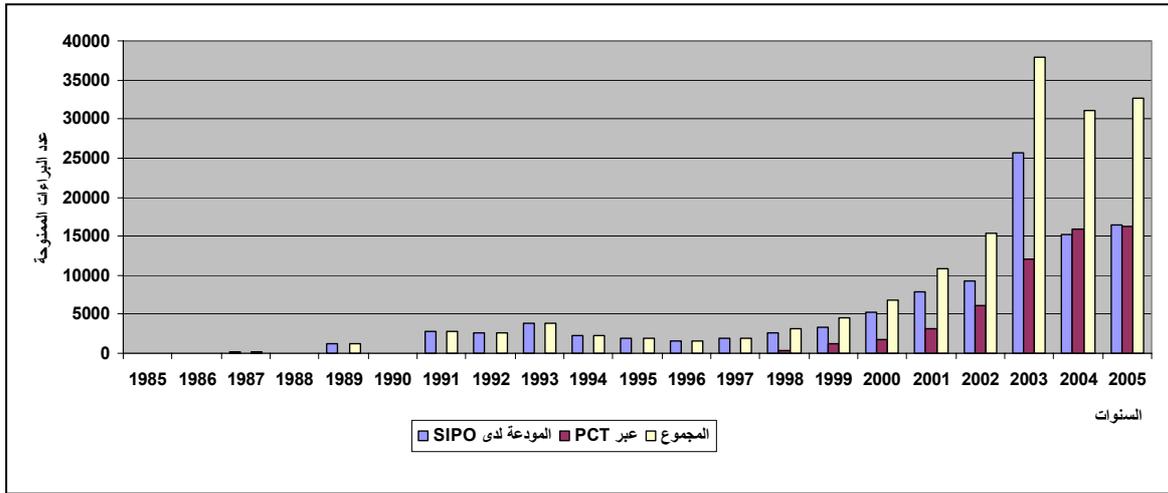
*Maskus**SIPO*

¹. Patent-related products: SITC 512, 541, 583, 728, 736, 751, 752, 774, 7764 and SITC 7764; Copyright related products: SITC 8921 SITC 8983; Trade mark-related products: SITC 112, 553, 556, 784, 821, 831, 84, 8851 and SITC 8942. See: John Revesz, **Trade-Related Aspects of Intellectual Property Rights**, Productivity Commission Staff Research Paper (Canberra, Australia: Australian Government Publishing Service AGPS, May 1999), p.59.

². Ibid., p.59.

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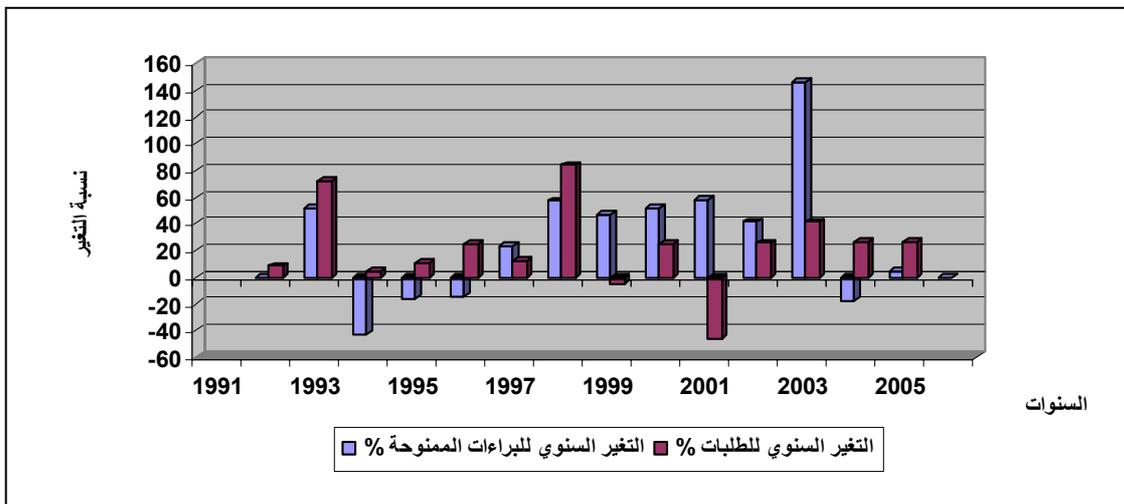
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².ISIC 30

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¹. WIPO Patent Report, Statistics on Worldwide Patent Activity, 2006 (Geneva: WIPO, 2006), p.p.9-10. and p.32.

². Lipu, Op. Cit., p.62.

%30.64

2002

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.2006

	Grant	Application		Grant	Application		Grant	Application
East Region	16065 (73.42%)	86719 (79.1%)	Central Region	4319 (19.73%)	18047 (16.45%)	Western Region	1498 (%6.85)	4946 (4.51%)
Beijing	3864	14226	Shanxi	314	965	Guizhou	188	923
Tianjin	967	4981	Jilin	449	1335	Yunnan	355	1005
Liaoning	1063	4368	Heilongjiang	565	1911	Tibet (Xizang)	7	21
Shanghai	2644	12050	Anhui	272	1274	Shaanxi	602	1815
Jiangsu	1631	10214	Jiangxi	157	823	Qinghai	30	79
Zhejiang	1424	8333	Henan	450	2404	Ningxia	64	172
Fujian	310	1437	Hubei	855	2827	Xinjiang	107	381
Shangdong	1092	7237	Hunan	581	3578	Inner Mongolia	NA	NA
Guangdong	2441	21351	Sichuan	676	2930	Gansu	145	550
Hainan	39	246						
Hebei	407	1597						
Guangxi	183	679						
Chongqing	246	1204						

Source: http://english.ipr.gov.cn/ipr/en/info/Article.jsp?a_no=47890&col_no=103&dir=20070,
Last Visited: February 21, 2007.

%79.1

%73.42

M. P. E. Bascavusoglu Pamela Smith

Edwin Mansfield Zuniga

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2003	2002	2001	2000	1999	1998	
2748	2098	-	-	-	-	
23.7	22	21.7	21.6	19.2	18	%

Source: United Nations Conference on Trade and Development, Transnational Corporations and the Internationalization of R&D, **World Investment Report 2005** (New York and Geneva: United Nations, 2005), p.292.

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⁴ .%47.1

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⁵ %29.4

%41.2

¹. Lakhwinder Singh, **Innovations and Economic Growth in a Fast Changing Global Economy: Comparative Experience of Asian Countries**, Munich Personal RePEc Archive (MPRA) papers, paper N°80,(Patiala, India: Department of Economics, Punjabi University, August 2006), p.12., http://mpr.aub.uni-muenchen.de/80/01/MPRA_paper_80.pdf, Last Visited: May 21, 2007.

². Long, Op. Cit., p.330.; Report of Foreign Investment in China 2003, Op. Cit., p.119., Microsoft, GE, Motorola, Intel, GM, Honda, Siemens, Nortel, Volkswagen:

³. Report of Foreign Investment in China 2003, Op. Cit., p.120.; Long, Op. Cit., p.331.

⁴. World Investment Report 2005, Op. Cit., p.133.

⁵. Ibid., p.153.

16

¹.2002-1994

2002	2001	2000	1999	1998	1997	1996	1995	1994	
646	na	506	319	52	35	25	13	7	
27.67	-	58.62	513.46	48.57	40	92.31	85.71	-	%
1	-	2	2	4	5	5	7	7	

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United Nations Conference on Trade and Development, Transnational Corporations and the Internationalization of R&D, **World Investment Report 2005** (New York and Geneva: United Nations, 2005), p.129.

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$$.100 \times \left[\frac{2002}{2000} - (1 + \dots) \right]$$

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2004	2003	2002	2001	2000	
67	29	28	19	13	
310	216	265	193	177	
131.04	3.57	47.37	46.15	-	%
2	3	4	3	4	()
	.15	15	.15	15	/

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United Nations Conference on Trade and Development, Transnational Corporations and the Internationalization of R&D, **World Investment Report 2005** (New York and Geneva: United Nations, 2005), p.131.

2004 %21.6 2000 %7.35

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¹.2007-1997

2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	
9.1	7	5.3	4.5	3.5	3.1	1.9	1.3	Na	0.42	2	()
30	32.1	17.78	28.57	12.9	63.16	46.15	² 209.52	na	-79	-	(%)

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3.1 3.114.004.000 2002

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Ma Yongtang, **Recent Trends and Data of Economy, Labor Market and Migration in China for 2004**, a Country Paper For The Workshop on International Migration and Labor Market in Asia (Tokyo: February 5-6 2004); p.429, www.jil.go.jp/foreign/event_r/event/documents/2004sopemi/2004sopemi_e_all.pdf, Last Visited: April 4, 2007.

3.1 4.497 2002

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Singh, OP. Cit., p.11.

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Exploring the Links Between Subsidies, Trade and The WTO, World Trade Report 2006 (Geneva: World Trade Organization, 2006) p.23.

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Oxford Economics, **The Prospects for US-China Services Trade and Investment** (Washington D.C.: The China Business Forum, December 2006), p.27.

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:1997

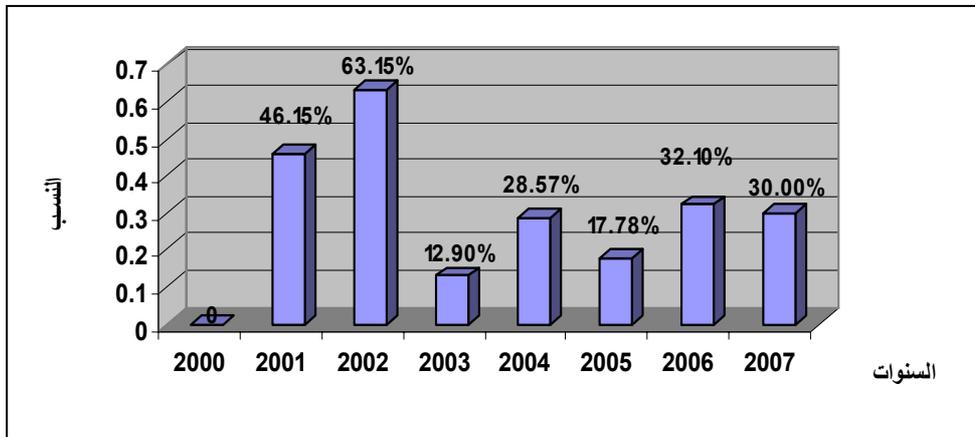
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1.2003-1992

2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	
831 ²	723	571	501	409	318	250	153	113	64	111	72	
14.94	26.61	13.97	22.5	28.62	27.2	63.40	35.4	76.56	42.34-	54.17		%
-	497	401	346	310	212	165	90	54	23	a	35	(A)
	23.94	15.9	11.61	46.23	28.48	83.33	66.67	134.78				%
-	497	400	346	308	211	164	87	52	23	a	35	(B) USA
	100	99.8	100	99.4	99.5	99.4	96.7	96.3	100		100	% A/B
-	b	1	b	1	1	1	3	2	b	a	0	USA
-	226	170	155	100	106	85	63	59	40	a	37	
-	48	43	44	32	47	52	43	31	26	59	35	
-	3	a	4	5	5	5	5	4	3	b	0	
-	20	9	17	10	5	6	7	8	3	na	na	

Source: K. C. Fung; Lawrence J. Lau; Joseph S. Lee, **U.S. Direct Investment in China**, (Washington: American Enterprise Institute for Public Policy Research, Washington, D.C, 2004), p.p.152-153. (Adapted)

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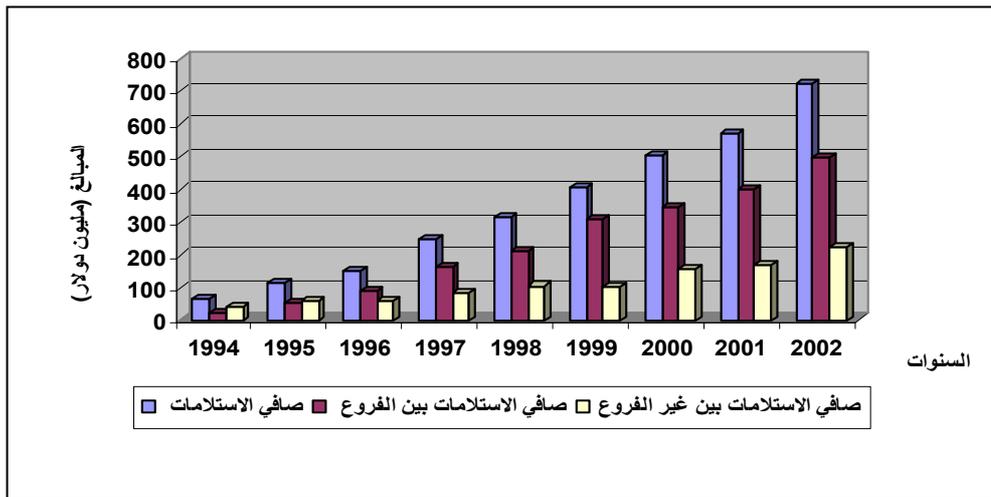
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www.intven.com/docs/EconomistPatentSurvey.pdf, Last visited: February 1, 2007.

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Guandong, Shangha & Fujian

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		" .Subramanian, Arvind -	.17
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- .2003/10/136
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2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985	
-	16390	15264	25750	9240	7803	5216	3335	2654	1885	1593	1863	2224	3922	2580	2811	-	1220	-	111	4	2	
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19.42	13.32	1.45	12.51	15.14	0.98	11.32-	13.22-	24.33	11.45	11.37	22.24	%

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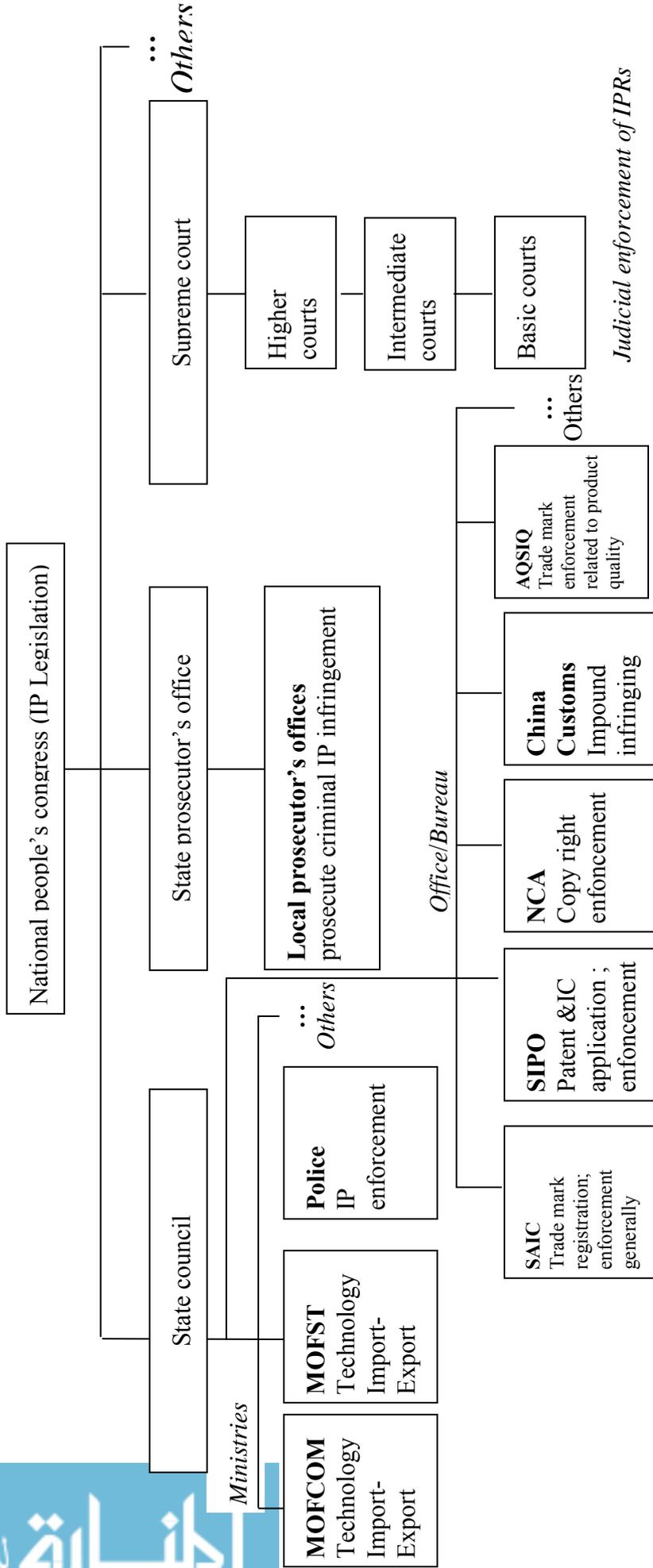
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SITC code	Designation of high technology products
29249	Other plants and parts of plants (including seeds and fruits) of a kind u
29299	Vegetable materials and vegetable products, n.e.s.)
5169	Organic chemicals, nes
525	Radio-Active Materials
5413	Antibiotics,excpt grp542
5415	Hormones,etc.excp.grp542
5416	Glycosides; glands etc.
5419 Less 54191	Pharm.goods,exc.medcmnts
591	Insecticides, ETC
593	Explosives,Pyrotechnics
69563	Rock-drilling or earth-boring tools
714	Engines,Motors Non-Elect
718	Oth.Powr.Genrtng.Machnry
752	Automatc.Data Proc.Equip
75997	Parts and accessories for the machines of group 752 (other than covers, c)
764	Telecomm.Equip.Parts nes
774	Electro-Medcl,Xray Equip
7764	Electronic microcircuits
7787	Elec mch wth indiv funct
792	Aircraft,Assoctd.Equipnt
79329	Other vessels (including warships and lifeboats other than rowing-boats)
871	Optical Instruments,nes
8741	Compasses,survey instrmt
8744	Instruments,analysis etc
8747	Oscilloscopes, etc.
891 Less 89113	Arms and Ammunition

Source: www.hwua.de/wmatrix/technical_description.html , Last Visited: April 16, 2007.



Judicial enforcement of IPRs

- AQSIQ – Administration of Quality Supervision, Inspection and Quarantine
- NCA – National Copyright Agency
- MOFCOM – Ministry of Commerce
- MOFST Ministry of Science and Technology
- SAIC – State Administration of Industry and Commerce
- SIPO – State Intellectual Property Office

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2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985	
58.30	57.07	54.84	52	50.06	4793	45.47	44.07	40.98	40.72	31.51	28.68	27.51	20.44	17.12	12.59	9.35	5.26	3.04	1.62	1.1	
58.71	57.81	56.17	55	51.67	52.10	51.83	54.70	54.59	54.46	47.66	45.78	40.24	26.23	26.56	23.09	14.88	10.67	7.87	6.06	4.97	

Source: Dic Lo, China as a 'Model' of Utilizing Foreign Capital for Economic Development: Perceptions, Observations and Interpretations (November2006), p.13., www.networkideas.org/feathm/nov2006/PDF/China_Model.pdf, Last visited: May 30, 2007.

