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حقوق الملكية الفكرية في ظل المنظمة العالمية للتجارة
ودورها في تطوير مناخ الاستثمار
- عرض تجارب دولية -

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2012 /2011 :

شكر

نشكر الله العلي العظيم على حسن عونه لنا للإجازة هذا البحث، كما نتقدم بالشكر والعرفان مع فائق الاحترام والتقدير إلى الدكتور الصاوق بوشنافة على إشرافه وتبعه للإجازة هذا العمل وما قدمه لنا من نصائح وتوجيهات قيمة.

كما لا يفوتنا تقديم جزيل الشكر إلى كل الأساتذة الكرام، الذين لم يبخلوا علينا بنصائحهم وتوجيهاتهم، وإلى كل من قدم لنا يد المساعدة من قريب أو من بعيد، ولو بكلمة طيبة أو ابتسامة أو وعاء، نسأل الله عز وجل أن يقبل منا هذا العمل ويجعله من ضمن ميزان الحسنات، آمين يا رب العالمين

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، وَصَلِّ اللَّهُمَّ وَسَلِّمْ عَلَيَّ نَبِيِّنَا مُحَمَّدٍ وَآلِهِ وَصَحْبِهِ وَمَنْ تَبِعَهُ بِإِحْسَانٍ إِلَى

يَوْمِ الدِّينِ، أَمَا بَعْدُ:

قَالَ اللَّهُ تَعَالَى: "وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُرُوا لِلَّهِ إِيَّاهُ وَبِالْوَالِدِينَ إِحْسَانًا"

نَهَىٰ هَذَا الْعَمَلِ الْمَتَوَاضِعِ إِلَى الْوَالِدِينَ الْكَرِيمِينَ حَفْظَهُمَا اللَّهُ وَرِعَاهُمَا، وَإِلَىٰ كُلِّ أَقْرَابِ الْعَائِلَةِ

وَالذُّورِ وَإِنَاثًا، وَإِلَىٰ جَمِيعِ الْأَصْرَقَاءِ وَالْأَحْبَةِ، وَإِلَىٰ كُلِّ مَنْ قَرَّمَ لَنَا يَدَ الْعَوْنِ مِنْ قَرِيبٍ أَوْ مِنْ بَعِيدٍ.

نَسْأَلُ اللَّهَ أَنْ يَقْبَلَ مِنَّا هَذَا الْعَمَلِ الْمَتَوَاضِعِ، وَيَلْحَقَهُ بِمِيزَانِ الْحَسَنَاتِ إِنَّهُ قَرِيبٌ مَجِيبٌ الرَّعَاءِ.

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الفصل الأول

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⁵ Charles W.L.Hill, International Business Competing in the Global Market place(Chicago:Irwin,1997),
 Deuxiemes Ed, P41.

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³ Albert chavanne et jean jacque burst : droit de la propriété industrielle cinquième Ed, 1998, p25.

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³ Mohammed boukenous, « Le système des brevets : un outil pour la promotion de l'innovation », document de l'INAPI, 2008, p2 .

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² Qu'est-ce que Lapropriété Intellectuelle ?, publication de l'Organization Mondiale de la propriété Intellectuelle, publication N : 450(f) (Genève :OMPI) ,p13.

* IPIC : Treaty on Intellectual Property in Respect of Integrated circuits .

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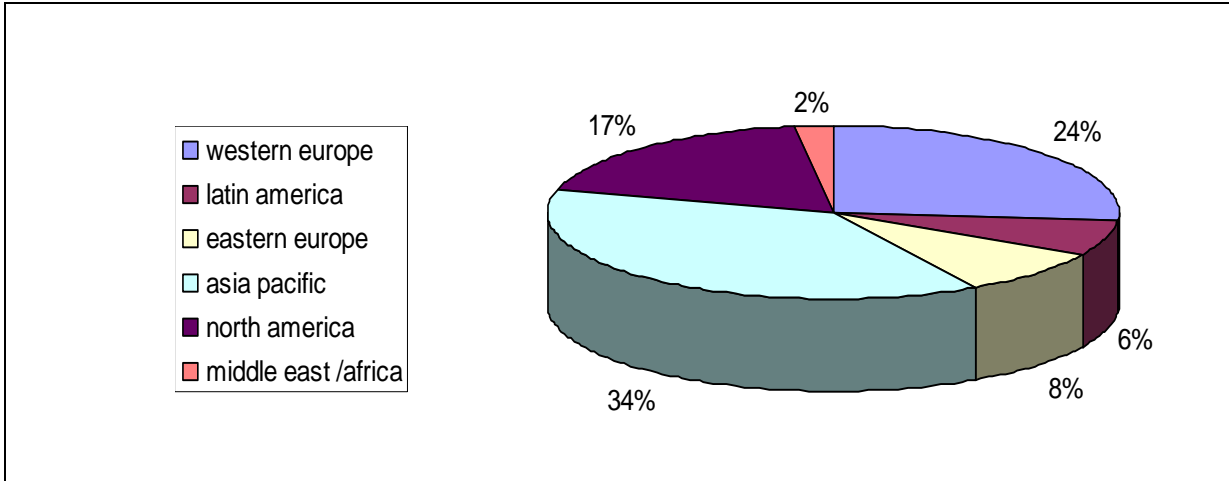
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¹ Marlin-Bennet,R,"International Intellectual Property Right in a web of social relation ", Science communication, Vol 17, N2, December, 1995, P119.

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.646-644 1996

³ Marlin- Bennet,R, op.cit, p120 .

⁴ Shiva, v"Intellectual Property Protection in the North South Divide " In: c.Heath and A.K sanders, Kluwer Law International, London, 2001, p17-19.

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¹Barré, Martine . "L'OMPI et la Mondialisation du droit de la propriété Intellectuelle ." in : La Mondialisation du droit . Travaux du centre de Recherche sur le droit des Marchés et des Investissements Internationaux, Sous la direction de Eric Loquin et Cathrine Kesse Djian. Litec-Credimi , 2000, p281.

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² Marlin-Bennet ,R,op-cit,p121.

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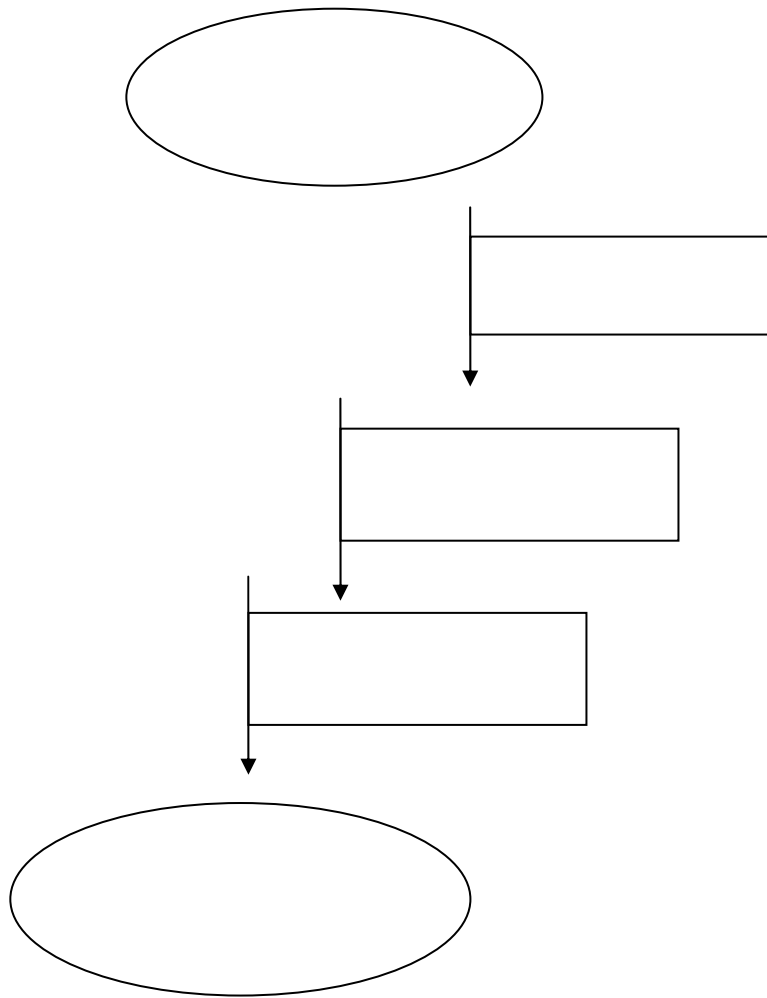
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² Bussery and Charois, Analyse et Evaluation des Projets d Investissements, Parie, 1999, p64.

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¹ C.Michalet, La séduction des nations ou comment attirer les investissements, éd Economica, paris,1999,p15.

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Pan-Long Tsai , Determinant of Foreign Direct Investment and Its Impact on Economic Growth , Journal of Economic Development, Vol: 19, 1994, pp 137- 161.

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(Business Environnement Risk I ndice BERI) .1

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الفصل الثالث

حماية حقوق الملكية الفكرية وتطوير
مناخ الاستثمار

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(1994) Edwin Mansfield :

Mansfield

(Maskus ,Blyde and Penubarti,1996)

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	Research and Development Facilities	Facilities to Manufacture Complete Products	() Facilities to Manufacture Components) (Rudimentary Production and Assembly Facilities	Sales and Distribution Outlets		
65	100	87	71	46	19		16
36	80	33	33	17	17		06
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48	80	50	50	40	20		05
48	77	65	50	23	23		24
48	80	59	48	32	20		94

Source : Edwin Mansfield , Intellectual Property Protection , Foreign Direct Investment, and Technology Transfer, Discussion Paper N:19(Washington, D.C: The World Bank and International Corporation IFC, February1994), p3.

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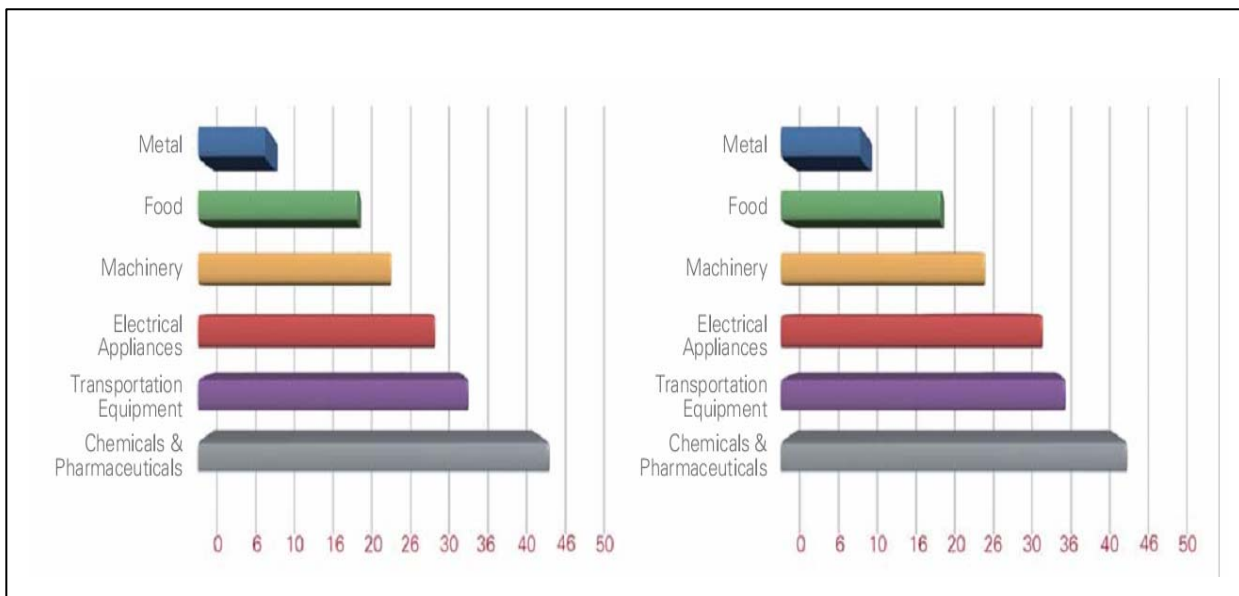
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Source : Lee and Mansfield(1996).

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(Joint Venture)	(FDI)
()	% 40
%36	" Chemicals & Pharmaceutical "
" Transportation Equipment "	
	%30
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	"Machinery"
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1991

Mansfield

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18	27	00	12	29	00	40	
32	65	00	12	31	40	47	
19	23	00	12	29	20	31	
17	9	00	12	38	20	21	
44	48	20	38	39	40	80	
28	25	00	25	29	40	50	
10	00	00	00	10	40	07	
22	17	00	25	30	20	47	
33	24	20	29	39	20	64	
24	18	00	12	31	40	43	
19	00	20	12	24	40	20	
23	26	25	12	21	20	33	
02	04	00	00	10	00	00	
28	17	20	25	41	40	27	
31	20	00	12	32	80	43	
18	20	00	12	19	20	40	
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Source : Edwin Mansfield , Op.cit , p4.

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Edwin Mansfield

(Markusen ,1998)

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(Segerstrom)

(Fosfuri ,et al,1997)

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⁴(Kumar,1996) (Ferrantino,1993)

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² UNCTAD-ICTSD Project on IPRs and Sustainable Development , Intellectual Property Rights: Implications for Development, August 2003, p5.

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(Multinational Corporations)*

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Barrel RAY, Pain. N, "Foreign direct investment technological change and economic growth with Europe", The Economic Journal, Vol 107, n° 455 (USA: Black well publishers, 1997), p.173.

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¹ Sangeeta Shashikant and Martin Khor , Intellectual Property and Technology Transfer Issues in the context Climate Change, Malaysia, 2010, p4.

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Romer1991

Helpman1993 Grossman and Helpman 1991 :

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1718653	107792	82382	
687923	44814	35501	
218871	12363	9000	
84771	8238	6642	
81041	4450	3140	
78187	11671	7549	
77155	4302	3175	
68024	4852	3655	
18719	1748	1221	
5585	1098	679	
1279	202	158	
382	58	23	
140	14	15	
117	20	3	
85	9	9	
63	5	6	
43	1	3	
25	1	1	
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18	0	0	
10	0	0	
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6	1	0	
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Source: A Patent technology Monitoring team report, U.S Patent Office 2010.

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(Materials Metallurgy)

(Basic Materials Chemistry)

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2006-2002 :

2006-2002**:(4-3)**

Materials Metallurgy	Basic Materials Chemistry	
11252	13370	
6766	14986	
3072	4992	
1481	1678	
960	1190	
687	1571	
550	718	
433	1211	
427	1203	
409	414	
370	416	
319	320	
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13	10	72	26	67	2.6	363		1
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7	17	75		75	1.4	100		3
14	16	69	21	66	2.5	71		4
18	17	63	29	49	2.1	44		5
27	10	58	23	40	1.8	38		6
9	12	78		75	3.0	36		7
40	10	50	25	45	2.0	25		8
7	30	61		62	1.1	23		9
					0.7	21		10
20	17	56		48	1.1	20		11
					0.9	17		12
12	11	74	25	70	2.2	15		13
26	23	51	27	47	1.1	15		14
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² Unctad .WIR2006.Transnational Corporations and The Internalization of R&D.United Nations NY &Geneva 2006.p140.

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10,9	8638	1715	
25,7	4366	279	
10,5	3792	1141	

Source : Science and Engineering Indicators ,2010.

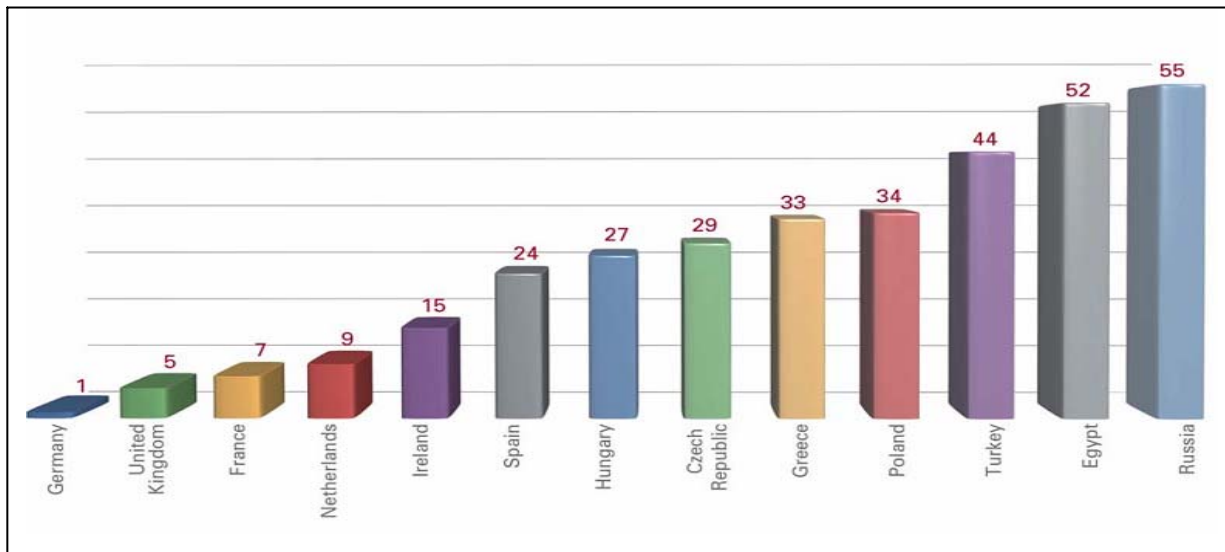
1995 193337 2007 209695

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Source: Property Rights Alliance (2007). "International Property Rights Report 2007".

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.(Grossman and Helpman 1991 , Helpman1993)

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3,4	39,5	0,5	0,4	1	22,9	1,4	6,1	
3,4	39,6	3,5	2,8	1	31	0,9	4,8	
74	851,3	91	72,9	94	2229,1	84	438,5	10
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الفصل الرابع

عرض تجارب دولية لعلاقة حقوق
الملكية الفكرية بتطوير
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¹ Nagesh Kumar, Intellectual Property Rights, Technology and Economic Development: Experiences of Asian Countries, Commission on Intellectual Property Rights, Study Paper 1b, New Delhi, 2003, p5.

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¹ http://www.internationalbusiness.wikia.com/wiki/Intellectual_Property_Rights_in_South_Korea consulte le 27 septembre 2011.

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2006		2005		2004		2003		2002		
%45	_	%46	200	%46	276	%48	275	%50	285,9	
%68	353,5	%55	415,1	%43	349	%36	248,4	%36	381	
_	45	_	43	_	42	_	38	_	36	
%7	0,3	%13	1,3	%16	2,3	%20	3,5	%20	6,9	
%7	9	%7	_	%20	40	%20	40	%25	27	
_	407,8	_	659,4	_	709,3	_	604,9	_	736,8	

Source : INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE
2007 SPECIAL 301 REPORT, SOUTH KOREA, Issued February 12, 2007,
p419.

%50 2002

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¹ Koo. B.Y, Far Estren Economic Review, 13 May, 1977.

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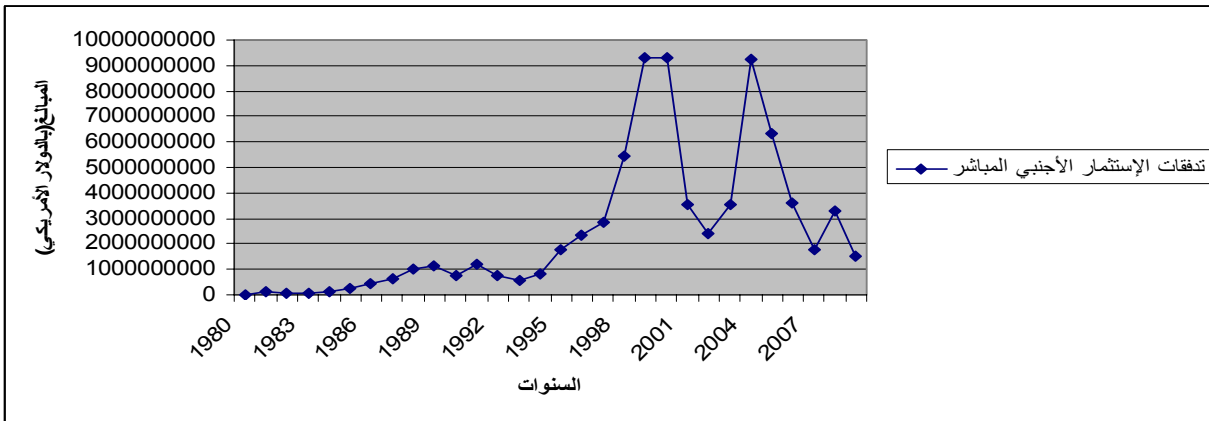
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¹ http://www.moheet.com/show_news.aspx?nid=323354&pg=3 consulte le 27 septembre 2011.

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Source: World Bank, Statistics Database.

1996 30 1996 20 1995 110 2008

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²Ilyoun Song, Choonyup Park, JoongYeon Lim , Deokkyo Oh, Youngbok Shon , Paper Title: Technology Transfer in Korea, Korea Technology Transfer Center,2006, pp3,4.

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30	27		
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Source: Technology Transfer and Commercialization Report in Korea, 20June, 2005.

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453	%25	5449	21822	
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Source: to "2005 Technology Transfer and Commercialization Report in Korea", June 2005.

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2 609	2 335	274	1 982
2 433	2 188	245	1 983
2 365	2 068	297	1 984
2 268	1 919	349	1 985

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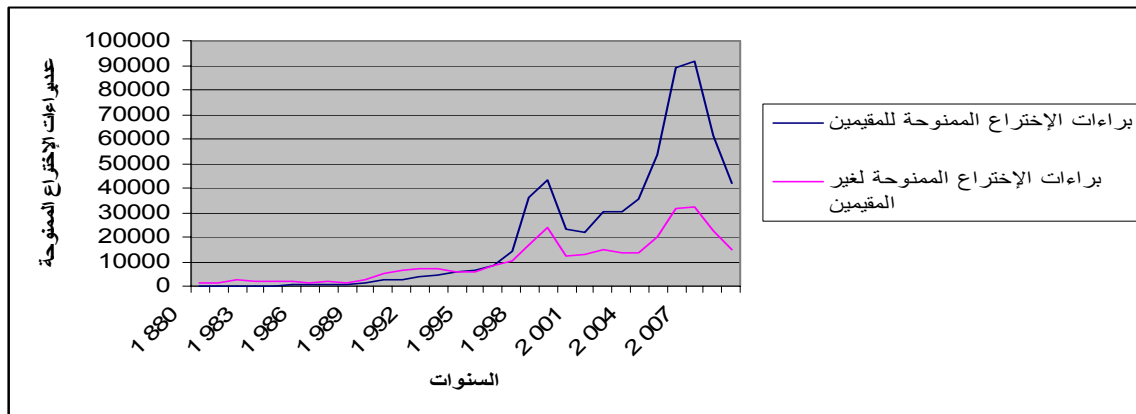
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1 894	1 436	458	1 986
2 330	1 734	596	1 987
2 174	1 599	575	1 988
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8 691	6 138	2 553	1 991
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11 446	6 901	4 545	1 993
11 683	5 909	5 774	1 994
12 512	5 937	6 575	1 995
16 516	8 195	8 321	1 996
24 579	10 082	14 497	1 997
52 890	16 990	35 900	1 998
67 051	23 737	43 314	1 999
34 956	12 013	22 943	2 000
34 675	12 842	21 833	2 001
45 046	14 871	30 175	2 002
44 178	13 653	30 525	2 003
49 068	13 784	35 284	2 004
73 512	20 093	53 419	2 005
120 790	31 487	89 303	2 006
123 705	32 060	91 645	2 007
83 523	22 408	61 115	2 008
56 732	14 603	42 129	2 009

Source: WIPO Statistics Database, January 2011.

(2009-1980)

:(3-4)



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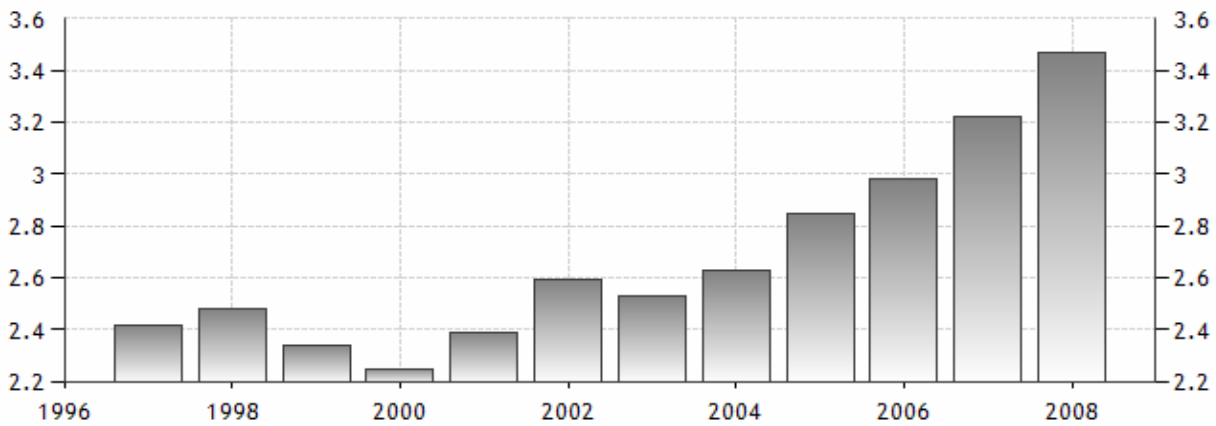
1995
TRIPS

14603

5937

42129 2009
1995 6575

(%) :(4-4)



Source: World Bank, Statistics Database.

2000

%3,4 2008

%2,3

:

.(13)

.(14) .2008 4500

:(6-4)

(2005-2002)

2005	2004	2003	2002	
2905 (%2,4)	1962 (%1,9)	1692 (%1,9)	957 (%1,3)	
4453 (%3,7)	3479 (%3,4)	3185 (%3,6)	2656 (%3,6)	

Source: Kim Young-Pyo, Reality of Moving R&D to Commercialization in KOREA, Korean Intellectual Property Office, 7 September, 2009, p6.

2002

2905 2005 %1,3 957

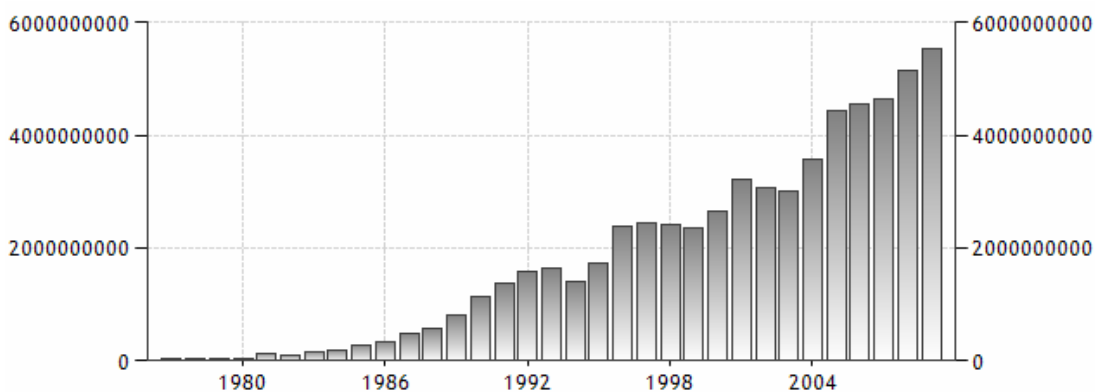
2656 %3,7 2005 4453

.%3,6 2002

(2009-1977)

:(5-4)

()



Source: World Bank, Statistics Database.

5542700000 2008

:

:

30 2001

1997

:

()

(TRIPS)

.(WTO)

.1986 1

1983

.¹2006 2003 2000 1993

¹ Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, Impact of the Intellectual Property System on Economic Growth, Country Report – Malaysia, WIPO – UNU Joint Research Project, 2006, p4.

16

2006

2006

¹*(MyIPO)

1976

1950

²2000 1994

2007 28

.2007 28

)

.(32

*(MyIPO): Copyright Intellectual Property Corporation of Malaysia .

:

(MIDA)

1

<http://www.mida.gov.my/arabic/index.php?page=IP-protection> consulte le 06 Mai 2011.

19

² Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p4.

:

:(7-4)

(2000-1987)

1987

	(2000-1987)	1987	
5627	6720	6720	
4606	5468	5468	
722	929	929	
87	103	103	
111	114	114	
101	106	106	

.2001

: _____

5468
722 929 4606
87 103
106 114
101 111
2000

(TRIPS)

2000

:

2008

(PNPV) 2004

¹

(PNPVR)

:

:(8-4)

1989		
1989		
1990		
2006		
1995		

.2010

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.(33

300

¹ Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p5.

:

2000

140

316,5

(2631)

10

200

(DVD)

(CD)

1

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*

178

24

¹ <http://www.ye1.org/vb/showthread.php?t=124907> consulte le 19 Mai 2011.

*

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*

).¹

.(30

1984

1990-1986

% 79

%59

:

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%80

%100

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%79 -%51

%59

%50 -%20

%20

%51

%30

.2003

900

*

¹ Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p9.

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22

1

(FDI)

2009 -2007

20

60

.()

3000

:(9-4)

2002

157	
63	
55	

1

.140 2004

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51	
27	

Source : Malaysia FDI Report 2002 .

2002 157
63 . 27
:

. 1

:(10-4)

101	
87	
85	
73	
69	

.142 ،141

1

:

48	
40	/ /
37	
35	
25	
24	
18	

Source: Malaysia FDI Report 2002 .

87

101

85

18

(2020)

()

(2020) ()

.1 2020

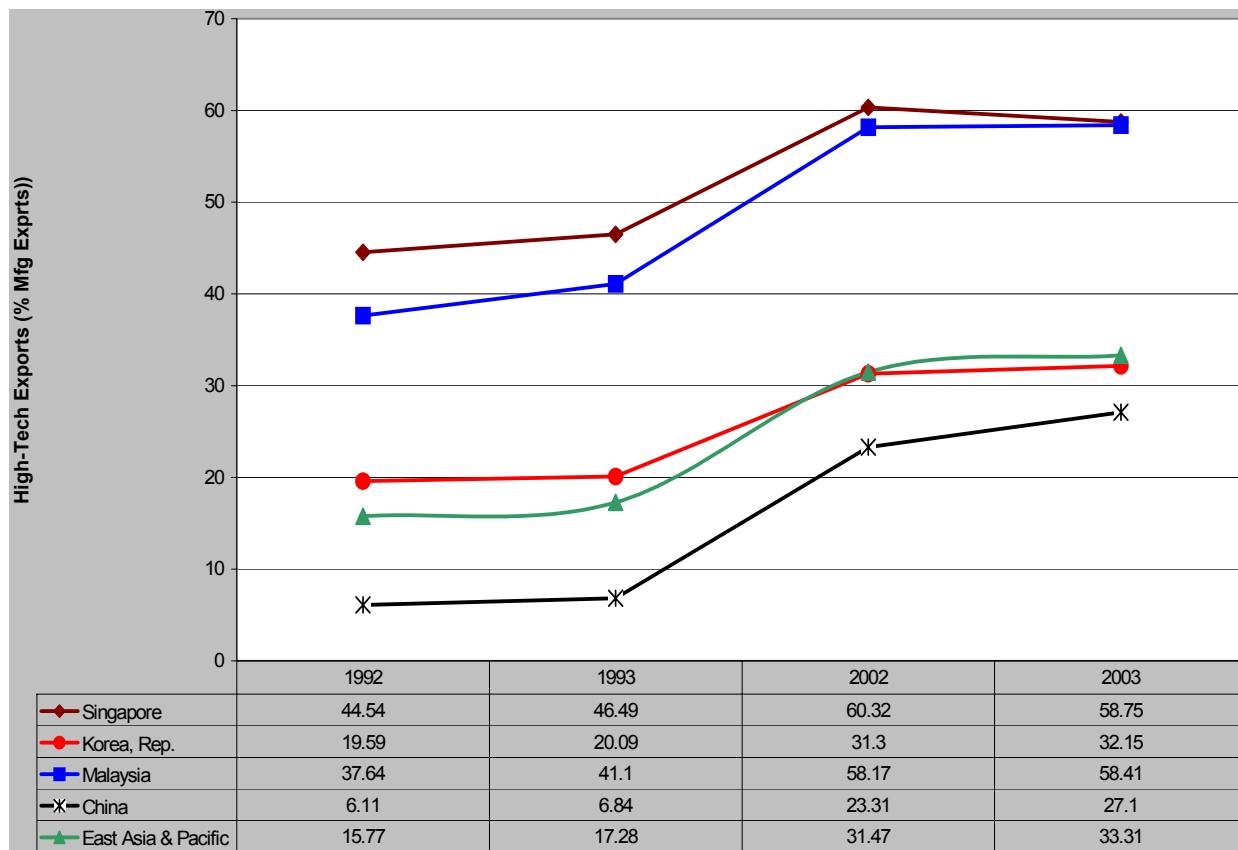
"

"

1

.32 2005 6-4

%) (6-4)
2003-1992 (



Source: world bank online data bases. <http://genderstats.worldbank.org>

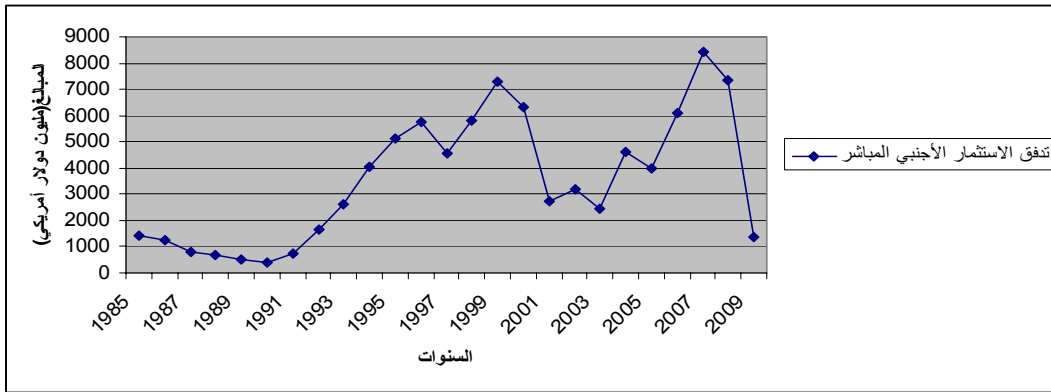
2003 – 1992

%60 (1993- 1992) %45
%40 .(2003-2002)
%58

:

(2009-1985)

:(7-4)



.34

:

(2009-1985)

8454 2007

(1991-1985)

1387

2009

(2003) (FDI)*

25

(2003 23)

.¹2002

16)
(2002

1000

%90) 42 (2002

(3)

.2003

1

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133

37

2009

.(35)

1983

1990

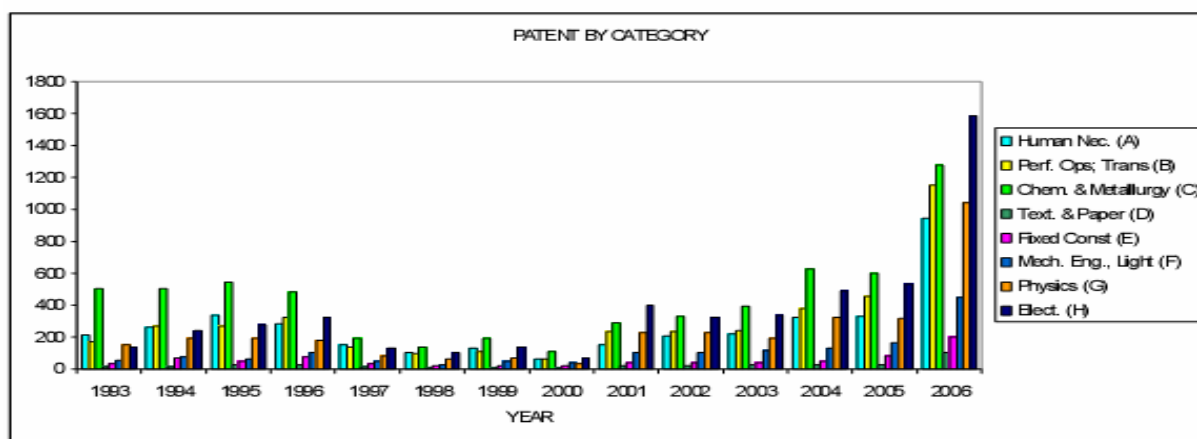
.1993

6-4

1990

(2006-1993)

:(8-4)



Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p8.

2006

(1275)

(1583)

%11

.(1155)

1993

.2006 %23 1993

%.19

2006

%39

1993 %13

%153

.2006 %17

:

(2005-1996)

:(11-4)

(%)	(%)	(%)))))
44,1	55,9	100	118831,7	150867,6	269699,3	
22,3	77,7	31,3	18819,3	65466,1	84285,4	
65,7	34,3	9,2	16234,6	8473,2	24707,8	
58,1	41,9	6,2	9704,8	7009,9	16714,7	
35,7	64,3	11,6	11134,7	20064,1	31198,8)
56,5	43,5	7,2	11017,6	8466,5	19484,1	(
49,1	50,9	6,5	8645,7	8972,7	17618,4	
53,1	46,9	4,8	6826,2	6029,6	12855,8	
84,5	15,5	3,5	8043,5	1477,9	9521,4	
57,8	42,2	3,3	5183,6	3785,4	8969	
55,5	44,5	2,3	3507,2	2807,1	6314,3	
72,8	27,2	2,3	4493,3	1676,7	6170	
47,8	52,2	11,8	15221,2	16638,4	31859,6	

Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p8.

%60 2005 1996

%31

%12

.%7

%7

%9

)

(

2006

321 1989

10

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% 0.9

61

2006

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%50

1997 (MTDC)

1986

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(Biotechnology)

(Multimedia)

.12005 2001

200

%1,4

%0,7

2007

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2011 -1986

:(12-4)

--	--	--	262	233	29	1986
--	--	--	3266	3195	71	1987
6	6	0	1620	1547	73	1988
132	121	11	1887	1803	84	1989
518	498	20	2305	2213	92	1990
1050	1021	29	2427	2321	106	1991
1134	1124	10	2411	2260	151	1992
1284	1270	14	2882	2684	198	1993
1629	1608	21	3587	3364	223	1994
1753	1724	29	4177	3992	185	1995
1801	1722	79	5575	5354	221	1996
793	741	52	6457	6278	179	1997
566	545	21	5963	5770	193	1998
722	683	39	5842	5624	218	1999
405	381	24	6227	6021	206	2000

-19

()

1

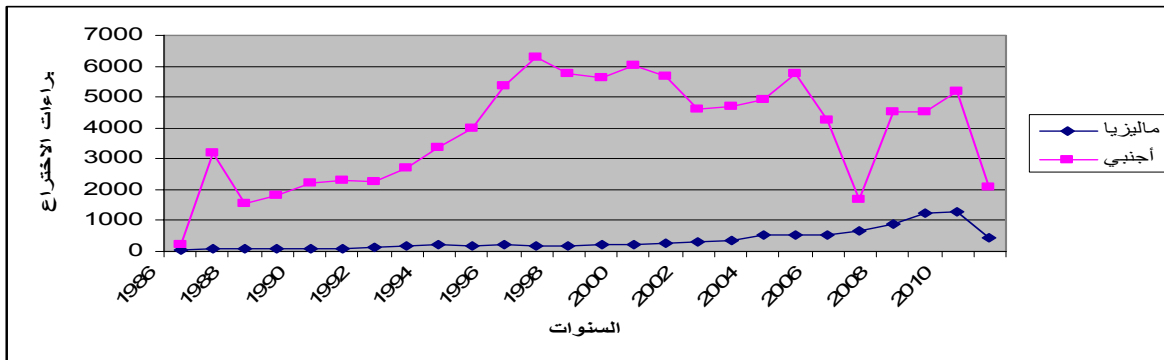
.21

1470	1452	18	5934	5663	271	2001
1492	1460	32	4937	4615	322	2002
1578	1547	31	5062	4686	376	2003
2347	2323	24	5442	4920	522	2004
2508	2471	37	6286	5764	522	2005
6749	6562	187	4800	4269	531	2006
6983	6645	338	2372	1702	670	2007
2242	2044	198	5403	4539	864	2008
3468	3198	270	5737	4503	1234	2009
2177	1973	204	6464	5189	1275	2010
781	629	152	2526	2061	465	2011
43588	41748	1840	109851	100570	9281	

.2011

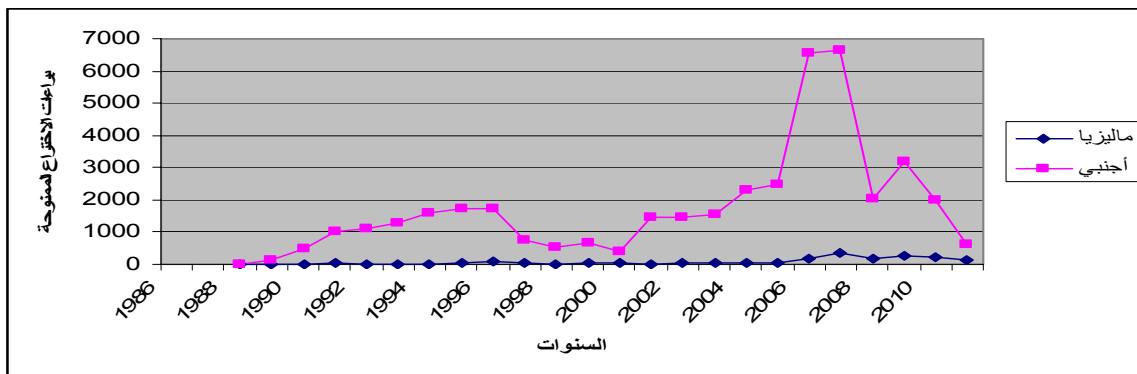
(2011 - 1986)

:(10-4)



(2011 - 1986)

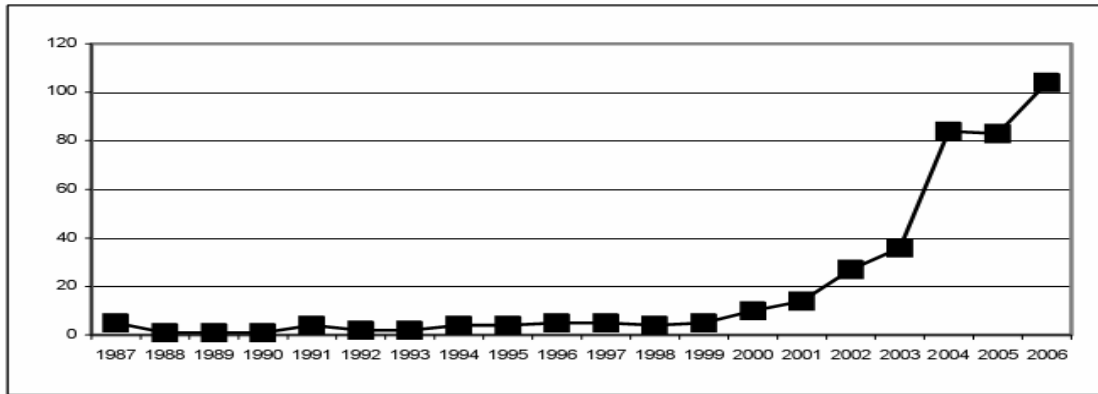
:(11-4)



1

:(12-4)

(2006-1987)



Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p10.

2006

.%20

.104

3

2006

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2005

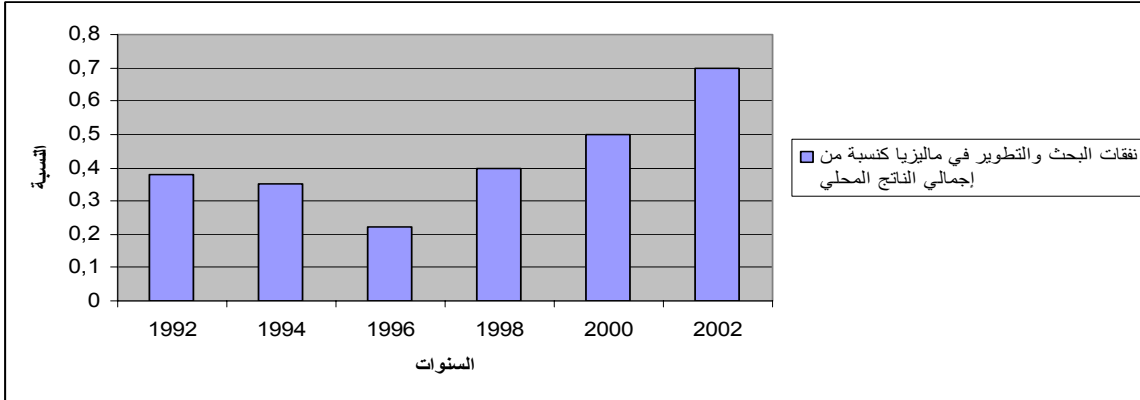
1996

¹ Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p10.

:

(2002-1992)

:(13-4)



Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p5.

%0,7

1992

%0,4

.%0,2

1996

.2002

(2010-2006)

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1,5

10000

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2010

2010

1983

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1990

.¹ 2003 2002 1993

¹ Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p6.

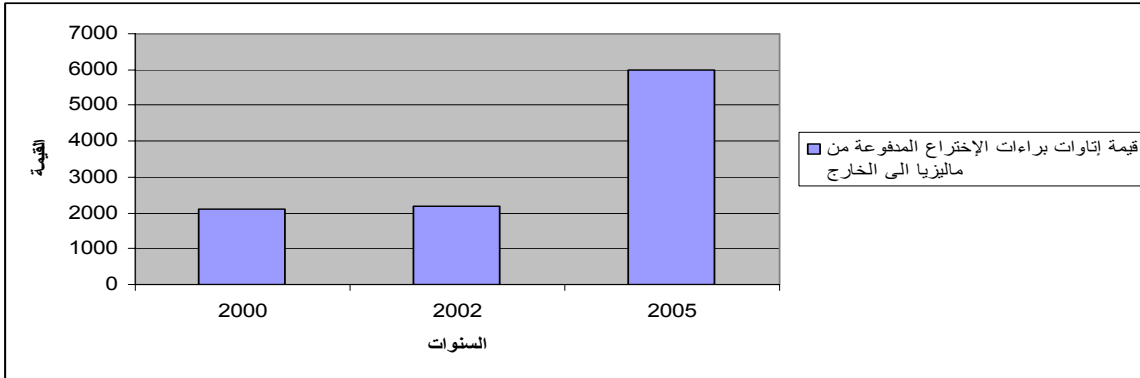
:

:

(2005-2000)

:(14-4)

()



Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p5.

2005

2002 2000

1

:

¹ Workshop on “Malaysia-US Free Trade Agreement: Issues, Implications and Challenges” – Summary Report:

www.twinside.org.sg/title2/FTAs/.../Malaysia-US.Free.Trade.Agreement.doc consulte le 23 Août 2011 .

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.¹

1883

:

1954 354

-1

1975 34

1968 14

:

1955 430

1971 13

1992 38

1994 29

. *1954 354

10

1977

1971

1971

1979

1967

(WIPO)

.²1989

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-2

.329

1

1941 17

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354

301

1954

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.5

.330

2

					:
1939	57				-
		.1959	96		
.1955	650				-
	.1954	67	1954	67	-
					-
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TRIPS 1994 1995

(41) (65) .1995 5 TRIPS

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1969 : -3

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(4-3)

15

.First to File

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.283

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182

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82

:	*	2002
.	1939 57	()
.	1949 132	()
.	2005	
.	1954 354	()
.	206 189	

25

193

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2003

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.57

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Priority Watch

WATCH LIST

1994

List

1992 38

1954 354

1997

1996

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1996

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:(13-4)

/ /	
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.30 2005

.359 358

1

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Rapp&)

(Rozak,1990

1996

%1,1

%3

1997

1,5

627

12

1995-1977

.(Tikku,1998)

738,4

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%11

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47

4,5

2001 /2000

.1998

1350

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2004

...

TRIPS

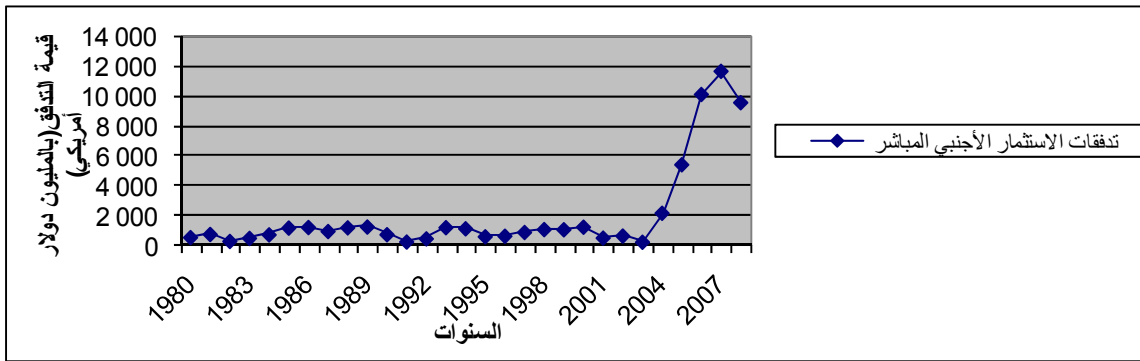
2

.2

:

(2009-1992)

:(15-4)



.38

:

)

(2009-1980)

237 2003

(1995)

2004

11 578 2007

2157

.2009

7542

2003

2003/2002

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175

10 :

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35

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64

18

1997 8

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2003 %25,7 2002 %14,3 1981 159
2003 %18,3 2002 %4,8

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%36 2006 %35
%37

2003

.2003

28.80

2006

39.57

2006 %63

2003 %69

56 2006

88

2003

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(%5)

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2001

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.196

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. %4,7-%9

1

2007-1998

:(14-4)

2005	/ 2005			
443	39,1	1444	69	
350	27,1	1220	67	
571	146,2	1216	56	
....	14,7	97	9	
1658	50,9	4273	245	
2	7,5	32	
575	72,3	1674	182	
275	177,3	1425	113	
77	12,8	339	9	
233	267,2	663	81	
43	4,4	130	4	
19	226,2	103	6	
....	3,8	107	13	

.2008

:

2007-1997

1658 2005

4273 245

67

2005

1220

.350

(2008

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(

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13941

.438

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/

1

189

:

	()
4699	5625	5943	
789			2223
1	411	486	548
			634

(2009-1990)

:(15-4)

	%		%		
307	93,2	286	6,8	21	1990
402	96,0	386	4,0	16	1991
301	89,0	268	11,0	33	1992
343	94,2	323	5,8	20	1993
345	82,9	286	17,1	59	1994
347	83,0	288	17,0	59	1995
250	82,8	207	17,2	43	1996
249	90,0	224	10,0	25	1997
117	86,3	101	13,7	16	1998
410	90,7	372	9,3	38	1999
454	88,1	400	11,9	54	2000
430	86,7	373	13,3	57	2001
757	84,4	639	15,6	118	2002
638	85,9	548	14,1	90	2003
325	80,3	261	17,9	64	2004
147	66,0	97	34,0	50	2005
130	55,4	72	44,6	58	2006
299	72,9	218	27,1	81	2007
361	77,6	280	22,4	81	2008
321	82,9	266	17,1	55	2009

.(2010)

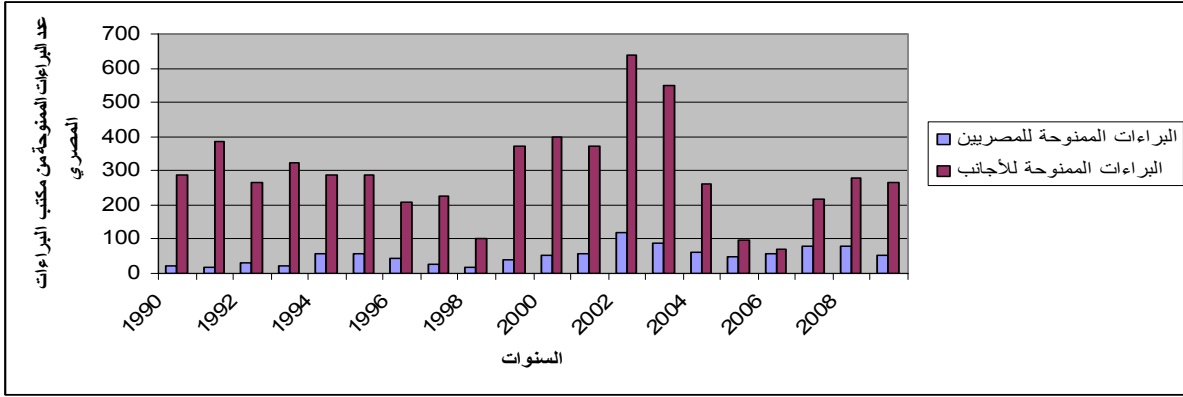
:

.440

/ / 1

:(16-4)

(2009-1990)



%1

:(16-4)

2007

(134)		(%)	
43	507	1,39	
96	2075	0,75	
129	11280	0,7	
108	1222	0,34	
....	406	0,3	
64	27961	0,3	
131	551	0,2	
100	9766	0,2	
54	458	0,19	
34	1902	0,1	

.2008

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.%0,75

%1,3

.3,9 3,5

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2008

. 134

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10

TRIPS

89

1999 (17)

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87 -72

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192

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TRIPS

500

1700

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1995

TRIPS

1998 (OCDE)

*

OCDE, "Recent trends in Foreign direct investment", Survey of OCDE work on international investment, 1998, p.p.17, 20.

: 31 2004

1

http://www.america.gov/mediapdfbooks/intellectual_property.pdf consulte le 22 Juin 2011.

:

1775
595 5138
1996
5741 2325
636

%50

1

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56

63

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4,8

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%97 : %97 : %70 * %79 %92
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2

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206200000

2008

%60

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¹ <http://www.al-jazirah.com.sa/digimag/01062003/wr12.htm> consulte le27 Juin 2011.

.119

2

.¹TRIPS

..

(* OEM)

.180 2002

1

* Original Equipment Manufacture .

(56)

1999

(ASEAN)

2

1976

1975

(1990-1986)

.1975

" " 1

.3 2009

.1999 : 2

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1

2002

403

2007-2002

%19

2

"

"

"

"2010-2007

"2014-2011

"

3

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:

:(17-4)

						(%))	
		()	()	(%)		((
1989	1989	1999	1999	1999	1999	1997-1987	1997-1987	
1139	494	329	47	0	3	0,22	800	
71036	50714	2661	455	32	41452	2,82	2511	
6272	179	0	0	59	39996	0,24	125	

Source : Mohamed Mansour Kadah, op.cit, p18.

2511

800 125 1997-1987

% 2,82

41452 1999 %0,22 % 0,24

39996

2661 3

455

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71036 50714 1989

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179

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Smith Pamela

Edwin Mansfeild Zumiga Bascavusogla

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.3

.4

.5

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1

ujnews.ju.edu.jo consulte le 21September 2011, p p3, 6.

:

1980 2,89% 1997 0,6%
2010 4% 2012 11,5%
2020 5,2% 2002 3%
2002 0,4% 2002 0,3%
2002 0,5% 2002 0,3%

*

<http://www.unesco.org> :2010

1

" TRIPS 7 "

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%1

.%1,62

(3)

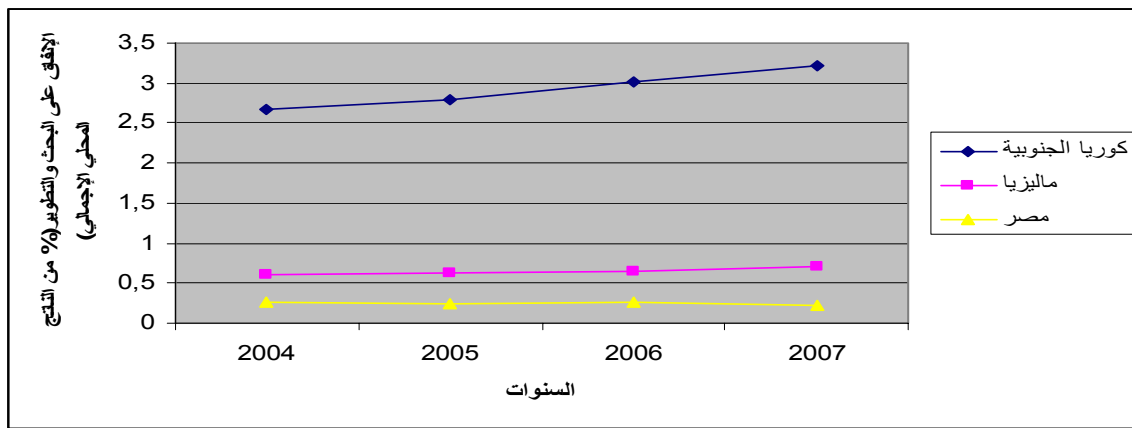
17

%0,3

(%)

:(17-4)

2007-2004



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-World Bank statistics Database, <http://data.albankaldawli.org>.

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Kenneth Arrow

%0,6

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Hewlett Packard

%11

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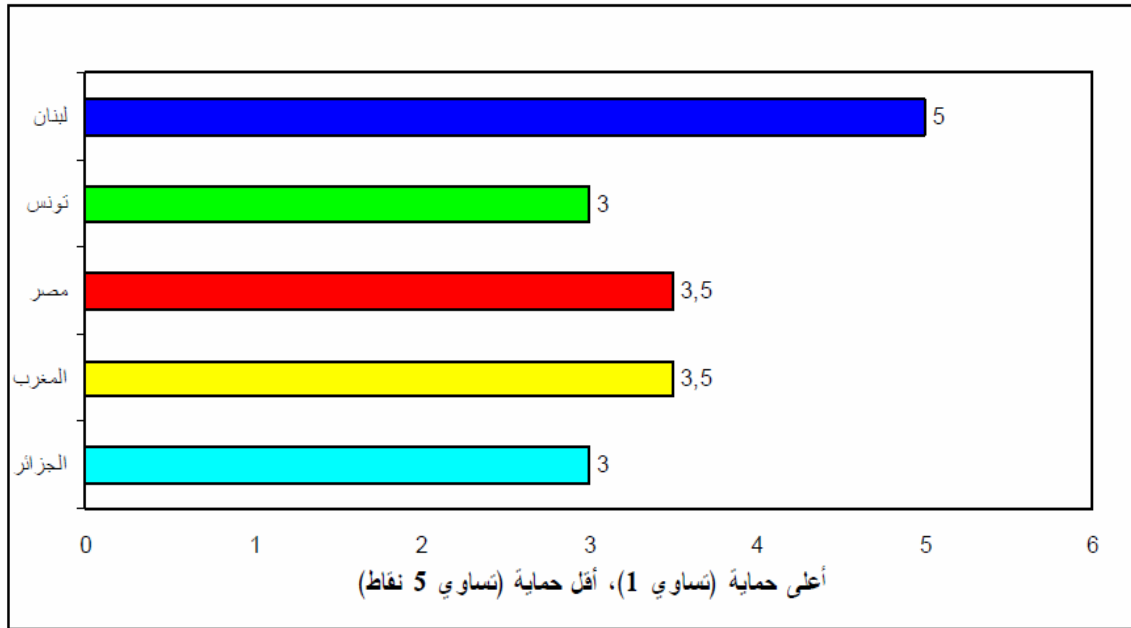
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.91 2008/2007

2003

:(18-4)

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Source : Heritage Foundation index of Economic Freedom, 2003, in : ANIMA, "Attractiveness score board of MEDA countries", Papers and Studies, N°14, January 2005, p 67.

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3,5

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الختامة

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TRIPS

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2009

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TRIPS

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TRIPS

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قائمة المراجع

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	.2005/2004	()"	.3
				.1982
"		"		.4
		.2006		.5
	"		"	.6
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	.1997			.9
	.1999			.10
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		94		.13
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		"		.15
	.2004	1		.16
			"	.17
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			1	.19
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	.2001	10-9	
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OMC)		/	.31
	.2003	(
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		.2006	
			/
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			.2008
	.2004		.35
			:

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		-	-
		.2007/2006	:
			.2
			:
			.2004/2003
TRIPS			.3
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		.2008/2007	
			.4
	.2006	:	
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	"	"(
.2008/2007	:		.2
		1998 - 1988	
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		.2005	.4
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.2007			
"	"		.6
		.2001/2000	
		TRIPS	.7
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.2010/2009	"	"	
		:	
-)"	"		.1
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-)"	"		.2
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		.2009	.3
		.2010	.4
	-		.5

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.2001	.18
.2010 ()	.19
.2011	.20
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	.2010		.26
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	.(2010)		.29
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	.2009		
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.2011	05	-	
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		.2001	
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:TRIPS			
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.2009 2008 .3

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.2010 7-6 1431 22-21

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1994 " .10

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TRIPS .11

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		.2009	
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.1

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2004 .2

http://www.america.govarmmediapdfbooksintellectual_property.pdf :

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http://www.justice.gov.ma/console/Uploads/Doc/etude092005.doc :

http://www.unesco.org :2010 .4

2004 .5

http://www.america.govarmmediapdfbooksintellectual_property.pdf :

2002 .6

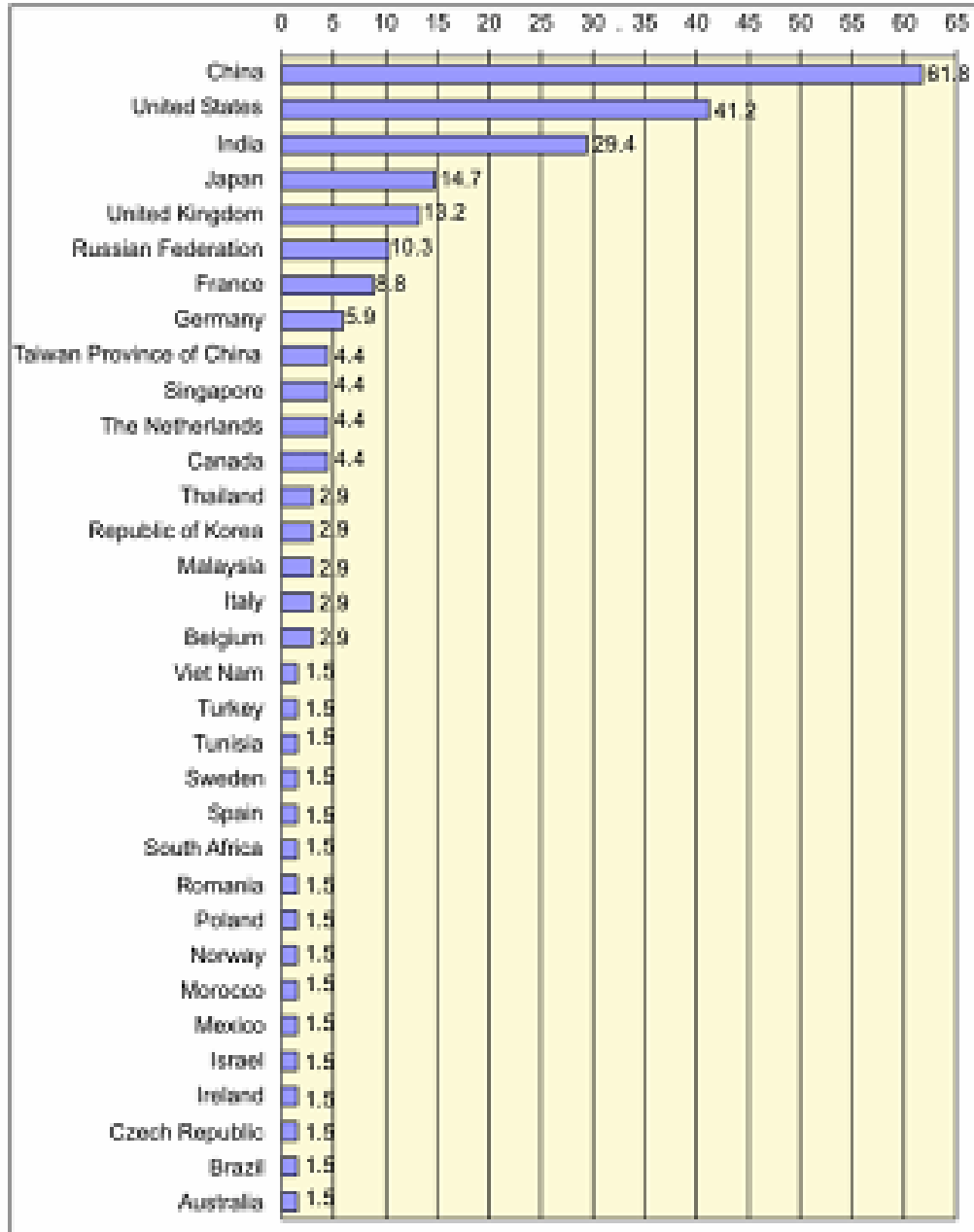
www.arab-api.org/course25/pdf/c25-4-2.pdf :

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- .7
www.ycsr.org/files/korasat_ecit_2_6.doc :
- .8
http://arabic.people.com.cn : 2011 16 :
- .9
: (MIDA)
http://www.mida.gov.my/arabic/index.php?page=IP-protection
- .10
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الملاحق

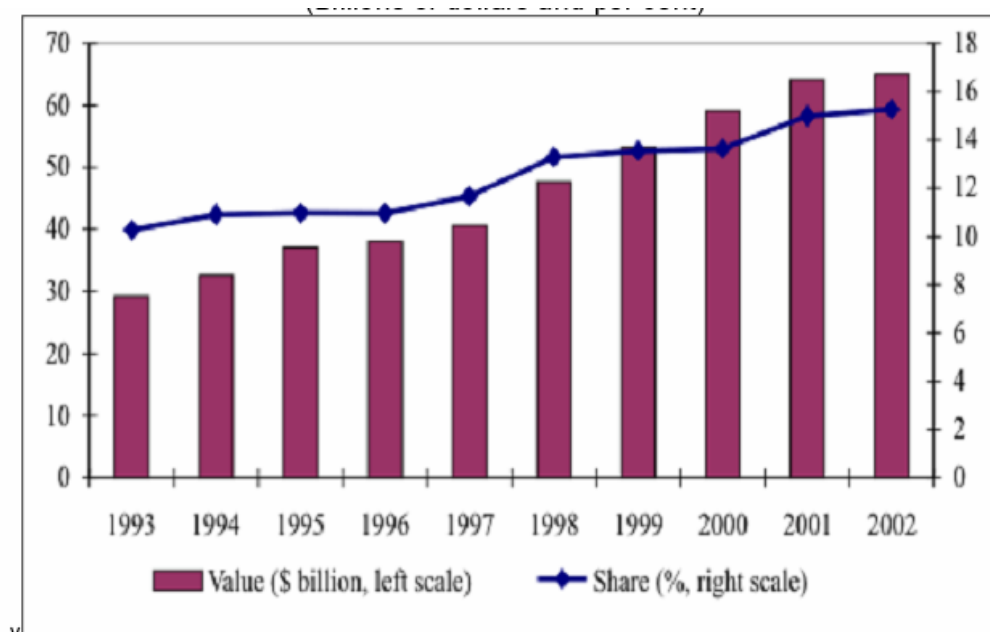
:(1)

(2009-2005)



Source: UNCTAD, World Investment Report 2005

(2003-1993)



Source: UNCTAD, World Investment Report 2005.

:(3)

	Technicians Scientists, Engineers, in R&D (per million people)	Expenditure on R&D(% of GNI)	High-Technology Exports \$ million	Royalty & License Fees Receipts \$ million	Patent Application Filed Residents Non-Residents
	1987-1997	1987-1997	1999	1999	1999
Egypt	800	0.22	3	0	47
Israel	n. a.	2.35	4,644	19	258
Turkey	n. a.	0.45	892	4	n. a.
China	654	0.66	29,614	17	75
India	257	0.73	1,415	6	23
South Korea	2511	2.82	41,452	32	455
Singapore	2619	1.13	60,032	61	n. a.
Malaysia	125	0.24	39,996	59	0
Indonesia	n. a.	0.07	2,731	10	n. a.
Thailand	142	0.13	13,999	32	19

Source : Mohamed Mansour Kadah , Foreign Direct Investment and International Technology Transfer to Egypt, Economic Research Forum, Working Paper 0317, Cairo, Egypt, p18.

() : (4)

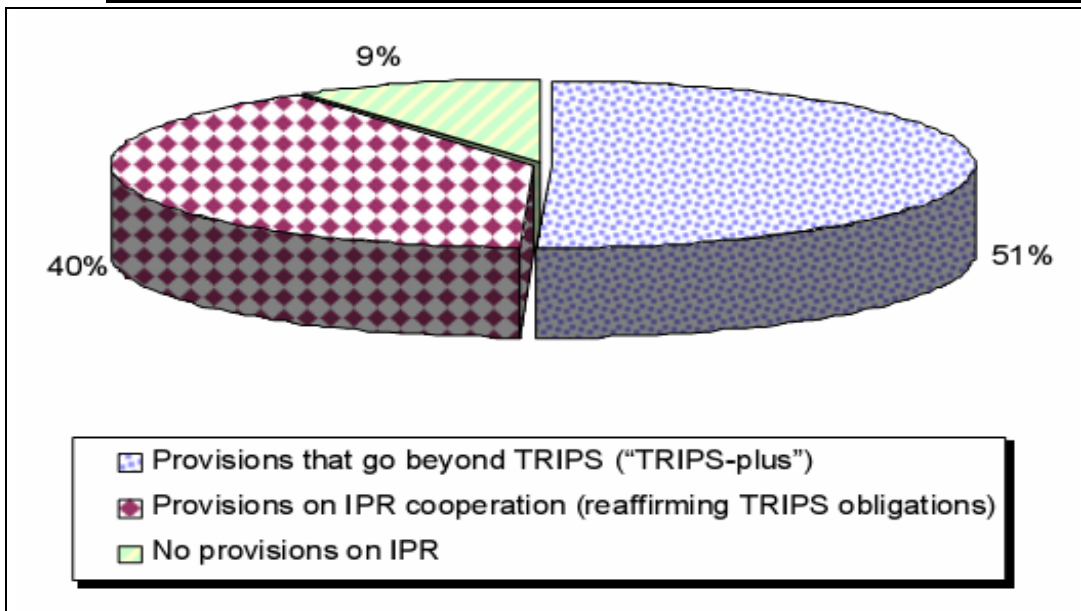
	1997 10 1973 73/14	1997 17 66/54 1966	() 66/86 1966 66/87
	10 1 1993 1994	22 1955 1977	1955 22 1977
	1957/798		
	2002 82		
	1949 132 1979 46 1955 .1981 14	650 1953 453 1954 354 .1994 29 1992 38 1975 34 1968	47
	16 30 1924 1934	19 23 1938	
		1992	
	3 1906 1971	1935 61 65 1970	1935 61 65 1970

	22 14 1992 1998 29 .1999	32 .1999	2000 14
	1961 3 .1999 5	4 4 1962 .1999	1962 4 4 .1999
	2385 1924 75 .1999) 1924 2385 (1999) 1924 2385 (1999
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	1982 1857	1977 68/1	OAPI / bangui 57/798 1909
	1916 135-69-1 1970	23 1916 1997 17	23 1916 1997 17
	2000/37 2000	2000/82 2000	2000/39 2000
	25	1978 3	

	1995		
	11/M 1989	38/M 1989	
		3 1987	3 1987
	49 1974	58 1971	18 1974
		1946 47 28 1980	1946 47 28 1980
	36 1994	84 2000/8/24	2001/2/6 21
	40 1992	1992 44	1992 44
	() 1906	1953 22	1953 22

	1994 19		

:(5)



Source: UNCTAD, 2007.

(6):

الرمز	الدولة
CR	كوستاريكا
CU	كوبا
CY	قبرص
CZ	جمهورية التشيك
DE	ألمانيا
DK	الدنمارك
DM	دومينيكا
DO	جمهورية الدومينيكان
DZ	الجزائر
EC	إكوادور
EE	إستونيا
EG	جمهورية مصر العربية
ES	إسبانيا
ET	إثيوبيا
FI	فنلندا
FR	فرنسا
GA	غابون
GB	المملكة المتحدة
GCC	مجلس التعاون الخليجي
GD	جربادا
GE	جورجيا
GH	غانا
GM	غامبيا
GN	غينيا
GQ	غينيا الوسطى
GR	اليونان
GT	جواتيمالا
GW	غينيا بساو
GY	جويانا
HK	هونغ كونج
HN	هندوراس
HR	كرواتيا
HU	المجر
ID	اندونيسيا

الرمز	الدولة
AE	الإمارات العربية المتحدة
AF	أفغانستان
AL	ألبانيا
AO	أنجولا
AR	الأرجنتين
AT	النمسا
AU	أستراليا
AZ	أذربيجان
BA	البوسنة والهرسك
BB	بربادوس
BD	بنجلاديش
BE	بلجيكا
BF	بوركينافاسو
BG	بلغاريا
BH	البحرين
BI	بروندي
BJ	بنين
BM	برمودا
BO	بوليفيا
BR	برازيل
BS	جزر البهاما
BU	برما
BW	بوتسوانا
BY	بيلاروس
BZ	بليز
CA	كندا
CF	جمهورية أفريقيا الوسطى
CG	الكونغو
CH	سويسرا
CI	ساحل العاج
CL	تشيلي
CM	كاميرون
CN	الصين
CO	كولومبيا

الرمز	الدولة
MD	جمهورية مولدوفا
ML	مالي
MN	منغوليا
MR	موريتانيا
MT	مالطا
MV	جزر المالديف
MW	ملاوي
MX	المكسيك
MY	ماليزيا
MZ	موزمبيق
NA	ناميبيا
NE	النيجر
NG	نيجيريا
NI	نيكاراجوا
NL	هولندا
NO	النرويج
NZ	نيوزيلندا
OM	عمان
PA	بنما
PE	بيرو
PG	جمهورية غينيا الجديدة
PH	الفلبين
PK	باكستان
PL	بولندا
PT	البرتغال
PY	بروجواي
QA	قطر
RO	رومانيا
RS	جمهورية الصرب
RU	جمهورية روسيا الاتحادية
RW	رواندا
SA	المملكة العربية السعودية
SC	سيشل
SD	السودان

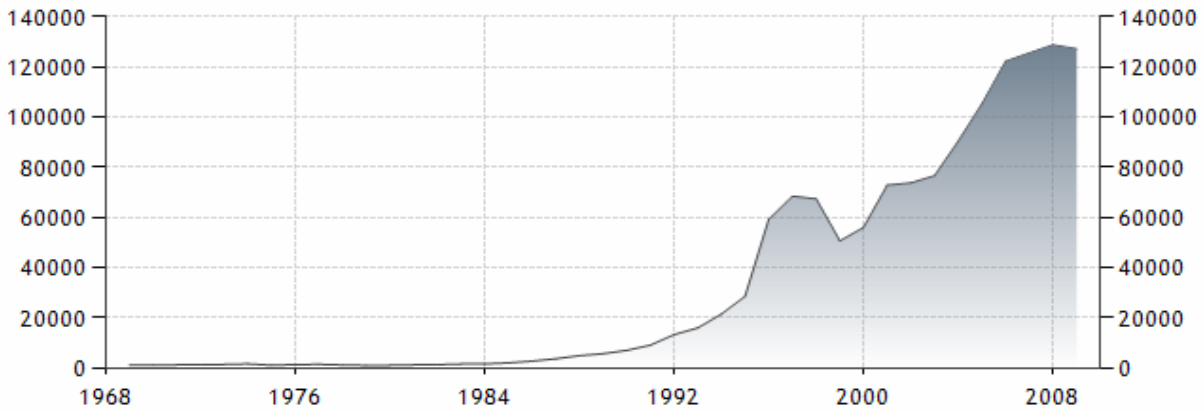
الرمز	الدولة
ID	إندونيسيا
IE	أيرلندا
IL	إسرائيل
IN	الهند
IQ	العراق
IR	إيران
IS	آيسلندا
IT	إيطاليا
JO	الأردن
JP	اليابان
KE	كينيا
KG	كرجيزستان
KM	كومورس
KN	سانت كيتس و نيفيز
KP	جمهورية كوريا الديمقراطية (شمالية)
KR	جمهورية كوريا (الجنوبية)
KW	الكويت
KZ	كزاخستان
LA	جمهورية لاو الديمقراطية
LB	لبنان
LC	سانت لوسيا
LI	ليختنشتين
LK	سريلانكا
LR	ليبيريا
LS	ليسوتو
LT	لتوانيا
LU	لوكسمبورج
LV	لاتفيا
LY	الجمهورية العربية الليبية
MA	المغرب
MC	موناكو
MD	جمهورية مولدوفا
ME	مونتنيغرو
MG	مدغشقر

(7):

1993	6	4541
1993	10	4594
1994	24	4757
1995	5	4892
1995	29	5080
1997	10	5329
1998	23	5576
1999	7	6024
2001	3	6411
2001	31	6582
2002	26	6626
2002	11	6768
2004	31	7289
2005	31	7427
2005	31	7554

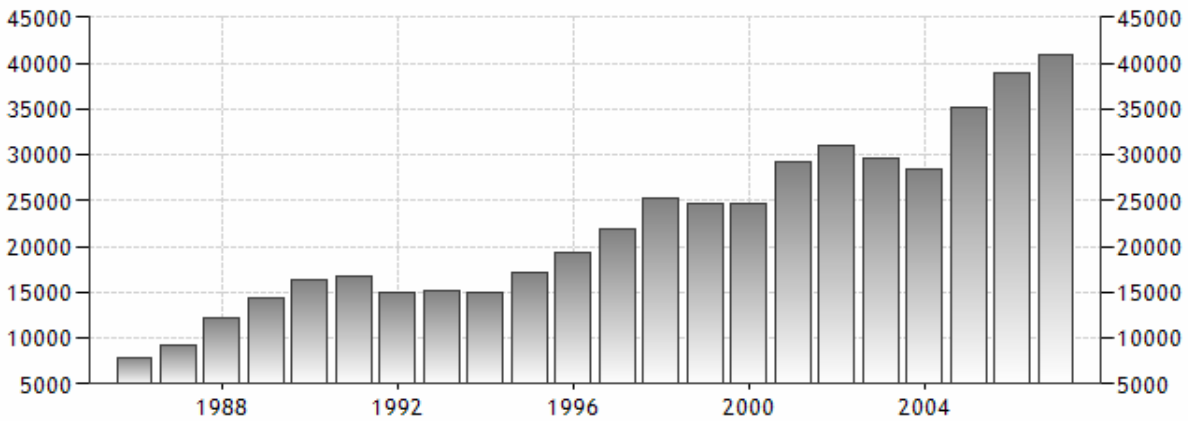
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(8)



Source: World Bank, Statistics Database.

(9)

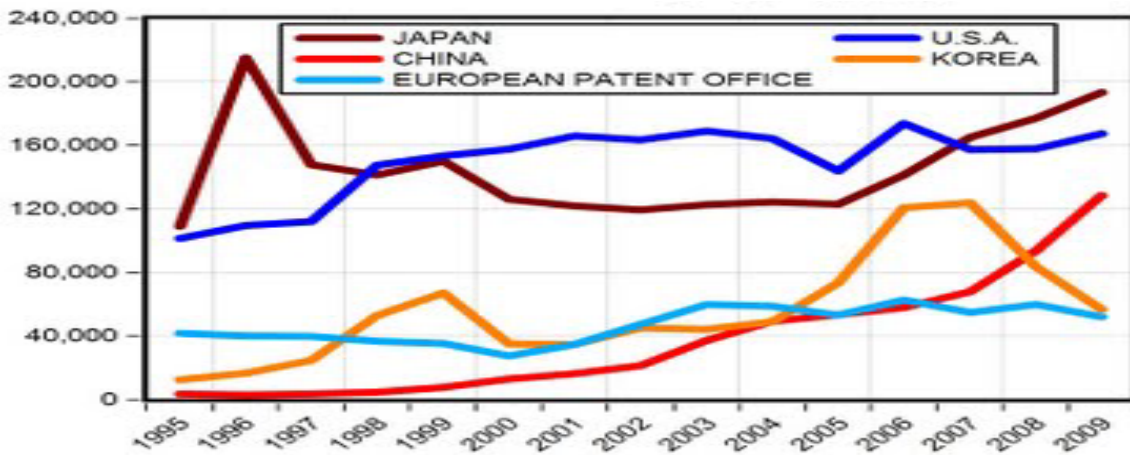


Source: World Bank, Statistics Database.

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(10)

(2009-1995)



Source: World Intellectual Property Organization.

:(11)



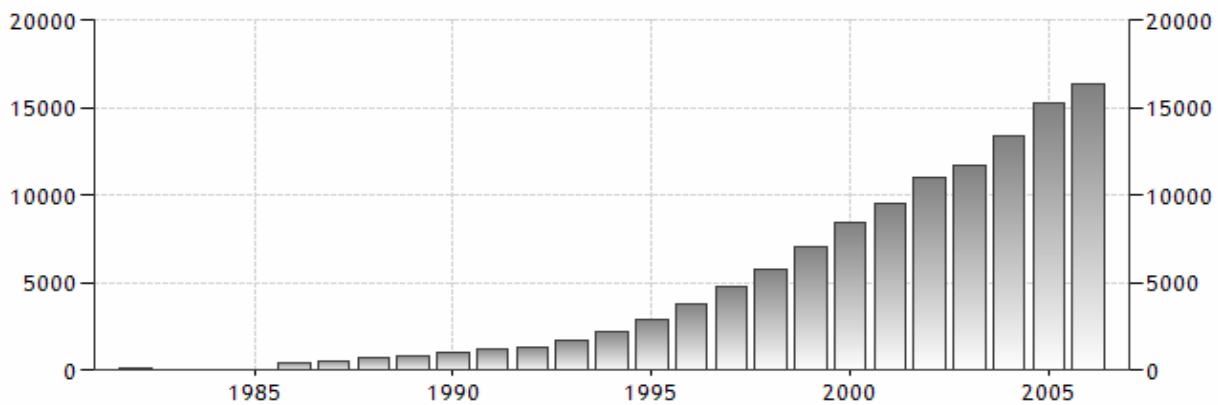
Source: World Bank, Statistics Database.

:(12)



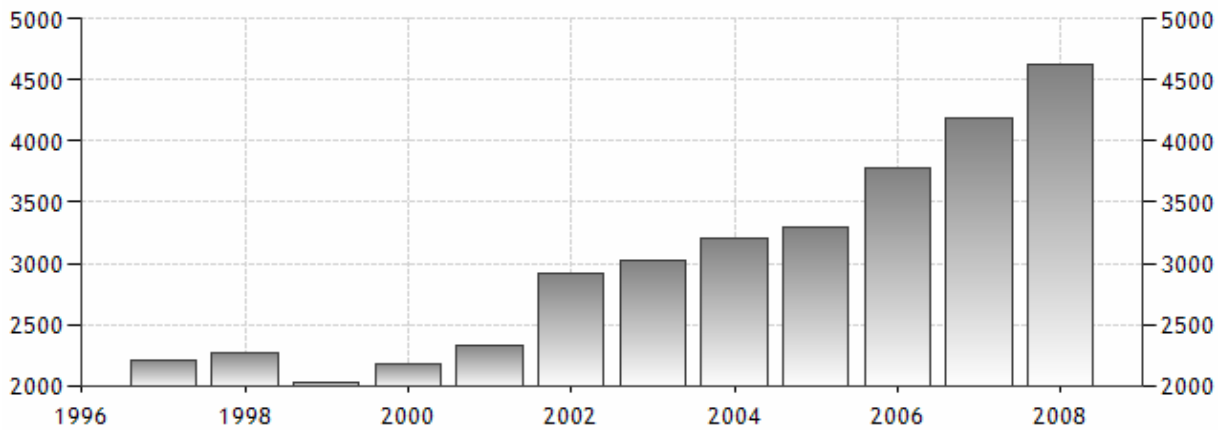
Source: World Bank, Statistics Database.

:(13)



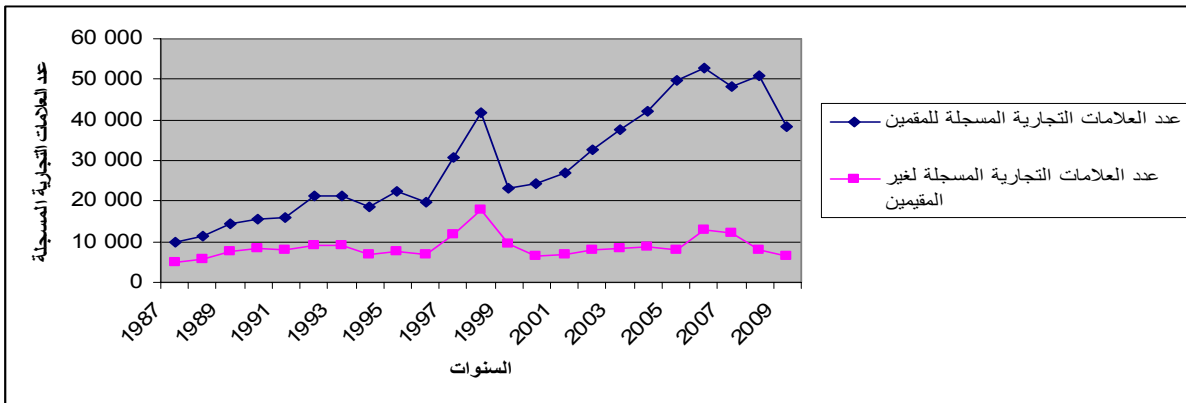
Source: World Bank, Statistics Databas.

() : (14)



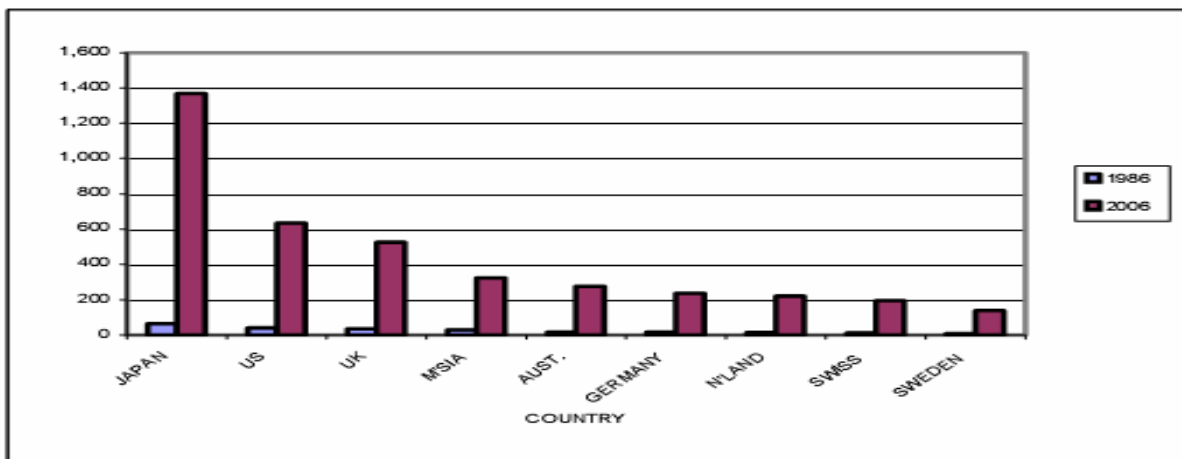
Source: World Bank, Statistics Database.

(2009-1987) : (15)



- WIPO Statistics Database, January 2011 .

(2006-1986) : (16)



Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p7.

(2009-1980)

:(17)

()	
6000000	1980
102000000	1981
69000000	1982
68500000	1983
110200000	1984
233500000	1985
459600000	1986
616300000	1987
1014100000	1988
1117800000	1989
788500000	1990
1179800000	1991
728300000	1992
588100000	1993
809000000	1994
1775800000	1995
2325400000	1996
2844200000	1997
5412300000	1998
9333400000	1999
9283400000	2000
3527700000	2001
2392300000	2002
3525500000	2003
9246200000	2004
6308500000	2005
3586400000	2006
1784400000	2007
3310700000	2008
1506300000	2009

Source : World Bank statistics Database (1980-2010).

2011-1999

:(18)

0	0	0	268	157	111	1999
281	208	73	965	679	286	2000
834	635	199	1062	597	465	2001
703	429	274	1162	660	502	2002
1547	974	573	1324	700	624	2003
1273	671	602	1461	941	520	2004
777	463	314	1607	974	633	2005
1800	1100	700	1544	928	616	2006
1673	1076	597	1920	1146	774	2007
1483	903	580	1702	1072	630	2008
1596	1067	529	1465	766	699	2009
1598	850	748	1677	940	737	2010
793	434	359	766	453	313	2011
14358	8810	5548	16923	10013	6910	

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2011-2003

:(19)

0	0	0	1	0	1	2003
1	0	1	0	0	0	2004
0	0	0	0	0	0	2005
0	0	0	5	0	5	2006
4	0	4	5	0	5	2007
1	0	1	4	1	3	2008
3	2	1	7	1	6	2009
3	0	3	5	2	3	2010
1	0	1	3	0	3	2011
13	2	11	30	4	26	

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:(20)

	H	G	F	E	D	C	B	A	
1284	138	155	52	37	15	503	169	215	1993
1629	243	192	79	71	12	505	267	260	1994
1753	277	194	61	48	27	542	268	336	1995
1801	322	178	103	76	31	483	323	285	1996
789	132	82	45	32	13	196	138	151	1997
566	106	64	31	18	4	141	98	104	1998
721	139	68	49	21	9	191	112	132	1999
405	70	36	42	19	8	110	59	61	2000
1470	399	231	102	44	18	288	233	155	2001
1492	323	228	104	42	19	334	236	206	2002
1578	341	190	119	38	28	396	242	224	2003
2347	492	321	132	50	25	625	377	325	2004
2508	531	316	164	82	30	600	452	333	2005
6749	1583	1042	448	197	101	1275	1155	948	2006
6983	1223	883	407	221	109	1748	1213	1179	2007
2242	364	293	159	98	33	451	421	423	2008
3468	497	488	185	119	53	837	633	656	2009
2177	328	274	125	75	22	599	390	364	2010
781	138	89	43	29	8	207	127	140	2011
40743	7646	5324	2450	1317	565	10031	6913	6497	

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(IPC) : (21)

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	: E
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2010

:(22)

2010	
1700	
1275	
877	
441	
297	
246	
227	
162	
132	
123	

.2011

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2010

:(23)

2010	
528	
481	
204	
159	
106	
101	
100	
78	
69	
44	

.2011

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2010

:(24)

2010	
13099	
2807	
1696	
1035	
1021	
880	
792	
689	
569	
423	

.2011

: _____

2010

:(25)

2010	
5642	
1900	
1073	
749	
547	
545	
444	
390	
363	
250	

.2011

: _____

2011-1934

:(26)

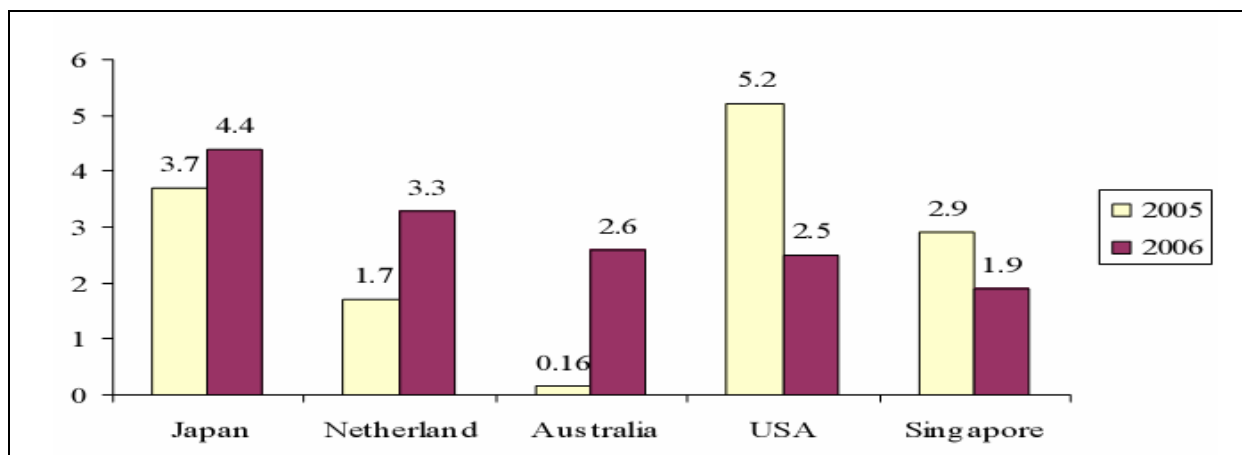
132273	--	--	162415	--	--	1982- 1934
22820	18736	4084	55936	29857	26079	1990- 1983
1820	1463	357	8323	4616	3707	1991
1697	1355	342	9275	5061	4214	1992
3013	2247	766	10265	5209	5056	1993
7955	6166	1789	12345	6334	6011	1994
9412	7013	2399	14103	7242	6861	1995
4017	2759	1258	15572	8243	7329	1996
3619	2537	1082	22129	13087	9042	1997
4390	2869	1521	14876	10813	4063	1998
1665	1226	439	13713	8660	5053	1999
1777	1328	449	18803	12500	6303	2000
6911	5341	1570	16603	10078	6525	2001
11128	7072	4056	16446	8785	7661	2002
12122	9108	3014	17766	9439	8327	2003
11716	8473	3243	20743	10337	10406	2004
11454	7771	3683	22147	11668	10479	2005
15759	10108	5651	24049	12840	11209	2006
25490	17382	8108	25894	13605	12289	2007
27847	18798	9049	26034	13472	12562	2008
14972	9534	5438	24070	11260	12810	2009
14294	8652	5642	26370	13271	13099	2010
10239	5807	4432	11216	6130	5086	2011
356390	155745	68372	589093	232507	194171	

⋮

2006-2005

:(27)

()



Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p7.

:(28)

()

2009	2008	2007	2006	2005	
2058	357	454	826	35	
135	364	1551	165	193	
1162	5068	3993	2344	2979	
127	5978	1450	623	113	
273	313	107	244	140	
158	249	89	59	133	
2562	994	2073	685	762	
6475	13323	9717	5512	4706	

Source : Malaysian Industrial Development Authority .

:(29)

()

2009	2008	2007	2006	2005	
6475	13323	9717	5512	4706	
3068	4823	7705	7021	3467	
9543	18146	17422	12532	8173	

Source : Investment Climate Statement- Malaysia 2010 .

(2003-1997)

:(30)

(%)	()	(%)	()	(%)		(%)	()	
11,3	75,2 (19,8)	17,0	107,3 (28,2)	4,3	343300	12,6	85,6 (22,5)	1997
28,8	92,5 (24,3)	36,7	146,7 (38,6)	0,5	341700	24,6	106,7 (28,1)	1998
12,6	109,8 (28,9)	22,5	179,7 (47,3)	11,8	382000	21,6	129,8 (34,2)	1999
30,6	143,4 (37,7)	18,4	212,7 (56,0)	10,9	423600	31,0	167,1 (44,8)	2000
14,9	122,1 (32,1)	14,2	182,6 (48,0)	16,0	355800	15,1	144,4 (38,0)	2001
13,5	138,6 (36,5)	3,2	188,4 (49,4)	3,0	345500	5,4	136,6 (35,9)	2002
0,2	138,3 (36,4)	2,8	183,2 (48,2)	4,2	360048	7,7	147,1 (38,7)	2003

3,80 = 1

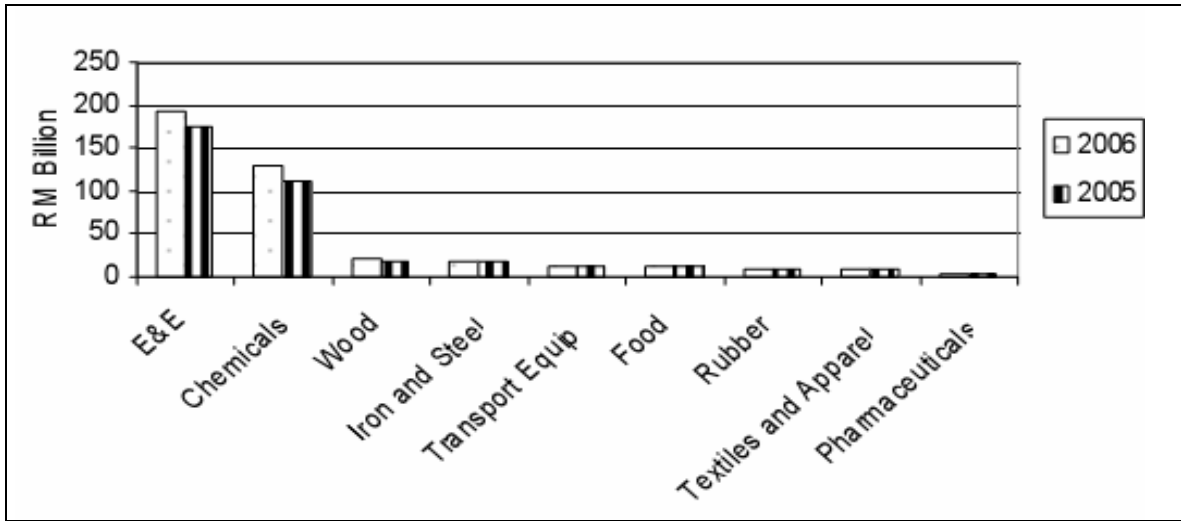
Source :

- Department of Statistics of Malaysia (Monthly Manufacturing Statistics).
- Department of Statistics of Malaysia (External Trade Statistics).

2006 2005

:(31)

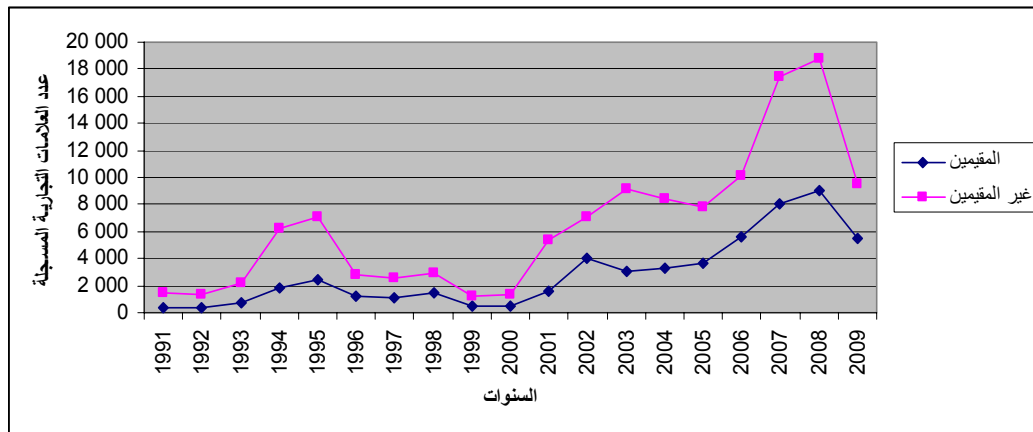
()



Source : Lim Heng Gee/ Ida Madieha bt Abdul Ghani Azmi Ahmad Ibrahim/ Rokiah Alavi, op.cit, p8.

(2009-1991)

:(32)



- WIPO Statistics Database, January 2011 .

(33):

()		
	()	1
	()	2
	()	3
	()	4
	()	5
	()	6
	()	7
	()	8
	()	9
	()	10
	()	11
	()	12
	()	13
	()	14
	()	15
	()	16
	()	17
	()	18
	()	19
	()	20
	()	21

_____:

(2009-1985)

:(34)

()	
1397	1985
1261	1986
797	1987
695	1988
489	1989
423	1990
719	1991
1668	1992
2611	1993
4043	1994
5138	1995
5741	1996
4581	1997
5816	1998
7296	1999
6324	2000
2714	2001
3203	2002
2473	2003
4624	2004
3967	2005

6076	2006
8454	2007
7376	2008
1387	2009

Source :

- UNCTAD, World Investment Reports, 1998, 2002, 2004, 2006.
- Association of South East Asian Nations, ASEAN Economic Report 2005.
- World Bank statistics Database (2006-2010), <http://data.albankaldawli.org>.

2009 : (35)

(7-1)		
6.2		1
6.1		2
6.1		3
6.1		4
6.1		5
6.0		6
6.0		7
5.9		8
5.8		9
5.8		10
5.4		20
5.3		23
5.0		27
4.5		37

. 2009 2008 :

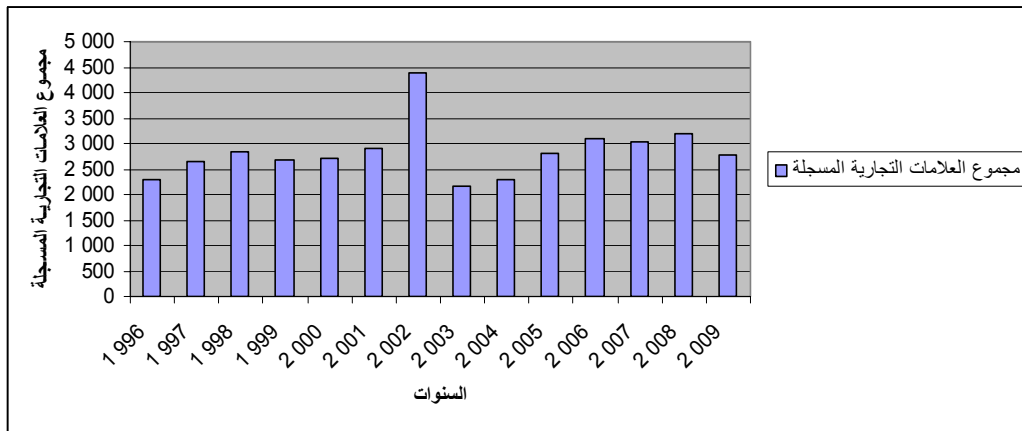
:(36)

15	
7	HSBC
7	
6	
5	

Source : Malaysia FDI Report 2002

(2009-1996)

:(37)



- WIPO Statistics Database, January 2011 .

(2009-1980)

:(38)

()

548	1980
753	1981
294	1982
490	1983
729	1984
1178	1985
1217	1986
948	1987
1 190	1988
1 250	1989
734	1990
253	1991
459	1992
1 207	1993
1 133	1994
595	1995
636	1996
887	1997
1 076	1998
1 065	1999
1 235	2000
510	2001
647	2002
237	2003
2 157	2004
5 376	2005
10 043	2006
11 578	2007

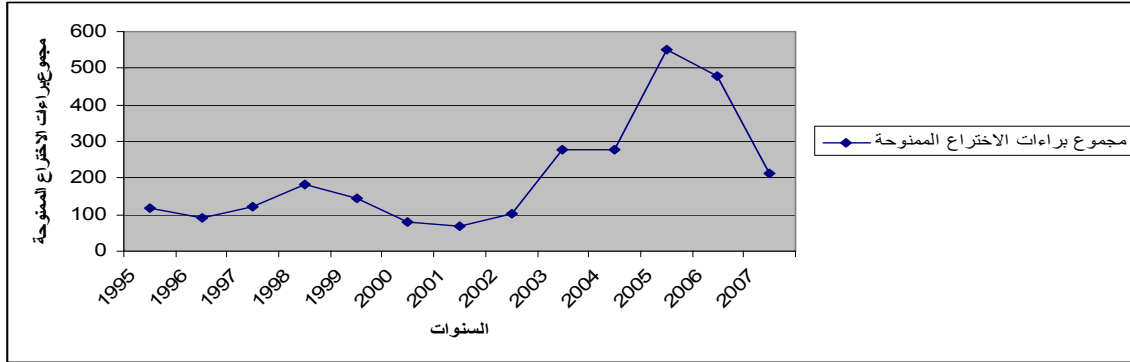
		03/20		2003/04/11		•
03/08	1424	9	2003	4	03/20	
	.	1424	19	2003	19	
		05/03		2003/07/19		•
	. 1424	19	2003	19	05-03	
		03/06		2003/07/19		•
	. 1424	19	2003	19	03/06	
		03/07		2003/07/19		•
	. 1424	19	2003	19	03/07	
		03/08		2003/07/19		•
	. 1424	19	2003	19	03/08	
		68-98		1998/02/21 (INAPI)		•
(INAPI)				68-98		
		. 1418	24	1998	21	
121-76	1976/07/16	(/)		•
		1976	16	121-76		
		65-76		1976/07/16		•
		. 1976	16	65-76		
87-66	87-66	1966/04/28				•
	. 1966	28	86-66	1966	28	
		86-66		1966/04/28		•

. 1966 28 86-66

. () :

(2007-1995)

:(40)

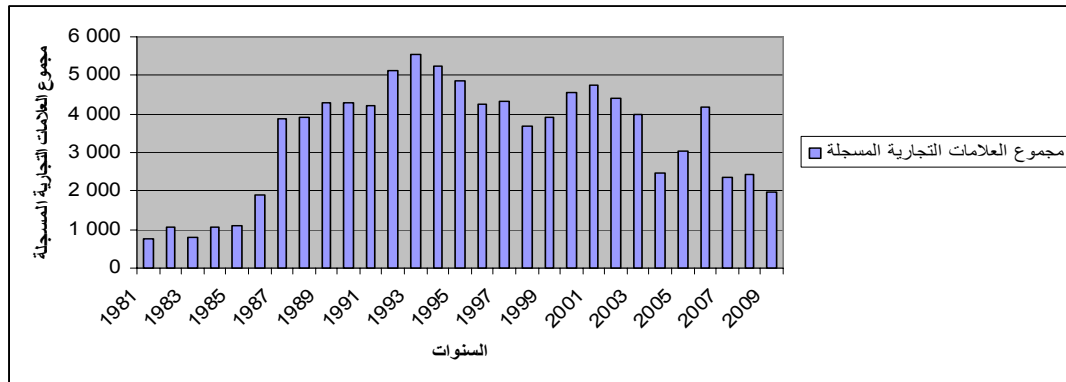


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- WIPO Statistics Database, January 2011 .

(2009-1981)

:(41)



:

- WIPO Statistics Database, January 2011 .

:(42)

Fields of Technology	Year of Filing					Annual Growth
	2001	2002	2003	2004	2005	
I - Electrical engineering						
Electrical machinery, apparatus, energy	101,276	98,673	101,959	114,426	121,350	4.6%
Audio-visual technology	90,401	84,928	91,405	106,765	109,253	4.8%
Telecommunications	96,631	91,313	94,867	105,652	116,770	4.8%
Digital communication	44,017	42,977	45,076	48,995	50,069	3.3%
Basic communication processes	21,889	20,651	20,653	21,691	21,671	-0.2%
Computer technology	117,545	111,675	116,656	132,787	144,594	5.3%
IT methods for management	34,070	25,110	21,615	21,267	22,579	-9.8%
Semiconductors	78,398	78,729	81,411	89,548	95,107	4.9%
II - Instruments						
Optics	85,113	84,236	86,565	94,868	103,390	5.0%
Measurement	72,009	69,353	71,859	77,042	81,038	3.0%
Analysis of biological materials	18,518	17,878	16,861	15,789	14,416	-6.1%
Control	38,100	34,937	35,351	37,883	37,921	-0.1%
Medical technology	108,106	107,072	105,554	99,868	99,195	-2.1%
III - Chemistry						
Organic fine chemistry	64,170	64,026	59,622	59,835	63,317	-0.3%
Biotechnology	45,573	47,576	44,632	41,993	40,861	-2.7%
Pharmaceuticals	69,355	69,160	66,050	68,650	74,254	1.7%
Macromolecular chemistry, polymers	41,842	38,615	36,656	36,108	38,137	-2.3%
Food chemistry	21,296	23,535	24,850	23,110	24,653	3.7%
Basic materials chemistry	51,058	48,418	46,106	45,508	48,040	-1.5%
Materials, metallurgy	39,882	37,451	36,813	35,579	37,705	-1.4%
Surface technology, coating	41,086	39,478	39,894	41,208	42,437	0.8%
Micro-structural and nano-technology	3,425	2,770	2,994	2,967	3,357	-0.5%
Chemical engineering	51,319	48,148	46,306	44,906	44,845	-3.3%
Environmental technology	29,889	28,718	28,636	28,365	28,650	-1.1%
IV - Mechanical engineering						
Handling	52,960	50,088	49,897	51,465	52,072	-0.4%
Machine tools	44,722	41,703	41,147	42,018	43,691	-0.6%
Engines, pumps, turbines	45,462	45,213	46,531	47,896	48,725	1.7%
Textile and paper machines	49,570	48,276	48,519	48,459	51,090	0.8%
Other special machines	63,169	60,912	57,225	55,465	56,157	-2.9%
Thermal processes and apparatus	27,958	27,856	28,203	29,526	30,314	2.0%
Mechanical elements	54,363	51,874	52,268	53,861	55,277	0.4%
Transport	70,698	69,533	75,362	78,067	82,031	3.8%
V - Other fields						
Furniture, games	44,921	44,821	46,419	49,331	51,219	3.3%
Other consumer goods	38,596	36,850	38,305	40,254	40,741	1.4%
Civil engineering	56,701	54,694	56,680	57,450	60,245	1.5%

Note: The International Patent Classification (IPC) symbols assigned to the patent document are linked to the fields of technology by a concordance (see annex B for further details). Because a patent application may be assigned multiple IPC symbols, the sum of patent filings by fields of technology is higher than the total number of patent filings. Annual growth refers to the average annual growth rate between 2001 and 2005.

Source: WIPO Statistics Database