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Brazil Charged with Leading a World Gang of Intellectual Property Predators

2007 - March 2007



American trade and regulatory expert Lawrence Kogan, in a new University of Miami Inter-American Law Review article entitled, "Brazil's IP Opportunism Threatens US Private Property Rights," tracks how Brazil is navigating internationally to 'railroad' the great American engine of intellectual property-based innovation and economic growth.

According to Mr. Kogan, "During the past decade, Brazil has quietly assembled a gang of masked IP marauders including socialist-minded foreign governments, United Nations bureaucrats, health and 'open source' extremists and American multilateralists, each brandishing six-shooters replete with negative sustainable development bullets.

"Like the desperadoes of the old American West, they plan to hold up the locomotive, loot its treasures (research & development) and ransack its passengers' commercially valuable possessions (IP-rich assets).

"They will then send the leading innovators off into the sunset toward a new international economic horizon (order) where proprietary technological know-how & testing data will be treated as 'universally accessible,' 'open source,' and essentially free of charge to developing country riders."

"Should this marked train ever leave the depot and such robbery take place," warns Kogan, "The constitutionally protected private IP rights of U.S. citizens will effectively be converted into 'public international goods' without payment of 'just compensation'."

"The Brazilian government has not only sought, through regulation of information and healthcare technologies and non-enforcement of IP law, to lay new global rails that facilitate below-cost national procurement of computer software, pharmaceutical products, medical devices, and health services," says Kogan, "but it has also led or actively joined other outlaws (e.g., Thailand, Kenya, Argentina, South Africa) stalking at least seven different Geneva-based UN stations."

"Most alarming of all," Kogan emphasizes, "the train's restyled caboose has been commandeered by France, Norway and Sweden, OECD nations that offer weaker private property right protections than does America, and by liberal U.S. politicians campaigning to redeem America's image abroad."

Mr. Kogan questions whether "these same bandits will strike during the upcoming April 2007 EU-US summit, a primary goal of which is to bridge transatlantic chasms in IP regulatory law."

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