



The Great Brazilian IP-Train Robbery

Law Review Article Reveals Brazil's Pursuit of Global IP Law Reforms that Will Weaken US Private Property Rights

Princeton, NJ – March 19, 2007 – In a new University of Miami Inter-American Law Review article entitled, [*Brazil's IP Opportunism Threatens US Private Property Rights*](#), trade and regulatory expert Lawrence Kogan 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 will 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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