

# The Trademark Reporter®



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## BOOK REVIEW\*

*By Tom Rammer\*\**

**Advanced Introduction to International Patent Law.** Margo A. Bagley and Rochelle C. Dreyfuss, 2025. Pp 152. \$120.00 (hardback); \$28.95 (paperback); \$23.16 (eBook). Edward Elgar Publishing Ltd, 15 Lansdown Road, Cheltenham, Glos GL50 2JA UK.

Patent law can intimidate the uninitiated, given both its technical subject matter and the dense, often-shifting details of substantive doctrine. The global nature of modern markets adds yet another layer of complexity, as patent rights are shaped by the interaction of national laws with a web of regional and international agreements. In this book, the acclaimed authors—Margo A. Bagley, Asa Griggs Candler Professor of Law at Emory University School of Law, and Rochelle C. Dreyfuss, Pauline Newman Professor of Law Emerita at New York University School of Law—offer a comprehensive survey of patent law across jurisdictions and explain how trade agreements have reshaped the field over the past century.

The book is written for a broad audience that includes students, economists, policymakers, and practitioners. In the Preface, the authors set out their central thesis: that patent law can play an important role in encouraging beneficial innovation when used thoughtfully, but that excessively stringent protection can limit governments' ability to meet the needs of their populations, particularly in low- and middle-income countries. Throughout the book, the authors draw on examples from the COVID-19 pandemic to illustrate how the international patent system affects countries at different levels of economic development, often highlighting the limits of humanitarian, policy-driven approaches embedded in existing treaties.

**Chapter One (“International Patent Law: Background and Overview”)** provides a clear and thorough introduction to the development of international patent law. It traces the evolution of treaties and institutions that have shaped national systems, beginning with the Paris Convention of 1884 and the Berne Convention of 1886, continuing through the creation of the World Intellectual Property Organization and the World Trade

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\* This book review should be cited as Tom Rammer, Book Review, 116 Trademark Rep. 601 (2026) (reviewing *Advanced Introduction to International Patent Law* (Margo A. Bagley & Rochelle C. Dreyfuss, 2025)).

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Organization (“WTO”), and concluding with the 2024 Treaty on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, and Associated Traditional Knowledge. The chapter outlines the structure of these agreements and institutions, examines regional frameworks such as the European Patent Convention, and explains why substantive harmonization of patent law has lagged behind developments in copyright and trademark law. It also explores persistent tensions within the system, particularly those arising from disparities in technological capacity between high-income countries and low- and middle-income nations.

**Chapter Two (“Procedural Convergence”)** explains how the Paris Convention promotes greater consistency in patent procedures across countries. It surveys ongoing efforts to simplify the process of obtaining and maintaining patents, with the goal of making international protection more accessible for inventors. The chapter also reviews regional agreements and other initiatives aimed at harmonizing patent examination and prosecution practices.

**Chapter Three (“Substantive Convergence”)** shifts the focus to efforts to harmonize the underlying rules of patent law. It discusses why earlier attempts within the World Intellectual Property Organization failed and explains why negotiations proved more successful after moving to the World Trade Organization. The chapter then examines the patent provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”), describing both the minimum standards of protection that member states must observe and the flexibility they retain in implementing those standards. It concludes by considering newer agreements that exceed TRIPS requirements and further expand protection for technological innovation.

**Chapter Four (“Enforcement”)** addresses how international patent rights are enforced. It begins with an overview of the TRIPS enforcement provisions, which require member countries to provide fair and effective procedures for resolving intellectual property disputes within their own legal systems. The chapter then discusses later agreements that have raised enforcement expectations and explains why a system built around territorial, country-by-country adjudication has become increasingly strained in a global economy. It closes by examining emerging approaches to enforcing patent rights across borders.

**Chapter Five (“Compliance”)** examines how the international system encourages countries to meet their patent-related obligations. Although the Paris and Berne Conventions technically permit disputes to be brought before the International Court of Justice, that mechanism has never been used. In contrast, more recent agreements rely on more practical

tools, most notably the WTO's dispute settlement system. Because the TRIPS Agreement incorporates key obligations from the Paris and Berne Conventions, the WTO's dispute settlement system also plays an indirect role in enforcing those earlier commitments. This chapter examines the small number of patent cases decided through the WTO, along with related intellectual property disputes that have influenced how the patent system functions. It also considers an additional compliance mechanism found outside the WTO: investor-state dispute settlement under bilateral and regional investment agreements that allow private investors to challenge state actions affecting patent rights.

**Chapter Six ("Emerging Issues and Future Directions")** concludes the book by addressing new challenges confronting the international patent regime. It highlights the tensions between efforts to expand patent protection and efforts to preserve national authority over public-interest concerns, particularly with respect to genetic resources and associated traditional knowledge. The chapter also considers how the system may evolve in response to technological developments such as artificial intelligence.

Margo A. Bagley's and Rochelle C. Dreyfuss's *Advanced Introduction to International Patent Law* offers a comprehensive summary of international patent law and its ongoing evolution. Chapters Two and Three are valuable and practical surveys of procedural and substantive patent law around the world. The remaining chapters reflect the (sometimes intentionally) weaker and more ambiguous portions of international patent agreements and the implications for practitioners, patent holders, and governments. The result is a valuable resource for readers seeking both a foundational understanding and a thoughtful critique of the global patent system.

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