# References

ABS (Australian Bureau of Statistics) 2012, *Australian National Accounts: National Income, Expenditure and Product,* Cat. no. 5206.0, Canberra.

ACCC 1997a, *Telephone Directory Data Now Accessible to All*, http://www.accc.gov.au/content/index.phtml/itemId/87148/fromItemId/378004 (accessed 27 November 2012).

—— 1997b, *Weather Court Case Settled*, http://www.accc.gov.au/content/ index.phtml/itemId/87108/fromItemId/378004 (accessed 27 November 2012).

—— 2004, *Annual Report 2003-04*, http://www.accc.gov.au/content/index.phtml/ itemId/607851 (accessed 27 November 2012).

—— 2012, *ACCC submission to the ALRC Copyright and the Digital Economy Issues Paper*, http://www.alrc.gov.au/sites/default/files/subs/165.\_org\_accc.pdf (accessed 27 November 2012).

ACIP (Advisory Council on Intellectual Property) 2003, *Should the jurisdiction of the Federal Magistrates Service be extended to include patent, trade mark and design matters?*, Australian Government, Canberra.

—— 2005a, *Review of Crown Use Provisions for Patents and Designs,* Australian Government, Canberra.

—— 2005b, *Review of Patents and Experimental Use,* Australian Government, Canberra.

—— 2010a, *A review of enforcement of Plant Breeder’s Rights*, final report, January, Canberra.

—— 2010b, *Completed Reviews: Consideration of Crown Use Provisions for Patents and Designs*, http://www.acip.gov.au/reviews\_completed.html#crown (accessed 27 July 2012).

—— 2010c, *Patentable Subject Matter*, Australian Government, Canberra.

—— 2011, *Review of the Innovation Patent System*, Issues Paper, Australian Government, Canberra.

Attorney-General's Department nd, *Government Response to Intellectual Property and Competition Review Recommendations*, www.ag.gov.au/Documents /GovtResponse%20IPCR.doc (accessed 26 November 2012).

AGCM (Italian Competition Authority) 2006, *A363 — Glaxo Active*, case A363, Rome.

AIHW (Australian Institute of Health and Welfare) 2012, *Health Expenditure Australia 2010-11*, Health and welfare expenditure series, no. 47, Canberra.

ALRC (Australian Law Reform Commission) 2004, *Genes and Ingenuity: Gene Patenting and Human Health*, Report no. 99, Sydney.

Anderman, S. and Schmidt, H. 2007, ‘EC competition policy and IPRs’, in Anderman, S. (ed), *The Interface between Intellectual Property Rights and Competition Policy*, Cambridge University Press, Cambridge.

Andrews, L., Paradise, J., Holbrook, T. and Bochneak, D. 2006, ‘When patents threaten science’, *Science*, vol. 314, no. 5804, pp. 1395–1396.

Aoki, R. and Small, J. 2004, ‘Compulsory licensing of technology and the essential facilities doctrine’, *Information Economics and Policy*, vol. 16, pp. 13–29.

—— and Schiff, A. 2008, ‘Promoting access to intellectual property: patent pools, copyright collectives, and clearinghouses’, *R&D Management*, vol. 38, no. 2, pp. 189–204.

Arora, A. and Fosfuri, A. 2003, ‘Licensing the market for technology’, *Journal of Economic Behaviour and Organisation*, vol. 52, no. 2, pp. 277–295.

Arrow, K. 1962, ‘Economic Welfare and the Allocation of Resources for Invention’, in *The Rate and Direction of Inventive Activity: Economic and Social Factors*, pp. 609–626, Princeton University Press, Princeton.

Australian Government 1997, *Review of Legislation in the Fields of Patents, Layout-Designs (Topographies) of Integrated Circuits, Protection of Undisclosed Information and Control of Anti-competitive Practices in Contractual Licences*, Response to the Council for Trade-Related Aspects of Intellectual Property Rights, World Trade Organisation, Geneva.

—— 2009, *A Strategic Framework for Access to Justice in the Federal Civil Justice System*, Report by the Access to Justice Taskforce,Attorney-General’s Department, Canberra.

—— 2011a, *Australian Government Response to Senate Community Affairs References Committee Gene Patents Report*, Canberra.

—— 2011b, *Intellectual Property Laws Amendment (Raising the Bar) Bill 2011, Explanatory Memorandum*, The Parliament of the Commonwealth of Australia, Canberra.

—— 2012, *National Food Plan: Green Paper*, Canberra.

Australian Institute of Company Directors 2012, *Annual Review 2011/12*, Sydney.

Australian and New Zealand Productivity Commissions 2012, *Strengthening Trans—Tasman Economic Relations*, Discussion Draft, September.

Baldwin, B. 2006 (Minister for Industry Tourism and Resources), *Intellectual Property Laws Amendment Bill 2006*,Further Explanatory Memorandum, http://www.austlii.edu.au/au/legis/cth/bill\_em/iplab2006409/memo\_1.html (accessed 27 November 2012).

Barbosa, D. and Grau-Kuntz, K. 2010, *Annex III, Exclusions from patentable subject matter and exceptions and limitations to the rights: biotechnology*, World Intellectual Property Organization.

Barton, J. 2007, *Intellectual Property and Access to Clean Energy Technologies in Developing Countries: An Analysis of Solar Photovoltaic, Biofuel and Wind Technologies*, Issues paper no. 2, International Centre for Trade and Sustainable Development, Geneva.

Basheer, S., Purohit, S. and Reddy, P 2010, *Patent exclusions that promote public health objectives*, WIPO (World Intellectual Property Organisation) Standing Committee on the Law of Patents, www.wipo.int/edocs/mdocs/scp/en/scp\_15/scp\_15\_3-annex4.doc(accessed 20 October 2012).

Beecroft, G., 2007, ‘Generic drug policy in Australia: a community pharmacy perspective’, *Australia and New Zealand Health Policy*, vol. 4, no. 7, http://www.anzhealthpolicy.com/content/4/1/7 (accessed on 23 August 2012).

Bekkers, R., Catalini, C., Martinelli, A. and Simcoe, T. 2011, *Standardizing Intellectual Property Disclosure Data*, Short paper prepared for the NBER preconference on Standards, Patents & Innovation, May 7, Cambridge, Massachusetts.

Besen, S. and Raskind, L. 1991, ‘An introduction to the law and economics of intellectual property’, *The Journal of Economic Perspectives*, vol. 5, no. 1, pp. 3–27.

Blind, K., Bekkers, R., Dietrich, Y., Iversen, E., Muller, B., Pohlmann, T., Smeets, S., and Verweijen, J. 2009, *Study on the Interplay between Standards and Intellectual Property Rights (IPRs)*, Final Report, Fraunhofer Fokus and Dialogic, http://ec.europa.eu/mwg-internal/de5fs23hu73ds/progress?id=YIXs2v UIDe (Accessed 2 August 2012).

Boldrin, M., and Levine, D. 2002, ‘The case against intellectual property’, *The American Economic Review: Papers and Proceedings*, vol. 92, no. 2, pp. 209–212.

—— and ——2012, *The Case Against Patents*, Federal Reserve Bank of St. Louis Working Paper 2012-035A, St. Louis.

Bond, E. and Saggi, K. 2012, *Compulsory Licensing, Price Controls, and Access to Patented Foreign Products*, Working Paper No. 12-W05, Department of Economics, Vanderbilt University, Nashville.

Bousquet, A., Cremer, H., Ivaldi, M., and Wolkowicz, M. 1998, ‘Risk sharing in licensing’, *International Journal of Industrial Organisation*, vol. 16, no. 4, pp. 535–544.

Bradbury, D. (Assistant Treasurer, Minister Assisting for Deregulation) and Dreyfus, M. (Parliamentary Secretary for Climate Change and Energy Efficiency) 2012, *Balancing Access to Technology and Innovation*, Joint Media Release, 29 June, Canberra.

Browning, J. and Mulhern, C. 2009, ‘Licensing in the presence of technology standards’, *The Licensing Journal*, August, pp. 18­29.

Buchanan, J. and Yoon, Y. 2000, ‘Symmetric tragedies: commons and anticommons’, *Journal of Law and Economics*, vol. 43, no. 1, pp. 1–14.

CAL (Copyright Agency Limited) 2012, *About Us*, http://www.copyright.com.au/what-we-do/about-us (accessed 20 November 2012).

Cancer Voices Australia 2010, *Cancer Patients Challenge Human Gene Patenting*, Press Release, 7 June, http://www.cancervoicesaustralia.org.au/pdfs/media/ gene\_070610.pdf (Accessed 2 August 2012).

Carr, K. 2011, (Minister for Innovation, Industry, Science and Research), Second Reading, Intellectual Property Laws Amendment (Raising the Bar) Bill 2011, Senate, *Hansard*, No. 6, 22 June 2011, p. 3485.

—— and Emerson, G. (Minister for Trade) 2011, *Better access to medicines for countries in need*, Media release, 22 March.

Carrier, M. 2012, ‘A roadmap to the smartphone patent wars and FRAND licensing’, *Competition Policy International Antitrust Chronicle*, vol. 4, no. 2, pp. 1-7.

CCA (Cancer Council Australia) 2010, Submission to the Senate Community Affairs Committee,*Gene Patents*, Canberra.

Cho, M. 2006, *Effects of gene patents and licenses on clinical genetic testing,* http://oba.od.nih.gov/oba/SACGHS/meetings/June2006/Cho.pdf (accessed 22 November 2012).

CIPO (Canadian Intellectual Property Office) 2012, *Frequently Asked Questions (FAQs)*, http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/ wr03002.html (accessed 24 September 2012).

Clarke, J. Piccolo, J. Stanton, B. and Tyson, K. 2000, *Patent pools: A solution to the problem of access in biotechnology patents?* http://www.ftc.gov/opp/intellect/020417lawrencemsung2.pdf (accessed 13 August 2012).

COGR (US Council on Governmental Relations) 1999, *The Bayh-Dole Act: A Guide to the Law and Implementing Regulations*, http://www.cogr.edu/mwg-internal/de5fs23hu73ds/progress?id=MamANUrkF9 (accessed 8 October 2012).

Commission on Intellectual Property Rights (UK) 2002, *Integrating Intellectual Property Rights and Development Policy: Report of the Commission on Intellectual Property Rights*, September 2002, London.

Competition Bureau Canada 2000, *Intellectual Property Enforcement Guidelines*, http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/01286.html (accessed 21 November 2012).

—— 2006, *The Competition/Intellectual Property Interface: Present Concerns and Future Challenges*, http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/ eng/02285.html#\_ftn239 (accessed 14 November 2012).

Conley, J and Vorhaus, D. 2011, *Pigs Return to Earth: Federal Circuit Reinstates Most—But Not All—of Myriad’s Patents*, Genomics Law Report, Robinson Bradshaw and Hinson, http://www.genomicslawreport.com/index.php/ 2011/07/31/pigs-return-to-earth-federal-circuit-reinstates-most-but-not-all-of-myriads-patents/ (accessed 30 July 2012).

Cook, T. 2006, *A European Perspective as to the Extent to Which Experimental Use, and Certain Other, Defences to Patent Infringement, Apply to Differing Types of Research*, A report for the Intellectual Property Institute, March.

Copyright Law Review Committee 2000, *Jurisdiction and Procedures of the Copyright Tribunal*, Canberra.

Copyright Tribunal of Australia 2009, *About the Tribunal*, http://www.copyrighttribunal.gov.au/about/index.html (accessed 21 November 2012).

Correa, C. 1999, *Intellectual Property Rights and the use of Compulsory Licenses: Options for Developing Countries*, Trade-Related Agenda Development and Equity Working Papers, no. 5, South Centre.

—— 2012, *TRIPS-Related Patent Flexibilities and Food Security: Options for Developing Countries*, International Centre for Trade and Sustainable Development, Geneva.

Council of the European Union 2011, *Proposal for a Regulation of the European Parliament and of the Council: Implementing enhanced cooperation in the area of the creation of unitary patent protection, note from Presidency to Council*, 11328/11, www.register.consilium.europa.eu/pdf/en/11/st11/st11328.en11.pdf (accessed 17 September 2012).

Court of First Instance (EU) 2007, *Judgement of the Court of First Instance in Case T-201/04: Microsoft Corp. v Commission of the European Communities*, Media release no. 63/07, 17 September.

Cox, K. 2012, ‘The medicines patent pool: promoting access and innovation for life-saving, medicines through voluntary licenses’, *Hastings Science and Technology Law Journal*, vol. 4, pp. 293–326.

Creative Commons 2012, *Model Patent License*, http://wiki.creativecommons.org/ Model\_Patent\_License (accessed 20 October 2012).

David, P. and Shurmer, M. 1996, ‘Formal standards-setting for global telecommunications and information services: Towards an institutional regime transformation?’, *Telecommunications Policy*, vol. 20, no. 10, pp. 789–815.

de Rassenfosse, G. and van Pottelsberghe, B. 2010, *The Role of Fees in Patent Systems: Theory and Evidence*, ECARES (European Center for Advanced Research in Economics and Statistics), Working Paper 2010-023 June 2010.

de Saint-Georges, M. and van Pottelsberghe, B. 2011, *A Quality Index for Patent Systems*, ECARES working paper 2011-010.

de Wit, S. 2010, ‘The case eBay Inc. vs. MercExchange LLC, it’s impact on NPEs and patent enforcement’, in Heath, C. and Kamperman Sanders, A. (eds), *IP Cases and Their Legacy*, Kluwer Law International.

Dean T. 2012, ‘What the Raising the Bar research exemption means for biotech’, *Australian Life Scientist*, 15 June, http://www.lifescientist.com.au/article/ 427722/what\_raising\_bar\_research\_exemption\_means\_biotech/ (accessed 30 August 2012).

DeBoos, R. 2012, ‘Compulsory licences under Australian patents’, *Les Nouvelles,* March, pp. 104–07.

—— and Wilson, S. nd, *Licensing*, http://innovic.com.au/index.php?option= com\_content&task=view&id=22&Itemid=56 (accessed 3 September 2012).

Delrahim, M. 2004, *Forcing Firms to Share the Sandbox: Compulsory Licensing of Intellectual Property Rights and Antitrust*, presented at the British Institute of International and Comparative Law, 10 May 2004.

Denicolo, V. 1996, ‘Patent races and optimal length and breadth’, *The Journal of Industrial Economics*, vol. 44, no. 3, pp. 249–265.

DFAT (Department of Foreign Affairs and Trade) 2004, *Australia–United States Free Trade Agreement — Guide to the Agreement*, http://www.dfat.gov.au/fta/ ausfta/guide/ausfta\_guide.pdf (accessed 27 November 2012).

—— nd, *Treaty Making Process*, http://www.dfat.gov.au/treaties/making/ (accessed 3 December 2012).

DIISRTE (Department of Industry, Innovation, Science, Research and Tertiary Education) 2012, *Budget: Portfolio Budget Statements 2012-13*, Budget Related Paper no. 1.13, Canberra.

Doctors Without Borders 2010, *NIH Entry Into Medicines Patent Pool is a Welcome First Step*, http://www.doctorswithoutborders.org/press/release .cfm?id=4768&cat=press-release (accessed 18 September 2012).

DOHA (Department of Health and Ageing) 2009a, *Australian Statistics on Medicines 2009*, www.health.gov.au/internet/main/publishing.nsf/Content/pbs-asm-2009 (accessed 19 November 2012).

—— 2009b, *Review of Health Technology Assessment in Australia 2009*, http://www.health.gov.au/internet/main/publishing.nsf/Content/hta-review (accessed 20 October 2012).

—— 2011a, *Review of the Funding Arrangements for Pathology Services*, Final Discussion Paper, Medical Benefits Reviews Task Group, March.

—— 2011b, *Review of the Funding Arrangements for Pathology Services*, Agreement, http://www.health.gov.au/internet/main/publishing.nsf/Content/ pathology-pfa-genetics-engagstrat, (accessed 3 December 2012).

—— 2012, *Proposal for Changes to the Medical Services Advisory Committee (MSAC) processes for applications for public funding*, Discussion Paper, http://www.msac.gov.au/internet/msac/publishing.nsf/Content/A48922EF8ED B222ACA257926007930E9/$File/MSAC%20Discussion%20Paper.pdf (accessed 22 October 2012).

Drexl, J. 2005, *Abuse of Dominance in Licensing and Refusal to License: A ‘More Economic Approach’ to Competition by Imitation and to Competition by Substitution*, http://www.eui.eu/RSCAS/Research/Competition/2005/200510-CompDrexl.pdf (accessed 27 November 2012).

EGIPRV (Expert Group on Intellectual Property Rights Valorisation) 2012, *Options for an EU instrument for patent valorisation*, European Union.

Encaoua, D., Guellec, D., and Martinez, C. 2006, ‘Patent systems for encouraging innovation: Lessons from economic analysis’, *Research Policy*, no. 35, pp. 1423–1440.

EPO (European Patent Office) 2007, *Scenarios for the Future*, European Patent Office, Munich.

—— 2009, *Annual Report 2008*, European Patent Office, Munich.

—— 2011, *Espacenet: Free access to more than 70 million patent documents worldwide*, http://documents.epo.org/projects/babylon/eponet.nsf/0/4E8744EB 66E8F944C12577D600598EEF/$File/espacenet\_brochure\_en.pdf (accessed 19 September 2012).

—— 2012a, *FAQ — China*, http://www.epo.org/searching/asian/china/faq.html #faq-487 (accessed 24 September 2012).

—— 2012b, *Granted Patents*, http://www.epo.org/about-us/statistics/granted-patents.html (accessed 26 September 2012).

—— 2012c, *Unitary Patent / EU Patent*,http://www.epo.org/news-issues/issues/eu-patent.html (accessed 5 September 2012).

Epstein, R. and Kieff, F. 2011, ‘Questioning the frequency and wisdom of compulsory licensing for pharmaceutical patents’, *The University of Chicago Law Review*, vol. 78, no. 1, pp. 71–93.

Ericsson 2012, *Ericsson on FRAND and SEP Litigation*, Contribution to International Telecommunications Union Patent Roundtable, 10 October 2012, Geneva, http://www.itu.int/oth/T065B000034 (accessed 15 November 2012).

Essential Inventions 2004, *Ritonavir (Norvir)*, http://www.essentialinventions.org/  
drug/ritonavir.html(accessed 20 September 2012).

ETC Group (Action Group on Erosion, Technology and Concentration) 2010, *Gene Giants Stockpile Patents on ‘Climate-ready’ Crops in Bid to become ‘Biomassters’,* Issue 106, http://stopogm.net/mwginternal/de5fs23hu 73ds/progress?id=IJln4lPxWY&dl (accessed 4 September 2012).

European Commission 2004, *Guidelines on the Application of Article 81 of the EC Treaty to Technology Transfer Agreements*, http://eur-lex.europa.eu/LexUriServ/ LexUriServ.do?uri=CELEX:52004XC0427(01):EN:NOT (accessed 1 November 2012).

—— 2008, *Antitrust: Commission Imposes € 899 Million Penalty on Microsoft for Non-Compliance with March 2004 Decision*, http://europa.eu/rapid/press-release\_IP-08-318\_en.htm (accessed 28 November 2012).

Ewen, M. 2010, ‘Medicine prices, availability, affordability and price components’, presentation to WHO, WIPO and WTO Joint Technical Symposium, 16 July.

Ezrachi, A. and Maggiolino, M. 2012, ‘European competition law, compulsory licensing , and innovation’, *Journal of Competition Law & Economics*, vol. 8, no. 3, pp. 595–614.

FEC (Food Ethics Council) 2002, *Trips with Everything: Intellectual Property and the Farming World*, http://www.foodethicscouncil.org/system/files/trips.pdf (accessed 4 September 2012).

Federal Court of Australia 2012 (and previous issues), *Annual Reports*, http://www.federalcourt. gov.au/aboutct/ar.html (accessed 26 October 2012).

—— 2012, *Fees Charged by the Court*, http://www.fedcourt.gov.au/fff/ fff\_feesandcosts\_fees.html, (accessed 26 October 2012).

Fels, A. 2002, *Intellectual Property and Competition*, paper presented at Melbourne Business School Conference on Protecting Intellectual Property or Protecting Consumers: Is there a Trade-off?, Melbourne, 6 December 2002.

Five IP Offices 2012, *Foundation Projects*, http://www.fiveipoffices.org/obj.html (accessed 5 September 2012).

FMC (Federal Magistrates Court of Australia) 2011, *Annual Report 2010-11*, Canberra.

—— 2012, *Annual Report 2011-12*, Canberra.

—— nd, *Introduction to the Federal Magistrates Court of Australia*, http://www.fmc.gov.au/html/introduction.html (accessed 26 November 2012).

Freehills 2012, ‘Compulsory licensing for pharmaceuticals, manufacture and export’, http://www.jdsupra.com/legalnews/compulsory-licensing-for-pharmaceuticals-54395/ (accessed 1 October 2012).

FTC (United States Federal Trade Commission) 1996, *FTC Accord in Ciba Giegy/Sandoz Merger to Prevent Slowdown in Gene Therepy Development & Preserve Competition in Corn Herbicides, Flea-Control Markets*, http://www.ftc.gov/opa/1996/12/ciba.shtm (accessed 25 October 2012).

—— 2002, *Resolving Anticompetitive Concerns, FTC Clears $16 Billion Acquisition of Immunex Corp. by Amgen Inc.*, http://www.ftc.gov/opa/ 2002/07/amgen.shtm (accessed 21 September 2012).

—— 2006, *FTC Requires Asset Divestitures Before Allowing Boston Scientific’s $27 Billion Acquisition of Guidant Corporation*, http://www.ftc.gov/opa/  
2006/04/bostonscigui.shtm (accessed 21 September 2012).

—— 2011, *The Evolving IP Marketplace: Aligning Patent Notice and Remedies With Competition*, Washington.

Fues, E. 2007, *Implications of eBay v MercExchange*, Patent World, June.

G77 (The Group of 77) and the Government of the People’s Republic of China, nd. *A Technology Mechanism under the UNFCCC*, http://unfccc.int/files/meetings/ ad\_hoc\_working\_groups/lca/ application/pdf/technology\_proposal\_g77\_8.pdf(accessed 4 September 2012).

Gallini, N.T. 1984, ‘Deterrence by market sharing: a strategic incentive for licensing’, *The American Economic Review*, vol. 74, no. 5, pp. 931–941.

—— 1992, ‘Patent policy and costly innovation’, *The* *RAND Journal of Economics*, vol. 23, no. 1, pp. 52–63.

—— and Winter, R. 1985, ‘Licensing in the theory of innovation’, *The RAND Journal of Economics*, vol. 16, no. 2, pp. 237–252.

Gambardella, A., Giuri, P. and Luzzi, A. 2007, ‘The market for patents in Europe’, *Research Policy*, vol. 36, no. 3, pp. 1163–1183.

Gans, J., Williams, P., and Briggs, D. 2004, ‘Intellectual property rights: a grant of monopoly or an aid to competition?’, *The Australian Economic Review*, vol. 37, no. 4, pp. 436–445.

Gargano, B. 2005, ‘The quagmire of DNA patents: are DNA sequences more than chemical compositions of matter?’, *Syracuse Journal of Science and Technology*, vol. 16, no. 3, pp. 16–21.

General Court of the European Union 2012, *Judgement in Case T-167/08: Microsoft Corp. v Commission*, Media release, 27 June.

Gilbert, R. and Shapiro, C. 1990, ‘Optimal patent length and breadth’, *The* *RAND Journal of Economics*, vol. 21, no. 1, pp. 106–112.

Ginarte, J. and Park, W. 1997, ‘Determinants of patent rights: a cross-national study’, *Research Policy*, vol. 26, pp. 283–301.

Giuri, P., Mariani, M., Brusoni, S., Crespi, G., Francoz, D., Gambardella, A., Garcia-Fontes, W., Geuna, A., Gonzales, R., Harhoff, D., Hoisl, K., Le Bas, C., Luzzi, A., Magazzini, L., Nesta, L., Nomaler, O., Palomeras, N., Patel, P., Romanelli, M. and Verspagen, B. 2007, ‘Inventors and invention processes in Europe: results from the PatVal-EU survey’, *Research Policy*, vol. 36, no. 3, pp. 1107–1127.

Glazer, K. 2006, ‘The IMS health case: a US perspective’, *George Mason Law Review*, vol. 13, no. 6, pp. 1197–1215.

Gontijo, C. 2005, *Changing the Patent System from the Paris Agreement to the TRIPS Agreement: The Position of Brazil*, Heinrich Boll Foundation, Berlin.

Government Accountability Office (US) 2009, *Information on the Government’s right to assert ownership control over federally funded inventions*, GAO-09-742.

Graleigh, N. 2011, ‘Barriers to climate technology transfer: The chimera of intellectual property rights’, *Carbon and Climate Law Review*, vol. 2, pp. 220–235.

Greenfield, D. 2006, ‘Greenberg v. Miami Children’s Hospital: unjust enrichment and the patenting of human genetic material’, *Annals of Health Law*, vol. 15, no. 2, pp. 213–249.

Hall, B. 2007, ‘Patents and patent policy’, *Oxford Review of Economic Policy*, vol. 23, no. 4, pp. 568–587.

Hanks, F. 2007, ‘Intellectual property rights and competition in Australia’, in Anderman, S. (ed), *The Interface between Intellectual Property Rights and Competition Policy*, Cambridge University Press, Cambridge.

Heller, M. and Eisenberg, R. 1998, ‘Can patents deter innovation?: the anticommons in biomedical research’, *Science*, vol. 280, no. 5364, pp. 698-701.

Herr, J. 2009, ‘Patent litigation and industry standards: The compulsory license defence’, *Intellectual Property and Technology Law Journal*, vol. 21, no. 1, pp. 10­15.

Herrera, H. and Schroth, E. 2004, *Profitable Innovation Without Patent Protection: The Case of Derivatives*, Working Paper, University of Lausanne.

Hilmer, F.G., Rayner, M.R., and Taperell, G.Q. 1993, *National Competition Policy*, Australian Government Publishing Service, Canberra.

HM Treasury (Her Majesty’s Treasury UK) 2006, *Gowers Review of Intellectual Property*, Her Majesty’s Stationery Office.

Hoad, R. 2003, ‘Compulsory licensing of patents: balancing innovation and competition’, Intellectual Property Forum, no. 54, pp. 28-36.

Holman, C. 2012, ‘Will gene patents derail the next generation of genetic technologies?: a reassessment of the evidence suggests not’, UKMC Law Review, vol. 80, no. 3, pp. 563–605.

Hull, D., Atwood, J. and Perrine, J. 2002, ‘Compulsory licensing’, in Global Competition Review, *The European Antitrust Review 2002: A Global Competition Review special report*, Global Competition Review.

Ibanez Colomo, P. 2007, *The Italian Merck Case*, European Legal Studies, College of Europe, research papers in law, no. 1, 2007.

IC (Industry Commission) 1996, *The Pharmaceutical Industry*, Report No. 51, AGPS, Melbourne.

ICGPDTM (Indian Controller General of Patents, Designs, and Trade Marks) 2012, *Application for Compulsory Licence Under Section 8491) of the Patents Act 1970 in respect of Patent no. 215758*, Mumbai.

ICTSD (International Centre for Trade and Sustainable Development) 2009, *Technologies for Climate Change and Intellectual Property: Issues for Small Developing Countries*, Information note number 12, Geneva.

IELRC (International Environmental Law Research Centre) 2002, *Amended Patents Act and Access to Medicines after Doha*, www.ielrc.org/content/a0207.pdf (accessed 17 September 2012).

IFPRI (International Food Policy Research Institute) 2002, *Green Revolution: Curse or Blessing?*, Washington, http://www.ifpri.org/sites/default/files /pubs/pubs/ib/ib11.pdf (accessed 19 November 2012).

Indian Government 1970, *The Patents Act, 1970*, http://www.wipo.int/wipolex/en/ details.jsp?id=2393(accessed 21 September).

—— 2002, *Patents (Amendment) Act, 2002*, http://www.wipo.int/  
wipolex/en/text.jsp?file\_id=207496 (accessed 17 September 2012).

Intergovernmental Panel on Climate Change 2000, *Methodological and Technological Issues in Technology Transfer: Summary for Policymakers*, A Special Report of IPCC Working Group III, Geneva, Switzerland.

IP Australia 2009a, *Answers to Questions on Notice: Public Hearing of 19 March 2009: Senate Inquiry into Gene Patents*, Senate Standing Committee on Community Affairs, Canberra.

—— 2009b, *Resolving Patent Opposition Proceedings Faster: Towards a Stronger and More Efficient IP Rights System*, Consultation Paper, June 2009, Canberra.

—— 2009c, Submission to the Senate Standing Committee on Community Affairs, *Gene Patents*, Canberra.

—— 2010, *TRIPS Protocol 2010 Public Consultation Paper*, http://www.ipaustralia.gov.au/46106/TRIPS\_Protocol\_2010\_Public\_Consultation\_Paper.pdf (accessed 18 October 2012).

—— 2011a, *Copyright*, http://www.ipaustralia.gov.au/get-the-right-ip/copyright/ (accessed 14 August).

—— 2011b, *Export of Patented Pharmaceuticals to Countries Experiencing a Health Crisis – Regulation Impact Statement*, http://ris.finance.gov.au/files/ 2011/08/02\_export\_of\_pharmaceuticals\_ris.pdf (accessed 29 August 2012).

—— 2011c, *IP Rights fact sheet*, http://www.ipaustralia.gov.au/46106/ip-stats-2011 (accessed 16 August 2012).

—— 2012a, *Changes Made by the Intellectual Property Laws Amendment (Raising the Bar) Act 2012 Relevant to the Patents Act 1990*, http://www.ipaustralia.gov.au/about-us/what-we-do/ip-reforms/raising-the-bar-patents/ (accessed 27 July 2012).

—— 2012b, *Crown use*, http://www.ipaustralia.gov.au/ understanding-intellectual-property/ownership-of-ip/crown-use/ (accessed 10 October 2012).

—— 2012c, *Exposure Draft of Intellectual Property Laws Amendment Bill 2012*, http://www.ipaustralia.gov.au/about-us/public-consultations/ip-laws-amendment-bill/ (accessed 29 August 2012).

—— 2012d, *Fees*, http://www.ipaustralia.gov.au/get-the-right-ip/patents/time-and-costs/fees/ (accessed 2 October 2012).

—— 2012e, *Grace Periods*, http://www.ipaustralia.gov.au/get-the-right-ip/patents/time-and-costs/grace-periods/ (accessed 21 September 2012).

—— 2012f, *Innovation Patent – Raising the Step*, Consultation Paper, Canberra.

—— 2012g, *Patents*, http://www.ipaustralia.gov.au/get-the-right-ip/patents/ (accessed 14 August 2012).

—— 2012h, *Patents Data*, http://www.ipaustralia.gov.au/46106/ip-stats-2011(accessed 25 September 2012).

—— 2012i, *Pharmaceutical Patents Review*, Background and Suggested Issues Paper, Australian Government, Canberra.

—— 2012j, *Productivity Commission launches review into compulsory licensing*, 25 July, http://www.ipaustralia.gov.au/about-us/news-and-media/latest-news-listing/?doc=compulsory-licensing&view=Detail (accessed 5 October 2012).

—— 2012k, *Trade Marks*, http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/ (accessed 14 August 2012).

—— 2012l, *Types of Licences*, http://www.ipaustralia.gov.au/understanding-intellectual-property/commercialise-your-ip/licensing/types-of-licences/ (accessed 26 September 2012).

—— (nd)a, *A Guide to Applying for your Patent*, IP Australia, Canberra.

—— (nd)b, *Government Response to the Advisory Council on Intellectual Property Recommendations*, http://www.acip.gov.au/library/Brief%20Release%20Gov% 20 response%20ACIP%20FMS%20.pdf (accessed 1 November 2012).

—— (nd)c, *Royalties*, http://www.ipaustralia.gov.au/understanding-intellectual-property/commercialise-your-ip/licensing/royalties/ (accessed 23 August 2012).

IPCRC (Intellectual Property and Competition Review Committee) 2000, *Review of Intellectual Property Legislation Under the Competition Principles Agreement*, Canberra.

IPO UK (Intellectual Property Office of the United Kingdom) 2004, *Swansea Imports Limited v. Carver Technology Limited*, http://www.ipo.gov.uk/pro-types/pro-patent/pro-p-os/p-challenge-decision-results-bl?BL\_Number=O/170/ 04 (accessed 14 November 2012).

IPOS (Intellectual Property Office of Singapore) 2012a, *Managing and enforcing your patent*,http://www.ipos.gov.sg/AboutIP/TypesofIPWhatisIntellectualProperty/Whatisapatent/Managingandenforcingyourpatent.aspx (accessed 5 October 2012).

—— 2012b, *Number of patents in force in Singapore*, http://www.ipos.gov.sg /AboutIP/IPResources/Statistics/StatisticsArchive/Patents/NumberofPatentsInForceinSingapore.aspx (accessed 5 October 2012).

IPRIA (Intellectual Property Research Institute of Australia) 2008, *Blackberry: A Teaching Case for WIPO*, October.

IPTA (Institute of Patent and Trade Mark Attorneys of Australia) 2010, Submission to the Senate Community Affairs Committee,*Gene Patents*, Canberra.

Jennings, M. 2003, *The relationship between treaties and domestic law*, presented at a departmental workshop for the Department of Foreign Affairs and Trade, 6 November 2003.

Jensen, K. and Murray, F. 2005, ‘Intellectual property landscape of the human genome’, *Science*, vol. 310, no. 5746, pp. 239-240.

Jonas Anderson, J. 2008, ‘Hiding behind nationality: the temporary presence exception and patent infringement avoidance’, *Michigan Telecommunications Technology Law Review*, vol. 15, no. 1, pp. 1–51.

JPO (Japan Patent Office) 2012a, *How your patent application is processed*, http://www.jpo.go.jp/cgi/linke.cgi?url=/tetuzuki\_e/faqs.htm (accessed 24 September 2012).

—— 2012b, *Japan Patent Office Annual Report 2012*, Tokyo.

—— 2012c, *Japanese Law Translation (Japan Patents Act)*, http://www.japanese  
lawtranslation.go.jp/law/detail/?id=42&vm=04&re=01 (accessed 4 September 2012).

Kanter, D. 2006, ‘IP and compulsory licensing on both sides of the Atlantic—an appropriate antitrust remedy or a cutback on innovation?’, *European Competition and Law Review*, vol. 27, no. 3, pp. 351–64.

Katz, M. and Shapiro, C. 1985, ‘On the licensing of innovations’, *The RAND Journal of Economics*, vol. 16, no. 4, pp. 504–520.

KEI (Knowledge Ecology International) 2012, *Four NGOs ask NIH to grant open licenses to ritonavir patents under Bayh-Dole March-in provisions*, http://keionline.org/node/1573 (accessed 27 November 2012).

Kingston, W. 1995, ‘Reducing the cost of resolving intellectual property disputes’, *European Journal of law and Economies*, no. 2, pp. 85–92.

KIPO (Korean Intellectual Property Office) 2012, *Overview of the Patent System in Korea*, http://www.kipo.go.kr/kpo/user.tdf?a=user.english.html.HtmlApp&c=92  
102&catmenu=ek03\_01\_01\_03 (accessed 8 October 2012).

Kitch, E.W. 2000, ‘Elementary and persistent errors in the economic analysis of intellectual property’, *Vanderbilt Law Review*, vol. 53, no. 6, pp. 1727–1741.

Klemperer, P. 1990, ‘How broad should the scope of patent protection be?’, *The* *RAND Journal of Economics*, vol. 21, no. 1, pp. 113–130.

Koelman, K. 2006, ‘An exceptio standardis: do we need an IP exemption for standards?*’*, *International Review of Intellectual Property and Competition Law*, vol. 7, pp. 823-843.

Kossonakou, E. 2009, *Strategic Renewal Process, ‘Raising the bar’, How to Improve the Quality of Incoming Applications*, presented at the International Association for the Protection of Intellectual Property forum in Buenos Aires, 11 September.

Kuipers, G., Groenevelt, D. and Lamme, O. 2011, *A Different Perspective on Samsung v. Apple: Guidance on Enforcing FRAND Pledged Patents in the Netherlands*, De Brauw Blackstone Westbroek, NewsBank, EBSCO*host*, (accessed 19 November 2012).

—— 2012, *A Further perspective on Apple v. Samsung: How to Successfully Enforce Standards Essential Patents in the Netherlands*, De Brauw Blackstone Westbroek, NewsBank (accessed 19 November 2012).

Lancet (The) 2001, ‘Patent protection versus public health’, *The Lancet*, vol. 358, no. 9293, p. 1563, November 2001.

Lawson, C. 2008, ‘Public interest compulsory licensing under the *Patents Act 1990* (Cth): A real incentive or a barrier to working?’, *Australian Intellectual Property Journal*, vol. 19, no. 3, pp. 129–47.

Lerner, J., 2002. *Patent Protection and Innovation Over 150 Years*, NBER Working Paper, no. 8977, Cambridge, Massachusetts.

——, Strojwas, M., and Tirole, J. 2007, ‘The design of patent pools: the determinants of licensing rules’, *The RAND Journal of Economics*, vol. 38, no. 3, pp. 610–625.

—— and Tirole, J. 2007, ‘Public policy toward patent pools’, *Innovation Policy and the Economy*, vol. 8, pp. 157–186.

LESANZ (Licensing Executives Society of Australia and New Zealand) 2011, *Executive summary of briefing notes in respect of the Patent Amendment (Human Genes and Biological Materials) Bill 2010*, http://lesanz.org.au/upload/BackgroundbriefingpaperGenePatentsFinal.pdf (accessed 4 September 2012).

Levi, M., Economy, E., O’Neil, S. and Segal, A. 2010, ‘Globalizing the energy revolution: how to really win the clean energy race’, *Foreign Affairs*, vol. 89, no. 6, pp. 111–121.

Lindgren, K. 2004, *The Interface Between Intellectual Property and Antitrust*, speech to the 2nd Annual University of South Australia Trade Practices Workshop, 29-30 October.

Lindsay, M. 2012, Safeguarding the standard: standards organizations, patent hold‑up and other forms of capture, *The Antitrust Bulletin*, vol. 57, no. 1, pp. 17‑57.

Lipsky, A. and Sidak, J. 1999, ‘Essential facilities’, Stanford Law Review, vol. 51, no. 5, p. 1187.

Lybecker K. 2011, ‘The economics of access to medicines: meeting the challenges of pharmaceutical patents, innovation, and access for global health’, *Harvard International Law Journal*, vol. 53, Online 25, http://www.harvardilj.org/2011/12/online\_53\_lybecker (accessed 1 September 2012).

Ma, J. 2011, ‘The position of compulsory licensing in China’, *Intellectual Property Magazine*, November, pp. 55–57.

Machlup, F. and Penrose, E. 1950, ‘The patent controversy in the nineteenth century’, *The Journal of Economic History*, vol. 10, no. 1, pp. 1–29.

Matruglio, T. 1999, *Part two: The Costs of Litigation in the Federal Court of Australia*, ALRC, Sydney.

Matutes, C., Regibeau, P. and Rockett, K. 1996, ‘Optimal patent design and the diffusion of innovations’, *The* *RAND Journal of Economics*, vol. 27, no. 1, pp. 60–83.

Maurer, S. and Scotchmer, S. 2002, ‘The independent invention defence in intellectual property’, *Economica*, vol. 69, pp. 535–547.

Maurice Blackburn Lawyers 2012, *Gene Patent Test Case Heads to Trial — Sydney 20 February*, Press Release, 16 February, http://www.mauriceblackburn.com.au /news/press-releases--announcements/2012/gene-patent-test-case-heads-to-trial---sydney-20-february.aspx (accessed 30 July 2012).

Medicare Australia 2012, *Medicare Group Statistic Reports*, https://www.medicareaustralia.gov.au/statistics/mbs\_group.shtml (accessed 14 September 2012).

Medicines Patent Pool 2011, *Medicines Patent Pool Announces First Licensing Agreement with a Pharmaceutical Company*, http://www.medicinespatentpool .org/medicines-patent-pool-announces-first-licensing-agreement-with-a-pharmaceutical-company/ (accessed 18 September 2012).

Mendes, P. nd, *To License a Patent — or, to Assign it: Factors Influencing the Choice*, http://www.wipo.int/sme/en/documents/license\_assign\_patent.htm (accessed 24 August 2012).

Merck & Co., Inc. 2012, *Annual Report for the Fiscal Year ended 31 December 2011*, http://www.merck.com/mwg-internal/de5fs23hu73ds/ progress?id=oMKaYirz/2 (accessed 17 September 2012).

Mergers, R. 1996. ‘Contracting into liability rules: intellectual property rights and collective rights organisations’, *California Law Review*, vol. 84, no. 5, 1293–1393.

METI (Ministry of Economy, Trade and Industry) 2012, *Bill to Partially Amend the Patent Act*, http://www.meti.go.jp/ english/press/2011/0311\_01.html (accessed 8 November 2012).

Miller, J. 2003, ‘Sealing the coffin on the experimental use exception’, *Duke Law & Technology Review*, vol. 2, no. 1.

Moschini, G. and Yerokhin, O. 2008, ‘Patents, research exemption, and the incentive for sequential innovation’, *Journal of Economics & Management Strategy*, vol. 17, no. 2, pp. 379–412.

Moser, P. and Voena, A. 2009, *Compulsory Licensing – Evidence form the Trading with the Enemy Act*, NBER Working Paper No, 15 598, December, Cambridge, Massachusetts.

MPEG LA 2009, *History*, http://www.mpegla.com/main/Pages/AboutHistory.aspx (accessed 18 September 2012).

NADRAC (National Alternative Dispute Resolution Advisory Council) 2009, *The Resolve to Resolve – Embracing ADR to Improve Access to Justice in the Federal Jurisdiction*, Canberra.

—— 2012, *Your Guide to Dispute Resolution*, Australian Government, Canberra.

——  nd, *What is ADR?*, http://www.nadrac.gov.au/what\_is\_adr/Pages /default.aspx (accessed 21 November 2012).

NCC (National Competition Council) 1999, *Review of Sections 51(2) and 51(3) of the Trade Practices Act 1974*, Final Report, Melbourne.

Nicol, D. 2010, *Patent Licensing in Medical Biotechnology in Australia: A Role for Collaborative Licensing Strategies?*, Centre for Law and Genetics Occasional Paper No. 7, University of Tasmania, Hobart.

—— and Nielsen, J. 2003, *Patents and Medical Biotechnology: An Empirical Analysis of Issues Facing the Australian Industry*, Centre for Law and Genetics Occasional Paper No. 6, University of Tasmania, Hobart.

Nielsen, J. and Nicol, D. 2008, ‘Whither patent use without authorisation in Australia?’, Federal Law Review, vol. 36, no. 3, p. 331.

NHMRC (National Health and Medical Research Council) 2007, *Australian Code for the Responsible Conduct of Research*, Australian Government, Canberra.

—— 2010, *Information for health professionals*, www.nhmrc.gov.au/\_files\_nhmrc/ publications/attachments/e99.pdf (accessed 24 August 2010).

Nokia 2012, SEP Litigation and (F)RAND Licencing Commitments, Contribution to International Telecommunications Union Patent Roundtable, 10 October 2012, Geneva, http://www.itu.int/oth/T065B000034 (accessed 15 November 2012).

Nordhaus, W.D. 1969, *Invention, Growth and Welfare:* *A Theoretical Treatment of Technological Change,* MIT Press, Cambridge, Massachusetts.

—— 1972, ‘The optimum life of a patent: reply’, *The American Economic Review*, vol. 62, no. 3, pp. 428–431.

NZ Parliament Commerce Select Committee 2010, *Patents Bill, Government Bill, as reported from the Commerce Committee*, New Zealand Government, Wellington.

OECD (Organization for Economic Co-operation and Development) 2002, *Genetic Inventions, Intellectual Property Rights and Licensing Practices: Evidence and Policies*, Paris.

—— 2006, *Guidelines for the Licensing of Genetic Inventions,* Paris.

OFPC (Office of the Federal Privacy Commissioner) 2001, *Guidelines to the National Privacy Principles*, http://www.privacy.gov.au/materials/types/guidelines/view/6582, (accessed 20 October 2012).

Okuyama, S. 2007, *Patent Infringement Litigation in Japan*, Japan Patent Office, Tokyo.

Orozco, D. and Conley, J. nd, *The Longer Walk After eBay v. Mercexchange*, Northwestern University.

Packard Love, J. 2007, *Recent Examples of the Use of Compulsory Licenses on Patents*, Knowledge Economy International, http://keionline.org/ (accessed 19 September 2012).

Palombi, L. 2010, *Gene patents and patents granted over biological materials: Their impact on the provision and cost of diagnostic services and medical and scientific research in Australia*, The Regulatory Institutions Network, Submission to the Senate Community Affairs Committee,Gene Patents, Canberra.

Park, W. 2008. ‘International patent protection: 1960-2005’, *Research Policy*, vol. 37, pp. 761–66.

—— 2010, ‘On Patenting Costs’, *WIPO Journal*, Vol. 2, Issue 1, http://www.wipo.int/about‑wipo/en/wipo\_journal/ (accessed 19 October 2012).

PBPA (Pharmaceutical Benefits Pricing Authority) 2009, *Policies, Procedures and Methods,* www.health.gov.au/internet/main/publishing.nsf/Content/health-pbs-general-pricing-pbpamethods.htm (accessed 21 August 2012).

PC (Productivity Commission) 2001, *Review of the National Access Regime*, Report no. 17, AusInfo, Canberra.

—— 2007, *Public Support for Science and Innovation*, Research Report, Productivity Commission, Canberra.

—— 2011, *Rural Research and Development Corporations*, Report no. 52, Final Inquiry Report, Canberra.

Pil Choi, J. 2010, ‘Compulsory licensing as an antitrust remedy’, *The WIPO Journal*, vol. 2, no. 1, pp. 74–81.

Pitofsky, R. 2002, *The Essential Facilities Doctrine Under United States Antitrust Law*, http://scholarship.law.georgetown.edu/facpub/346 (accessed 27 November 2012).

Qualcomm Incorporated 2012, Contribution to International Telecommunications Union Patent Roundtable, 10 October 2012, Geneva, http://www.itu.int/oth/T065B000034 (accessed 15 November 2012).

Radcliffe, J and Sproul, G. 2012, FRAND and the smartphone wars, *Intellectual Property Magazine*, December 2011/January 212.

Rai, A., Reichman, J., Weissman, R., Kapczynski, A., Cook-Deegan, R., Sampat, B. and So. A. 2008, ‘Is Bayh-Dole good for developing countries? Lessons from the US experience’, *PLoS Biology*, June, pp. 2078–84.

Rapp, R. and Rozek, R. 1990. ‘Benefits and costs of intellectual property protection in developing countries’, *Journal of World Trade*, vol. 75, no. 77, pp. 75–102.

RCPA (Royal College of Pathologists of Australasia) 2008, *Genetic Testing in the 21st Century: Are we ready?*, http://www.health.gov.au/internet/main/publishing .nsf/Content/htareview-060/$FILE/060\_The%20Royal%20College%20of%20 Pathologists%20Australia%20pt%202.pdf (accessed 29 November 2012).

Regibeau, P. and Rockett, K. 2007, *The Relationship Between Intellectual Property Law and Competition Law: an Economic Approach*, in Anderman, S. (ed), *The Interface between Intellectual Property Rights and Competition Policy*, Cambridge University Press, Cambridge.

Reichman, J. 2006, *Compulsory Licensing of Patented Inventions: Comparing United States Law and Practice with Options Under the TRIPS Agreement*, the Association of American Law Schools mid-year workshop on intellectual property, Vancouver, Canada, 14–16 June.

—— 2010, ‘Compulsory licensing of patented pharmaceutical inventions: evaluating the options’, in Correa, C. (ed.) *Research Handbook on the Protection of Intellectual Property Under WTO Rules*, Edward Elgar Publishing, pp. 589–621.

—— and Hasenzahl, C.H. 2003, *Non-voluntary Licensing of Patented Inventions: Historical Perspective, Legal Framework under TRIPS, and an Overview of the Practice in Canada and the USA*, Issue Paper no. 5, International Centre for Trade and Sustainable Development and United Nations Conference on Trade and Development, Cran-Gevrier, France.

—— and —— 2010, ‘Compulsory licensing of patented pharmaceutical inventions: evaluating the options’, in Correa, C. (ed.) *Research Handbook on the Protection of Intellectual Property Under WTO Rules*, pp. 589–621, Edward Elgar Publishing.

Resnick, D. and De Ville, K. 2002, ‘Bioterrorism and patent rights: compulsory licensure and the case of Cipro’, *American Journal of Bioethics*, vol. 2, no. 3, pp. 29-39.

Richards, J. nd, *Utility Model Protection Throughout the World*, http://www.ipo.  
org/AM/Template.cfm?Template=/CM/ContentDisplay.cfm&ContentID=25244(accessed 25 September 2012).

Rockett, K.E. 1990, ‘Choosing the Competition and Patent Licensing’, *The RAND Journal of Economics,* vol. 21, no. 1, pp. 161–171.

Romer, P. 2002, ‘When Should We Use Intellectual Property Rights?’, *The American Economic Review: Papers and Proceedings*, vol. 92, no. 2, pp. 213–216.

SACGHS (Secretary’s Advisory Committee on Genetics, Health, and Society), 2010, *Gene Patents and Licensing Practices and Their Impact on Patient Access to Genetic Tests*, US Department of Health and Human Services, Bethesda.

Sadao, N. and Walsh, J.P. 2009, *Commercialisation and Other Uses of Patents in Japan and the U.S.: Major findings from the RIETI-Georgia Tech inventor survey*, RIETI Discussion Paper Series, 09-E-011.

SCARC (Senate Community Affairs References Committee) 2010, *Gene Patents*, Canberra.

Scherer, F.M. 1972, ‘Theory of Optimal Patent Life: A Geometric Reinterpretation’, *The American Economic Review*, vol. 62, no. 3, pp. 422–427.

—— 2000, *Competition Policy, Domestic and International*, Edward Elgar Publishing, Northhampton, Massachusetts.

—— Scherer, F. 2010, ‘A half century of research on patent economics’, *The WIPO Journal*, vol. 2, no. 1, pp. 20–7.

Schilling, S. 2011, ‘DNA as patentable subject matter and a narrow framework for addressing the perceived problems caused by gene patents’, *Duke Law Journal*, vol. 61, no. 731, pp. 731­773.

Schoofs, M. and Waldholz M. 2001, *Price War Breaks Out Over AIDS Drugs In Africa as Generics Present Challenge*, Wall Street Journal, 7March, http://online.wsj.com/article/SB983915787153550680.html (accessed 27 August 2012).

Schovsbo, J. 2009, ‘Increasing access to patented inventions’, *Science and Public Policy*, vol. 36, no. 8, pp. 609–618.

Scotchmer, S. 1991, ‘Standing on the Shoulders of Giants: Cumulative Research and the Patent Law’, *The Journal of Economic Perspectives*, vol. 5, no. 1, pp. 29–41.

—— and Green, J. 1990, ‘Novelty and disclosure in patent law’, *The RAND Journal of Economics*, vol. 21, no. 1, pp. 131–146.

SCRGSP (Steering Committee for the Review of Government Service Provision) 2012, *Report on Government Services 2012*, Productivity Commission, Canberra.

Seidman, A. 2012 *Lawmakers Concerned That Some Patent Holders Stifle Competition*, Wall Street Journal, http://online.wsj.com/article/BT-CO-20120711-711341.html (accessed 30 July 2012).

SELC (Senate Economics Legislation Committee) 2006, *Provisions of the Intellectual Property Laws Amendment Bill 2006*, Canberra.

Serrano, C.J. 2010, ‘The dynamics of the transfer and renewal of patents’, *The RAND Journal of Economics*, vol. 41, no. 4, pp. 686–708.

Shapiro, C. 2001, ‘Navigating the patent thicket: cross licenses, patent pools and standard-setting’, in Jaffe, A., Lerner, J., and Stern, S., *Innovation Policy and the Economy,* MIT Press, Cambridge, Massachusetts.

Shavell, S., and van Ypersele, T. 2001, ‘Rewards versus intellectual property rights’, *Journal of Law and Economics*, vol. 44, pp. 525–547.

Shepard, A. 1987, ‘Licensing to enhance demand for new technologies’, *The RAND Journal of Economics*, vol. 18, no. 3, pp. 360–368.

SIPO (State Intellectual Property Office of the People’s Republic of China) 2012, *Examination Practices on the Invention Applications Relating to Computer programs*, http://english.sipo.gov.cn/examination/referencematerialssy/201108/  
t20110830\_618157.html (accessed 5 October 2012).

SLCALC (Senate Legal and Constitutional Affairs Legislation Committee) 2011, *Patent Amendment (Human Genes and Biological Materials) Bill 2010*, Canberra.

Spence, M. 2009, ‘Comment on the conceptual framework for a clearing house mechanism’ in Van Overwalle, G. (ed.), *Gene Patents and Collaborative Licensing Models*, Cambridge University Press, New York.

Standards Australia 2011, *Guide to International Standardisation*, Guide Number 1, http://www.standards.org.au/InternationalEngagement/Coordination\_and\_Information/Documents/SDO%20Guide%20No%201%20-%20International%20 Standardisation.pdf (accessed 15 November 2012).

State Library of Victoria 2012, *Patents*, http://guides.slv.vic.gov.au/ content.php?pid=87344&sid=649913 (accessed 31 October 2012).

Stix, G. 2006 ‘Owning the stuff of life’ , *Scientific American*, vol. 294, no. 2, pp. 76–83.

STOA (Scientific Technology Options Assessment) Report 2007, *Policy Options for the Improvement of the European Patent System*, commissioned by The European Parliament's Scientific Technology Options Assessment.

Sung, L. 2002, [*Greater Predictability May Result in Patent Pools*](http://www.ftc.gov/opp/intellect/020417lawrencemsung1.pdf), http://www.ftc.gov/opp/intellect/020417lawrencemsung1.pdf (accessed 26 November 2012).

Supreme Court of the United States 2006, *eBay Inc. et al. v. Mercexchange, L.L.C.*, Washington D.C.

Tandon, P. 1982, ‘Optimal patents with compulsory licensing’, *The Journal of Political Economy*, vol. 90, no. 3, pp. 470–486.

Taylor, C. and Silberston, Z. 1973, *The Economic Impact of the Patent System*, Cambridge University Press.

Temple Lang, J. 2002, *Compulsory :Licensing of Intellectual Property in European Community Antitrust Law*, for the Department of Justice/Federal Trade Commission Hearings, Washington DC, May.

TERI (The Energy and Resources Institute) 2009, *Emerging Asia Contribution on Issues of Technology for Copenhagen*, New Delhi.

Thomas, J. 2012, *Patent Infringement and Experimental Use Under the Hatch‑Waxman Act: Current Issues*, Congressional Research Service, Washington D.C.

Thomson, R. and Webster, E. 2009, ‘What does economics say about intellectual property?’, *Insights*, vol. 6, November, pp. 56–59.

Tiwari, G. 2012, *2012 Report: International Property Rights Index*, Americans for Tax Reform Foundation/Property Rights Alliance.

TTOIG (Trans-Tasman Outcomes Implementation Group) 2012, *Trans-Tasman Outcomes Implementation Group Report*, Canberra, February.

UK IPO (United Kingdom Intellectual Property Office) 2012, *Lambert Tool Kit*, http://www.ipo.gov.uk/lambert (accessed 20 November 2012).

UN (United Nations) 2007, *The Least Developed Countries Report 2007: Knowledge, Technological Learning and Innovation for Development*, Geneva.

—— 2009, *Report of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention on its eighth session*, Copenhagen 7 to 15 December 2009.

—— 2010, *Report of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention on its eighth session*, Copenhagen 7 to 15 December 2009.

UNAIDS (Joint United Nations Programme on HIV and AIDS) 2010, *UNAIDS Report on the Global AIDS Epidemic*, http://www.unaids.org /globalreport/global\_report.htm (accessed 27 August 2012).

UNCTAD (United Nations Conference on Trade and Development) 2011, *Development Dimensions of Intellectual Property in Indonesia: Access to Medicines, Transfer of Technology and Competition*, United Nations.

US Court of Appeals for the Federal Circuit 2012, *Association for Molecular v. PTO*, Appeal from the United States District Court for the Southern District of New York in Case No. 09-CV-4515.

US Department of Justice 1998, *Justice Department Approves Monsanto’s Acquisition of Dekalb Genetics Corporation*, media release, 30 November.

—— 1999, *United States of America v. Halliburton Company and Dresser Industries, Inc.*, http://www.justice.gov/atr/cases/f6100/6193.htm (accessed 14 November 2012).

—— and Federal Trade Commission 1995, *Antitrust Guidelines for the Licensing of Intellectual Property*, http://www.justice.gov/atr /public/guidelines/0558.htm, (accessed 21 November 2012).

US Government 2003, ‘The United States’ Statement of Interest’, *NTP, Inc. v. Research in Motion, Ltd.*, http://www.ipo.org/mwg-internal/de5fs23hu73ds/ progress?id=1j8aYd/gmV (accessed 21 September).

US Patent and Trademark Office 2012a, *2210: Request for Ex Parte Reexamination* *[R-7]*, http://www.uspto.gov/web/offices/pac/mpep/s2210.html (accessed 24 September 2012).

—— 2012b, *Patent Assignment Query Menu*, http://assignments.uspto.gov/ assignments/?db=pat (accessed 3 October 2012).

—— 2012c, *U.S. Patent Statistics Chart Calendar Years 1963–2011*, http://www.uspto.gov/web/offices/ac/ido/oeip/taf/us\_stat.htm (accessed 26 September 2012).

Van Overwalle, G., Van Zimmeren, E., Verbeure, B. and Matthijs, G. 2006, ‘Models for facilitating access to patents on genetic inventions’, *Nature Review Genetics*, vol. 7, pp. 143–148.

Van Zimmeren, G. and Van Overwalle, G. 2011, ‘A paper tiger?: compulsory license regimes for public health in Europe’, *International Review of Intellectual Property and Competition Law*, vol. 42, no. 1, pp. 4–40.

Vaughan, F. 1948, ‘Patent Policy’, *The American Economic Review: Papers and Proceedings*, vol. 38, no. 2, pp. 215–234.

Watal J. 2000, *Access to Essential Medicines in Developing Countries: Does the WTO TRIPS Agreement*, *Hinder It?*, Science, Technology and Innovation Discussion Paper No. 8, Harvard University, Cambridge.

WHO (World Health Organisation) and WTO (World Trade Organisation) Secretariat 2002, *WTO Agreements and Public Health*, WTO Secretariat, Geneva.

WIPO (World Intellectual Property Organisation) 2008, *WIPO Intellectual Property Handbook*, http://www.wipo.int/about-ip/en/iprm/ (accessed 20 September 2012).

—— 2010a, *Annex 2, Patent Related Flexibilities in the Multilateral Legal Framework and Their Legislative Implementation at the National and Regional Levels*, http://www.wipo.int/meetings/en/doc\_details.jsp?doc\_id=131629 (accessed 27 August 2012).

—— 2010b, *Experts’ Study on Exclusions from Patentable Subject Matter and Exceptions and Limitations to the Rights*, Fifteenth Session of the Standing Committee on the Law of Patents, October, Geneva.

—— 2011a, *Report from the Fifteenth Session of the Standing Committee on the Law of Patents*, 11–15 October 2010, Geneva.

—— 2011b, *Survey on Compulsory Licenses Granted by WIPO Member States to Address Anti-Competitive Uses of Intellectual Property Rights*, CDIP/4/4 REV./STUDY/INF/5, Geneva.

—— 2011c, *World Intellectual Property Indicators, 2011 Edition*, WIPO publication no. 941, December.

—— 2012a, *2012 WIPO IP Facts and Figures*, WIPO Economics & Statistics Series, Geneva.

—— 2012b, *Republic of Korea, Patent Act (Act No. 950, Promulgated on December 31, 1961, as last amended on January 30, 2009 by Act No. 9381)*, http://www.wipo.int/wipolex/en/text.wipolex/en/text.jsp?file\_id=214463 (accessed 4 September 2012).

—— 2012c, *Statistical Country Profile: Australia*, http://www.wipo.int/ipstats/en /statistics/country\_profile/countries/au.html (accessed 21 August 2012).

—— 2012d, *Statistical Country Profile: Canada*, http://www.wipo.int/ipstats/ en/statistics/country\_profile/countries/ca.html (accessed 1 November 2012).

—— 2012e, *Statistical Country Profile: United States of America*, http://www.wipo.int/ipstats/ en/statistics/country\_profile/countries/us.html (accessed 1 November 2012).

—— nd, *What is Intellectual Property?*, http://www.wipo.int/about-ip/en/ (accessed 9 August 2012).

Wright, B. 1983, ‘The economics of invention incentives: patents, prizes, and research contracts’, *The American Economic Review*, vol. 73, no 4, pp. 691–707.

WTO (World Trade Organisation) 2000, *Canada – Patent Protection of Pharmaceutical Products*, Report of the Panel, WT/DS114/R, 17 March.

—— 2001, *Declaration on the TRIPS Agreement and Public Health*, http://www.wto.org/english/thewto\_e/minist\_e/min01\_e/mindecl\_ trips \_e.htm (accessed 18 August 2012).

—— 2003, *Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health*, http://www.wto.org/english/tratop\_e/ trips\_e/implem\_para6\_e.htm (accessed 18 August 2012).

—— 2005, *Members OK Amendment to Make Health Flexibility Permanent*, http://www.wto.org/english/news\_e/pres05\_e/pr426\_e.htm (accessed 18 August 2012).

—— 2010, *Little-used ‘Par.6’ system will have its day, WHO tells intellectual property and health review*, 26/27 October, http://www.wto.org/english/ news\_e/news10\_e/trip\_26oct10\_e.htm (accessed 28 August 2012.

Yosick, J. 2001, ‘Compulsory patent licensing for efficient use of inventions’, *University of Illinois Law Review,* vol. 2001, no. 5, pp. 1275–1304.

Zuniga, M. and Guellec, D. 2009, *Who Licenses Out Patents and Why? Lessons From a Business Survey*, STI Working Paper, 2009/5, Paris.