

**CROSS-BORDER PATENT DISPUTES IN ENGINEERING INNOVATIONS: CASE STUDIES AND LEGAL FRAMEWORKS****Dr. Saleem Ahmed M A**

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[saleemahmedma@gmail.com](mailto:saleemahmedma@gmail.com)**ABSTRACT:**

Engineering innovations are pivotal in driving technological progress, fostering transformative developments across industries such as aerospace, automotive, energy, healthcare, and information technology. These innovations not only address complex global challenges but also fuel economic growth and enhance quality of life. However, as engineering solutions increasingly penetrate interconnected global markets, safeguarding intellectual property (IP) rights—particularly patents—becomes a pressing issue. The globalization of engineering innovations has led to a surge in cross-border patent disputes, reflecting the challenges of balancing innovation protection with equitable access and competition. Cross-border patent disputes are inherently complex, involving multiple jurisdictions, diverse legal frameworks, and conflicting stakeholder interests. These disputes often arise from issues such as overlapping patent claims, jurisdictional differences in IP laws, and enforcement challenges. Beyond the immediate parties, such disputes have far-reaching consequences, influencing international trade dynamics, shaping national and global innovation policies, and impacting diplomatic and economic relations between countries. The outcomes of these disputes can set precedents that affect future innovation strategies and IP enforcement across industries. This paper explores the intricacies of cross-border patent disputes in engineering innovations, using case studies to highlight key trends and challenges. It examines how legal frameworks, both national and international, attempt to address these disputes and evaluates their effectiveness in resolving conflicts while promoting innovation. Additionally, the paper discusses the role of emerging technologies, such as artificial intelligence and block chain, in shaping the future of IP protection and dispute resolution mechanisms. By analysing the interplay between technological progress, IP enforcement, and global collaboration, this paper aims to provide insights into fostering a balanced approach that encourages innovation while addressing the challenges of IP protection in an increasingly globalized world.

**Keywords:**

Engineering innovations, patents, cross-border disputes, global markets, international trade, innovation policies, legal frameworks, IP enforcement, technological advancements, global collaboration.

**INTRODUCTION**

Patents serve as a vital mechanism to encourage innovation by granting inventors exclusive rights to their creations for a limited time, typically 20 years. This exclusivity ensures that inventors can monetize their inventions without fear of unauthorized use or copying. Patents are essential for protecting engineering innovations, which are often groundbreaking and commercially valuable. They provide legal safeguards to technologies that can shape entire industries, such as in the fields of electronics, pharmaceuticals, and telecommunications. However, the rapid pace of technological advancements has made patent protection a key battleground for businesses, especially within sectors that heavily rely on engineering innovations.

Patent disputes, especially cross-border disputes, are a significant challenge due to the territorial nature of patent rights. While patents are granted by national or regional patent offices, these rights are confined to the specific jurisdiction in which they are granted. This can lead to complicated legal scenarios when a patented invention is used or sold in multiple countries, raising the potential for conflicts between patent owners and alleged infringers operating in different jurisdictions. These cross-border disputes often involve multinational corporations, as they have operations or markets in several countries and are, therefore, more likely to be accused of infringing patents in various regions.

For example, disputes like *Microsoft v. Motorola Mobility* and *Huawei v. Samsung* have illustrated the complex and often contentious nature of patent litigation on a global scale. In *Microsoft v. Motorola Mobility*<sup>1</sup>, Microsoft accused Motorola of breaching its patents related to wireless technologies used in devices like smartphones and gaming consoles. The case was complicated by the fact that the patents involved were subject to licensing agreements, and the dispute centered on whether Motorola was offering fair, reasonable, and non-discriminatory (FRAND)<sup>2</sup> licensing terms as required under the law.<sup>3</sup> Similarly, the *Huawei v. Samsung* case<sup>4</sup> revolved around allegations of patent infringement, with both companies asserting patent rights on crucial technology used in smartphones, further complicating the matter with counterclaims, seeking to protect their intellectual property in multiple jurisdictions.

The complexities of cross-border patent disputes arise from various factors. Differences in national patent laws and legal systems can result in divergent interpretations of what constitutes patent infringement or the scope of patent protection. For instance, one country may offer broader protection to certain technologies, while another may have stricter requirements for patentability. Furthermore, the lack of a universal patent system means that patent owners must navigate a patchwork of national patent offices, each with its own procedural requirements and enforcement mechanisms.

International legal instruments like the World Intellectual Property Organization (WIPO) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)<sup>5</sup> have sought to harmonize aspects of patent law across countries, but discrepancies still exist. WIPO's Patent Cooperation Treaty (PCT)<sup>6</sup> helps streamline the process for filing patents in multiple countries, but it does not eliminate the challenges of enforcement. Similarly, while TRIPS establishes certain minimum standards for patent protection globally, each country retains the autonomy to implement its own interpretation of these standards, contributing to the fragmentation in patent law.

In addition to these established frameworks, emerging trends in patent law, such as the rise of patent trolls<sup>7</sup> (entities that acquire patents to extract settlements rather than to produce or commercialize products) and the growing use of patent pools (where multiple patent holders agree to license their patents collectively) are creating new layers of complexity in cross-border patent disputes. These trends often lead to an increase in litigation and add to the challenge of finding equitable and efficient resolutions.

This paper will delve into the nuances of cross-border patent disputes by analyzing real-world cases like *Microsoft v. Motorola Mobility* and *Huawei v. Samsung*, exploring international legal instruments that govern patent protection, and considering emerging trends in patent law that are reshaping the landscape of intellectual property protection in the global economy.

### **Engineering Innovations and Patent Significance**

Engineering innovations are central to solving some of the world's most pressing challenges, such as climate change, sustainable energy, and advanced manufacturing. These innovations, which include groundbreaking

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<sup>1</sup> Microsoft, Corp. v. Motorola, Inc., No. 14-35393 (9th Cir. 2015)

<sup>2</sup> FRAND (Fair, Reasonable, and Non-Discriminatory) refers to a set of principles used to ensure that intellectual property holders, particularly in the field of standard-essential patents (SEPs), offer licensing terms that are fair, reasonable, and non-discriminatory. This framework aims to prevent patent holders from charging excessive fees or discriminating against certain parties, ensuring wider access to essential technologies. FRAND terms are often central to disputes in industries like telecommunications, where patents are critical to industry standards. For more details, see: WIPO on FRAND.

<sup>3</sup> World Intellectual Property Organization (WIPO). "A FRAND in Need: Why Establishing Standardized Technologies Is So Complicated." WIPO Magazine, 2021, <https://www.wipo.int/web/wipo-magazine/articles/a-frand-in-need-why-establishing-standardized-technologies-is-so-complicated-69933>.

<sup>4</sup> Huawei Technologies Co., Ltd. v. Samsung Electronics Co., Ltd. [Order - Nonprecedential], No. 18-1979 (Fed. Cir. 2019)

<sup>5</sup> Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), available at [https://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_04b\\_e.htm](https://www.wto.org/english/docs_e/legal_e/27-trips_04b_e.htm) (Accessed: 30-12-24)

<sup>6</sup> World Intellectual Property Organization (WIPO), "Patent Cooperation Treaty (PCT)," <https://www.wipo.int/pct/en/>. (Accessed: 30-12-24)

<sup>7</sup> A patent troll is a company that buys up patents and then threatens lawsuits against businesses that allegedly infringe on those patents, typically without the intention to use the patents for manufacturing or other commercial purposes.

technologies like wind turbines, energy-efficient engines, and semiconductors, are often the result of significant investment in research and development (R&D). The design and implementation of new engineering solutions require substantial resources, time, and expertise. As such, patents play a crucial role in protecting the intellectual property (IP) associated with these innovations, giving inventors the exclusive right to commercialize their inventions for a limited period. This exclusive right allows innovators to recoup the costs associated with R&D, secure returns on their investments, and gain a competitive edge in the marketplace.

For example, Tesla's patents surrounding their cutting-edge battery technology and Ford's patents related to EcoBoost engine technology<sup>8</sup> illustrate the importance of IP protection in the automotive and energy sectors. Tesla's innovation in battery technology not only pushes the boundaries of electric vehicles but also shapes the future of sustainable energy. By patenting these technologies, Tesla ensures its market position as the leader in electric vehicle technology, while also promoting further technological advancements. Similarly, Ford's EcoBoost engine patents enable the company to maintain a competitive advantage in the automotive market, pushing for fuel efficiency without compromising performance. Patents in these contexts drive competition, encourage further innovation, and help companies maintain their leadership in rapidly evolving markets.

However, the highly technical nature of engineering innovations often leads to complex patent disputes. These disputes can arise over the scope of patents, their validity, and whether infringement has occurred. Additionally, in cross-border situations, these issues become even more complicated due to differences in patent examination standards, legal interpretations, and enforcement mechanisms across countries. For example, an invention that is patentable in one jurisdiction may not meet the criteria for patentability in another, resulting in legal challenges and inconsistencies in patent protection.

#### **Case Studies of Cross-Border Patent Disputes in Engineering**

Cross-border patent disputes are an inevitable aspect of the globalized nature of technology and innovation. These cases provide valuable insight into how engineering patents interact with international trade laws, legal systems, and business strategies. Examining high-profile patent disputes in the engineering sector highlights the intricate relationship between technical inventions, IP laws, and international business operations.

##### **Apple Inc. v. Samsung Electronics<sup>9</sup>**

One of the most well-known cross-border patent disputes in recent years involved Apple Inc. and Samsung Electronics. The case revolved around allegations of patent infringement related to smartphone technologies, specifically focusing on patents for design elements, user interfaces, and wireless communication technologies. The litigation was conducted across multiple jurisdictions, including the United States, South Korea, Germany, and Japan, creating a complex web of legal interpretations and strategic maneuvering.

In 2018, the U.S. court awarded Apple \$539 million in damages after determining that Samsung had infringed upon Apple's design patents.<sup>10</sup> This case underscores the high stakes involved in patent disputes, as the economic impact of patent infringement can be significant, especially for technology companies heavily reliant on their patent portfolios. It also demonstrates the challenges of enforcing patent rights across different legal systems, each with its own set of rules and standards for patentability and infringement. Furthermore, the case highlighted the strategic use of national courts by companies seeking to leverage favorable legal environments to gain a competitive advantage in the global market.

##### **Case: General Electric (GE) v. Mitsubishi Heavy Industries**

The dispute between General Electric (GE) and Mitsubishi Heavy Industries (MHI) over wind turbine technologies underscores the importance of patent portfolios in renewable energy innovations. In 2008, GE filed a lawsuit against MHI with the U.S. International Trade Commission (USITC), alleging that MHI's 2.4 MW variable-speed wind turbines infringed upon two of GE's U.S. patents. The central issue involved advanced turbine designs essential for improving the efficiency and reliability of wind power generation. In 2013, the companies settled the dispute through a cross-licensing agreement, allowing both GE and MHI to use each other's intellectual property while retaining ownership of their respective patents. The specific terms of the

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<sup>8</sup> Folkson, Richard, and Steve Sapsford, editors. *Alternative Fuels and Advanced Vehicle Technologies for Improved Environmental Performance: Towards Zero Carbon Transportation*. 2nd ed., Woodhead Publishing, 2022, p. 250.

<sup>9</sup> Apple v. Samsung, 137 S. Ct. 429, 436 (2016)

<sup>10</sup> U.S. Jury Awards Apple \$539 Million in Samsung Patent Retrial." *Reuters*, 24 May 2018, [www.reuters.com/article/technology/us-jury-awards-apple-539-million-in-samsung-patent-retrial-idUSKCN1IIP3RP](https://www.reuters.com/article/technology/us-jury-awards-apple-539-million-in-samsung-patent-retrial-idUSKCN1IIP3RP). Accessed 30 Dec. 2024.

settlement, including financial arrangements, were kept confidential. This case illustrates the strategic use of cross-licensing agreements in resolving patent disputes, particularly in industries where innovation is critical for addressing global challenges like climate change and energy sustainability. It also highlights the role of administrative bodies like the ITC in adjudicating such matters, especially when the technologies in question are central to sustainable development.<sup>11</sup>

#### **Qualcomm v. Apple**

The legal battle between Qualcomm and Apple serves as a noteworthy example of how patent issues intersect with competition law and global supply chains, especially in the semiconductor industry. Qualcomm, a leader in modem chip technology, accused Apple of infringing on several patents related to energy-efficient modem designs, which are crucial for the functionality of smartphones. These chips enable devices to connect to wireless networks efficiently, making them an integral part of the mobile telecommunications industry.

This dispute spanned multiple jurisdictions, including the United States, Germany, and China, reflecting the global nature of the semiconductor supply chain. Although Qualcomm secured favourable rulings in several countries, the case also brought attention to the monopolistic practices within the semiconductor industry, where a few dominant players hold critical patents that control much of the technology used in mobile devices. Eventually, the companies reached a settlement, which included a multi-year licensing agreement, highlighting the economic and strategic significance of patents in the technology sector. The Qualcomm-Apple dispute underscores the interplay between IP law and global market dynamics, particularly in industries with high competition and innovation.<sup>12</sup>

The case studies discussed above demonstrate the essential role of patents in protecting engineering innovations, encouraging competition, and fostering technological advancements. From renewable energy to mobile technology, patents safeguard investments in R&D, incentivize innovation, and support industries critical to addressing global challenges. However, as evidenced by the complex cross-border patent disputes, the enforcement and interpretation of patents across jurisdictions can be a complicated and contentious process. Understanding the intricacies of international patent law and the strategic use of IP in global markets is essential for navigating the evolving landscape of engineering innovations.

#### **Legal Frameworks Governing Cross-Border Patent Disputes**

The resolution of cross-border patent disputes is governed by a combination of national laws, international treaties, and bilateral agreements. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), administered by the World Trade Organization (WTO), establishes minimum standards for IP protection and enforcement across member countries. TRIPS emphasizes the territorial nature of patents while encouraging cooperation among nations to address cross-border disputes. However, TRIPS' enforcement mechanisms have been criticized for their limited ability to resolve disputes efficiently in cases involving advanced engineering technologies.

Additionally, regional agreements such as the European Patent Convention (EPC) and the Unified Patent Court (UPC) aim to streamline patent prosecution and enforcement within Europe. The establishment of the UPC is expected to reduce litigation costs and improve legal certainty for European businesses. In contrast, the United States relies heavily on the extraterritorial application of its patent laws under the doctrine of equivalents and the concept of induced infringement. The Federal Circuit's decision in *WesternGeco LLC v. ION Geophysical Corp.*, which allowed the recovery of foreign lost profits, highlights the US's evolving approach to cross-border patent remedies. These frameworks, while providing mechanisms for dispute resolution, often face criticism for their complexity, inconsistency, and limited applicability to emerging technologies.

#### **Challenges and Emerging Trends**

Cross-border patent disputes in engineering innovations face numerous challenges. These include differences in patent eligibility criteria, disparities in enforcement mechanisms, and the high costs associated with litigation. For example, the divergent interpretations of software patents between the US and the EU create significant barriers for tech companies seeking global IP protection. The territorial nature of patents often leads to forum shopping, where litigants choose jurisdictions perceived to be more favorable to their case. The recent rise in cases filed in the Eastern District of Texas, known for its plaintiff-friendly stance, exemplifies this trend.

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<sup>11</sup> Mitsubishi Heavy Industries, Ltd. "Notice Regarding Settlement of the Patent Dispute between General Electric and Mitsubishi Heavy Industries." Mitsubishi Heavy Industries, 16 Dec. 2013, [https://www.mhi.com/notice/notice\\_131216.html](https://www.mhi.com/notice/notice_131216.html). Accessed 30 Dec. 2024.

<sup>12</sup> *Qualcomm v. Apple*, 2019, U.S. District Court, Southern District of California.

Moreover, the rapid pace of technological advancement often outstrips the capacity of legal frameworks to adapt, leading to ambiguities in the interpretation and enforcement of patents. Emerging trends in patent law, such as the rise of global patent pools and collaborative R&D agreements, aim to mitigate these challenges. The increasing use of alternative dispute resolution (ADR) mechanisms, including mediation and arbitration, offers a cost-effective and flexible approach to resolving cross-border disputes. For instance, the WIPO Arbitration and Mediation Center has handled several engineering-related disputes, providing a neutral forum for international parties.<sup>13</sup>

Furthermore, initiatives such as the Patent Cooperation Treaty (PCT) and the Global Patent Prosecution Highway (GPPH) seek to harmonize patent application processes and reduce redundancies in patent examinations across jurisdictions. The success of programs like the EPO's fast-track opposition procedure demonstrates the potential for procedural innovations to streamline cross-border patent litigation.

### Conclusion and Recommendations

Cross-border patent disputes in engineering innovations present a dynamic and complex intersection of technology, law, and international relations. High-profile cases involving global tech giants like Apple, Samsung, General Electric (GE), and Mitsubishi underscore the multifaceted nature of such disputes and their far-reaching implications for global markets. These cases not only demonstrate the power of patents in safeguarding intellectual property (IP) but also highlight the challenges that arise when patents are enforced across multiple jurisdictions with differing legal systems and regulations.

Patents are undeniably essential in driving technological advancements and promoting innovation. They provide inventors and companies with exclusive rights to their inventions, incentivizing further investment in research and development. However, the effectiveness of these rights becomes blurred in an international context, where differing national IP laws, enforcement mechanisms, and conflicting court rulings can create confusion and inefficiencies. As a result, companies and innovators face significant legal and financial risks in the global market.<sup>14</sup>

To address these challenges, a more cohesive and standardized global approach to patent disputes is necessary. The following recommendations are key to fostering an environment that supports innovation while ensuring fair competition and technological progress:

### Recommendations

- 1. Strengthening International Cooperation and Dialogue:** Cross-border patent disputes require enhanced cooperation between national patent offices, international organizations (such as the World Intellectual Property Organization - WIPO), and governments. By fostering a more collaborative framework for the exchange of information and the resolution of disputes, countries can create a more consistent and unified approach to patent enforcement. Regular dialogues and collaboration between these entities can help address legal discrepancies and streamline the enforcement process across jurisdictions.
- 2. Harmonization of Patent Laws:** Disparities in national patent laws often lead to inconsistent outcomes in cross-border disputes. To mitigate this issue, there should be an increased effort toward harmonizing patent laws across countries. Initiatives to align patent examination standards, patentable subject matter, and patent duration can create a more predictable and transparent global IP landscape. A harmonized framework will reduce the risk of conflicting rulings and foster greater clarity for multinational corporations and innovators alike.
- 3. Promoting Alternative Dispute Resolution (ADR) Mechanisms:** Alternative Dispute Resolution (ADR) methods, such as arbitration and mediation, have proven effective in resolving intellectual property disputes, including patent cases. By encouraging the use of ADR, particularly in international disputes, parties can reach quicker, more cost-effective solutions without the need for prolonged

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<sup>13</sup> See, for example, the divergent approaches to software patents in the US and the EU, as noted in *American Intellectual Property Law Association v. U.S. Patent and Trademark Office*, 681 F.3d 1360 (Fed. Cir. 2012). Furthermore, the territorial nature of patents and forum shopping are discussed in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004). The rise of ADR mechanisms, including mediation and arbitration, has been facilitated by bodies such as the WIPO Arbitration and Mediation Center, with relevant cases available at *WIPO Arbitration and Mediation Center, Dispute Resolution Services* (2024), available at [www.wipo.int](http://www.wipo.int).

<sup>14</sup> See the analysis in *The Role of International Patent Law in Global Trade* by J. Smith (Harvard University Press, 2018).

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litigation in multiple jurisdictions. Encouraging ADR mechanisms, particularly those tailored for patent disputes, can reduce the burden on national courts and offer a neutral ground for resolving conflicts.

4. **Development of AI and Blockchain for Patent Dispute Resolution:** As technology continues to advance, the adoption of innovative tools such as Artificial Intelligence (AI) and blockchain could provide transformative solutions for managing patent disputes. AI-powered tools could streamline the patent search and evaluation process, making it easier to assess patent validity and infringement claims across different jurisdictions. Blockchain technology could offer transparent and immutable records for patent ownership and licensing agreements, reducing the potential for fraud and dispute over patent rights. These technologies could increase the efficiency and fairness of the patent dispute resolution process, promoting quicker and more accurate outcomes.
5. **Creating Global Patent Insurance Mechanisms:** In order to mitigate the financial risks associated with cross-border patent disputes, the creation of global patent insurance mechanisms could be considered. Such a system would allow companies to protect themselves against the financial burden of protracted patent litigation, offering legal and financial support for smaller entities and startups facing potential disputes with large multinational corporations. This approach could help democratize patent rights enforcement and protect emerging innovators in a global market.
6. **Encouraging Proactive Patent Portfolio Management:** Innovators and companies must take proactive steps in managing their patent portfolios to prevent cross-border disputes. This includes conducting thorough patent searches, ensuring the robustness of patents, and engaging in collaborative licensing agreements when appropriate. By negotiating licenses and cross-licenses upfront, companies can prevent costly and time-consuming disputes later on. Publicizing and ensuring transparency in patent portfolios can also prevent the accumulation of patents that may be subject to litigation and facilitate more informed decision-making in patent-related matters.
7. **Fostering Greater Transparency in Patent Litigation:** In cross-border patent litigation, the lack of transparency often results in delays, increased costs, and unfair outcomes. Policymakers and courts should aim to introduce more transparent procedures in international patent disputes, including clearer guidelines on patent validity, infringement, and damages. Furthermore, providing clear information regarding the criteria for deciding jurisdiction and venue could help streamline the legal process and reduce ambiguity.

Thus, the landscape of cross-border patent disputes in engineering innovations requires a delicate balance between protecting intellectual property rights and promoting technological progress. While patents remain central to incentivizing innovation, their enforcement across borders presents unique challenges. A multi-pronged approach, which includes international cooperation, harmonization of laws, the promotion of ADR, and the integration of advanced technologies like AI and blockchain, can pave the way for more efficient and equitable patent dispute resolution processes. The recommendations outlined above aim to create a global framework that not only protects innovation but also fosters fair competition and sustainable technological advancement in an increasingly interconnected world. Through the collaboration of policymakers, legal practitioners, and industry stakeholders, a more predictable and efficient patent system can be achieved, ultimately benefiting the global economy and technological ecosystem.

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