

Transplantations juridiques et asymétries d'intérêts De la coercition à la socialisation

Legal Transplant under Asymmetrical Interests From Coercion to Socialization

Ce projet vise à expliquer la diffusion du droit de la propriété intellectuelle dans les pays en développement.

Several scholars have demonstrated that, in the 1980s, developed countries privileged a strategy based on coercion to promote their IP standards around the world. In the decade following the adoption of the TRIPs agreement, they came to favour the use of law over coercion. Major multilateral agreements were reached at WIPO, more than 50 bilateral agreements were signed with developing nations, and a plurilateral agreement is under negotiation.

This project aims to assess the emergence of a third strategy. Constructivist theory suggests that IP norms could be transplanted to other countries by "norm entrepreneurs" who socialize foreign governments to American and European ideas, values, and beliefs in the IP system. More specifically, this project hypothesizes that U.S. and E.U technical assistance programmes offered to developing countries serves as a carrier for beliefs and, thus, for legal standards.

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