

the paradigm shift in production-consumption patterns and relations.

The entire book is based on the paradigm shift of power from company to consumer and the author's consumer is knowledgeable, risk-taking, able to choose but still confused in his quest of understanding his own identity. This consumer is easily duped by the service industry (banking, insurance sector): '..... the only free choice is to switch banks, if you can find another branch in your neighbourhood and be overcharged and exploited every bit as much.' By tracing the consumer curve from money-rich but time-poor through the money-poor but time-rich, the author repeatedly highlights the confusion of the consumer and his haphazard way of dealing with the marketplace and the offerings of a company.

Although the book revisits old concepts, it is to be commended on the way it creates linkages between the post-modern and globalised economy, old world Marxist capitalism and the confused consumer. The relevance of the book would

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- Aparna Sawhney, *The New Face of Environmental Management in India*, Ashgate Publishing, UK, July-August 2004.

have been increased if the issue of recapturing the lost customer and the second lifetime value of the customer had been discussed. This would have led to the generation of solutions to the much-opposed dynamic volatility of consumption which, to the author, symbolises 'infidelity'. *Understanding the Consumer* is a recommended read for practitioners, professionals and academicians with an interest in psychology. Although the book is disillusioned at times and prescriptive in nature, particularly in the latter half, the author provides sufficient visualisation for the reader through present day examples and cases. Overall, a good, informative and healthy read.

References

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Understanding TRIPs

By M B Rao and Manjula Guru, Response Books, 2003, pp 358, Price: Rs 480.

This book provides quite a comprehensive overview of the Trade Related Aspects of Intellectual Property Rights (TRIPs) agreement under the WTO. This has been one of the most, if not *the* most hotly debated WTO agreement since the conclusion of the Uruguay Round in 1994, and one which has come to exemplify the failure of the multilateral trading system to address developing country interests. In this book, the authors M B Rao and Manjula Guru undertake the difficult task of covering in significant detail the various articles, provisions, and clauses of this rather complex agreement, including issues as wide-ranging as copyrights, patents, undisclosed information, trademarks,

geographic indications, integrated circuits, and industrial designs. The book also provides some discussion of the relationship between intellectual property rights (IPRs) and competition, technology transfer, and investment, mainly from a developing country perspective. It places the debates on these issues in the context of the developed-developing country divide that has come to mark the post-Uruguay Round WTO negotiations and the process of globalisation in general.

The main strength of this book is that it is rich in factual content, both historical and recent. For instance, the authors discuss international IPR agreements such as the Berne, Paris, Vienna, and Rome conventions that preceded the TRIPs agreement, and highlight the role of specialised agencies like WIPO and development agencies like UNCTAD in dealing with IPRs. The authors also provide relatively up to date information on legislation that has been enacted or amended in India to conform to the TRIPs mandate, including the Biodiversity Bill of 2000 and the amendment to the Indian Patents Act. The book discusses a wide variety of cases of IPR violation, such as Radio Mirchi's infringement of recording copyrights, the infringement of Basmati's geographic indications status, and piracy of traditional knowledge in the cases of haldi and neem by Western multinationals. In particular, the discussion of geographic indications, biopiracy, commercialisation of traditional knowledge, and anticompetitive practices of major pharmaceutical companies against generics, is quite detailed. These are issues that are of great importance to India and many other developing countries and are at the centre of the debate characterising TRIPs as an anti-poor, anti-developing country agreement. The book also highlights several cases that have been brought to the WTO's Dispute Settlement forum, especially in the areas of biopiracy and patents and indicates the many ambiguities and unresolved ethical, technical, and legal issues surrounding the TRIPs agreement. The book also grapples with some difficult questions such as the difference between the right to copy ideas versus expression, what constitutes substantive copying or not, and the distinction between different types of IPRs.

However, while there is much to recommend the book, especially from the factual point of view, where the book fails to do justice is in the analysis and interpretation of TRIPs. The authors focus too much on technicalities and specifics of the TRIPs provisions and on legislative changes necessitated by this agreement. Barring some limited and intermittent discussion of issues such as the implications of patents for innovation, cost of drugs, and addressing public health

objectives, or the implications of germplasm piracy for farmers in developing countries, there is little analysis of the likely impact of the various provisions of TRIPs for India and other developing countries. When there is analysis, it is rather general and based on common knowledge. There are no new insights. The discussion could be made much richer, such as in the case of patenting life forms, by analysing the impact on indigenous seed development and agricultural input costs, or in the case of patents and pharmaceuticals, by analysing results of research on patents and innovation and technology transfer to highlight the unclear relationship between the two.

The authors also tend to make sweeping statements without substantiation or analysis, which seems to suggest that these are the authors' *a priori* views on the subject. A case in point is the statement, '... in view of the developing countries raising the implementation issue, one cannot visualize any useful outcome of any attempt to amend TRIPs'. This is a point of view that recurs throughout the book in many forms, but one that is not really substantiated by an analysis of existing facts. If one looks at developments since the Doha Ministerial, the discussions on IPRs have focused on introducing flexibility provisions under TRIPs, especially on the issue of access to medicines and public health. There has been some limited success in this regard in the run up to Cancun. An enumeration of the various articles of TRIPs and the problems encountered thus far with violations of IPRs, does not naturally lead to such an interpretation of the agreement for the future. The authors appear to suggest that developing countries must acquiesce on TRIPs without amendments if they are to get developed countries to implement their obligations in sectors like agriculture and textiles, but this is not clearly spelt out. Without an understanding of the implementation issues and the political economy context to the entire WTO negotiating process, it is unlikely that a reader would be able to understand such broad conclusions. Likewise, even the overall thrust of the authors' point of view that the TRIPs is anti-poor seems to be an *a priori* stand rather than one that falls out of the discussion in the book. It would help if the authors could present different perspectives of researchers and policy makers working on IPRs to make a balanced assessment of the pros and cons and then arrive at such a conclusion.

There is also a problem of too much detail and extraneous information, which dilutes the core issue and the analytical content. Often, the specifics are provided without the overview and context, causing the reader to be lost in a barrage of information but without the proper perspective to interpret this information. For instance, the first two

chapters of the book discuss the international rules and technicalities of the TRIPs and other conventions, and get into details of jurisdiction and enforcement, without first providing the reader with the background to the subject, the political economy of the signing of this agreement, and the Uruguay Round negotiations. Thus, there is a problem of focus and structure in this book. As a result, the reader does not get a clear chronology of the developments on IPRs, both within and outside the WTO and in India, and someone who is a newcomer to this area may find it difficult to navigate through the book as many issues tend to get mixed up or are repeated in different sections of the book.

Overall, this is a book that could serve as a factual primer on the TRIPs and national legislation on IPRs in India. However, its main drawback is that it reads like an agglomeration of facts and legal provisions, with limited analysis, lack of clear focus, numerous editing mistakes, and little attempt to interpret and structure arguments based on evidence.

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