

Divisão de Pós-graduação e Pesquisa – Academia do INPI

Professoras (es): Andrea Hoffmann, Carolina Salgado e Daniel França

Disciplina: Normas internacionais e PI

Código: NIPI.eI.3

e-mail: a_ribeiro_hoffmann@puc-rio.br; carolpuc2012@gmail.com; dfranca@inpi.gov.br

Carga Horária: 36

Créditos: X

Tipo:

Obrigatórias

Eletivas

X

Pré-requisitos: X

Objetivos da disciplina

A disciplina tem como objetivo introduzir e discutir criticamente conceitos, teorias e debates relacionados à área temática das normas, regras e instituições internacionais de forma geral e também com ênfase na propriedade intelectual e em temas correlatos, a partir de uma perspectiva interdisciplinar. Espera-se que o curso proporcione conhecimento abrangente de normas e propriedade intelectual sob a perspectiva de diferentes questões e abordagens teóricas e que forneça as bases para o aprofundamento complementar nas disciplinas obrigatórias dos eixos temáticos do Programa de Pós-Graduação Profissional da Academia do INPI. O curso será composto por três partes: 1) aspectos teóricos de normas; 2) teoria sobre organizações internacionais e arranjos regionais, com ênfase em agentes e agendas de PI; 3) negociações de normas internacionais, com foco em PI.

Ementa

Conceitos e perspectivas teóricas sobre normas na disciplina de Relações Internacionais; Emergência, socialização, difusão, contestação e resistência às normas; compliance; Estudos Interdisciplinares; O Papel das Organizações Internacionais, das Corporações Privadas, da Sociedade Civil e do Estado; Teoria das Organizações Internacionais; Organizações Internacionais, regionais e não-governamentais relacionadas à Propriedade Intelectual e temas correlatos; Propriedade Intelectual e Direitos Humanos; Princípios de comércio relacionados à propriedade intelectual e acordos multi-, pluri- e bilaterais; Negociações de normas de Propriedade Intelectual.

Conteúdo programático - Cronograma de atividades

Aula 1

Apresentação do curso e aula introdutória. Esta parte será uma abordagem histórica e preliminar sobre normas nas relações internacionais, governança global e política da propriedade intelectual.

Aula será dividida em quatro partes:

- a) Apresentação do curso;
- b) Normas nas disciplinas de Relações Internacionais: diferenciação com o Direito

- Internacional; debates do século XX; sistema internacional segmentado (global/regional); premissas funcionalistas;
- c) Governança global e globalização: neoliberalismo, fronteiras, interface entre temas, problematizações e outros atores;
 - d) Noções de governança da PI: teorias e política.

Aulas 2, 3 e 4

As três aulas serão sobre aspectos teóricos de normas internacionais. Essas se dividem em três seções cada ministrada em uma aula:

- a) Conceitos e perspectivas teóricas sobre normas na disciplina de Relações Internacionais;
- b) Mecanismos e instrumentos de difusão e contestação de normas;
- c) Compliance.

Aulas 5, 6 e 7

As três aulas cobrirão o seguinte tema: Governança global e PI: teoria, agentes e negociação. Essa parte do curso entra especificamente no tema de PI. A divisão por aulas será a seguinte:

- a) Organizações internacionais e Governança Global: agentes e agendas;
- b) Política da PI: agentes, justaposições e alternativas;
- c) Abordagens sobre negociações em PI.

Aulas 8 e 9

Essa parte do curso será realizada por meio de exercícios práticos de negociação de normas internacionais de PI.

- a) Simulação de saúde e comércio.
- b) Simulação de indicações geográficas no acordo Mercosul-União Europeia.

Avaliação

A avaliação será composta dos seguintes elementos:

Participação nas aulas (20%)

Participação na simulação (40%)

Trabalho Final – ensaio crítico (40%)

O ensaio crítico deve desenvolver um tópico relacionado ao conteúdo ministrado no curso. Os temas dos trabalhos serão discutidos ao longo do curso. Para tanto, os alunos, também, deverão agendar uma conversa individual com cada professor, para que o tema seja delimitado durante os primeiros meses do curso. O ensaio deve ter entre 5.000 e 6.000 palavras, utilizar Times New Roman 12 e espaço 1,5. Esse deve ser entregue na data a ser combinada com os professores.

Observações importantes:

A presença em 75% das aulas será exigida para aprovação na matéria. Não haverá segunda chamada para a prova. O plágio não será tolerado, e qualquer trabalho plagiado levará à reprovação na disciplina, e não apenas penalidade sobre o trabalho plagiado.

Bibliografia

Textos de leitura obrigatória estão em **negrito**. Os outros são complementares. Os textos serão fornecidos via [dropbox](#).

Aula 1

Primeira parte: Andrea Hoffmann

Clark, I. & Neumann, I. B. (Eds.). 2016. Classical theories of international relations. Palgrave Macmillan, London.

Dunne, T., Kurki, M., & Smith, S. (Eds.). 2013. International relations theories. Oxford University Press, Oxford.

Reus-Smit, C. & Snidal, D. (Eds.). 2008. The Oxford handbook of international relations. Oxford University Press, Oxford.

Segunda parte: Carolina Salgado

Rosenau, James & Czempiel, Ernst-Otto 1992. Governance Without Government: Order and Change in World Politics. Cambridge University Press, Cambridge. [cap.1: Governance, order, and change in world politics];

Sassen, Saskia 2007. A Sociology of Globalization. W. W. Norton & Company, New York, London. [cap.2: Elements of a sociology of globalization];

Zürn, Michael 2018. A Theory of Global Governance: Authority, Legitimacy and Contestation. Oxford University Press, Oxford. [Introduction: Global Governance in Hard Times];

Weiss, Thomas G. & Wilkinson, Rorden 2014. Rethinking Global Governance? Complexity, Authority, Power, Change. *International Studies Quarterly* 58: 207–215;

Acharya, Amitav 2013. Post-hegemonic Multilateralism. In: Weiss, Thomas George & Wilkinson, Rorden (Eds.). *International Organization and Global Governance*. Routledge, London. 192-204;

Krishna, Sankaran 2009. Globalization and Postcolonialism. Rowman & Littlefield Publishers, Lanham. [cap.2: Independence or Neocolonialism? Third-World Development in the Twentieth Century];

Pieterse, Jan Nederveen 2010. *Development Theory. Deconstructions/Reconstructions*. Sage, [cap.12: Twenty-first-century globalization and development: 203-219]

Terceira parte: Daniel França

Braithwaite, John & Drahos, Peter 2002. Information Feudalism. Who Owns the Knowledge Economy? Earthscan, London.

Chon, Margaret 2018. IP and Critical Theories. In: Calboli, Irene; Montagnani, Lillá (eds). Handbook on the Intellectual Property Research (Forthcoming).

Tehrani, John 2012. Towards Critical IP Theory: Copyright, Consecration and Control. *BYU Law Review*, 1233, 4: 1233-1290.

Strange, Susan 2015. States and Markets. Bloomsbury: London, New York. [Cap. 6: The Knowledge Structure].

May, Christopher 2010. A Global Political Economy of Intellectual Property Rights: The New Enclosures. 2d ed. New York: Routledge.

Sell, Susan K. 2003. Private Power, Public Law: the globalization of intellectual property rights. Cambridge: Cambridge University Press.

Orsi, Fabienne & Coriat, Benjamin 2006. The New Role and Status of Intellectual Property Rights in Contemporary Capitalism. *Competition and Change*, Vol. 10, 2, June: 162-179.

Vats, Anjali & Keller, Deidre A. 2018. Critical Race IP. *Cardozo Arts and Entertainment Law Journal*, Vol. 36:3.

Foster, Laura A. 2011. Situating Feminisms, Patent Law, and the Public Domain. *Columbia Journal of Gender and Law* 20, 2: 261–311.

Aula 2: Andrea Hoffmann

Kratochwil, F. 2000. How Do Norms Matter?. In: Byers, Michael (ed.). *The Role of Law in International Politics: Essays in International Relations and International Law*. Oxford University Press, Oxford.

Hurrell, A., & Macdonald, T. 2013. Ethics and Norms in International Relations. In Carlsnaes, W., Risse, T., Simmons (Eds.). (2002). *Handbook of international relations*. Sage. 57-84.

Epstein, C. (ed.) 2017. *Against International Relations Norms: Postcolonial Perspectives*. Routledge, New York.

Adler, E. 2019. *World Ordering: A Social Theory of Cognitive Evolution*. Cambridge University Press, Cambridge.

Barnett, Michael & Finnemore, Martha 2004. *Rules for the World*. Cornell University Press, Ithaca.

Betts, Alexander & Orchard, Phil (eds.) 2014. *Implementation and World Politics: How*

International Norms Change Practice. Oxford University Press, Oxford.

Bull, Hedley 2002 [1977]. *The Anarchical Society: A Study of Order in World Politics*. Palgrave.

Checkel, Jeffrey T. 1997. International norms and domestic politics: Bridging the rationalist—Constructivist divide. *European journal of international relations*, 3, 4: 473-495.

Guzzini, S. 2000. A reconstruction of constructivism in international relations. *European journal of international relations*, 6(2): 147-182.

Hoffman, Matthew 2017. Norms and Social Constructivism in International Relations. In: *Oxford Research Encyclopedia of International Studies*, Oxford.

Kratochwil, F. V. 1991. *Rules, norms, and decisions: on the conditions of practical and legal reasoning in international relations and domestic affairs*. Cambridge University Press, Cambridge.

Onuf, N. G. 2012. *World of our making: rules and rule in social theory and international relations*. Routledge, Columbia.

Panke, Diana & Peterssohn, Ulrich 2012. Why international norms disappear sometimes. *European Journal of International Relations*, 18 (4): 719-742.

Zehfuss, M. 2002. *Constructivism in international relations: the politics of reality*. Cambridge University Press, Cambridge.

Aula 3: Carolina Salgado

Acharya, Amitav 2014. *Rethinking Power, Institutions and Ideas in World Politics: Whose IR?*. Routledge, London. [Parte IV: "Ideas, agency and normative cultures", caps. 8 e 9].

Björkdahl, A., Chaban, N., Leslie, J. & Masselot, A. (Eds.) 2015. *Importing EU norms. Conceptual framework and empirical findings*. Springer. [Introduction: To take or not to take EU norms? Adoption, adaptation, resistance and rejection].

Oliveira, O. P. D. & Faria, C. A. P. D. 2017. *Policy transfer, diffusion, and circulation: research traditions and the state of the discipline in Brazil*. *Novos estudos CEBRAP*, 36(1): 13-32.

Wiener, A., 2017. *A theory of contestation: a concise summary of its argument and concepts*. *Polity*, 49 (1): 109-125.

Checkel, J. 2005. International institutions and socialization in Europe: introduction and framework. *International Organization* 59 (4): 801-826.

Solingen, E. 2012. Of dominoes and firewalls: the domestic, regional, and global politics of international diffusion. *International Studies Quarterly*, 56 (4): 631-644.

March, J. & Olsen, J. 1998. The institutional dynamics of international political orders. *International Organization*, 52 (4): 943-969.

Dobbin, F., Simmons, B. & Garret, G. 2007. The global diffusion of public policies: social construction, coercion, competition, or learning?. *Annual Review of Sociology*, 33: 449-472.

Risse, Thomas 2016. *Domestic Politics and Norm Diffusion in International Relations: Ideas Do Not Float Freely*. Routledge, New York, London.

Niemann, H & Schillinger, H. 2017. Contestation “all the way down”? The grammar of contestation in norm research. *Review of International Studies*, 43 (1): 29-49.

Aula 4: Andrea Hoffmann

Chayes, A., & Chayes, A. H. 1993. On compliance. *International organization*, 47(2): 175-205.

Raustiala, K., & Slaughter, A. M. 2002. International law, international relations and compliance. *International Relations and Compliance. Princeton Law & Public Affairs Paper*, (02-2).

Zimmermann, L. 2016. Same same or different? Norm diffusion between resistance, compliance, and localization in post-conflict states. *International Studies Perspectives*, 17(1): 98-115.

Lamont, C. K. 2016. *International criminal justice and the politics of compliance*. Routledge.: London, New York.

Checkel, J. T. 1997. International norms and domestic politics: Bridging the rationalist—Constructivist divide. *European journal of international relations*, 3(4), 473-495.

Howse, R., & Teitel, R. 2010. Beyond compliance: rethinking Why International law really matters. *Global Policy*, 1(2): 127-136.

Raymond, G. A. 1997. Problems and Prospects in the Study of International Norms 1. *Mershon International Studies Review*, 41(2): 205-245.

Shelton, D. (Ed.). 2003. *Commitment and compliance: The role of non-binding norms in the international legal system*. Oxford University Press, Oxford.

Simmons, B. A. 1998. Compliance with international agreements. *Annual review of political science*, 1(1): 75-93.

Tallberg, J. 2002. Paths to compliance: Enforcement, management, and the European Union. *International organization*, 56(3): 609-643.

Vayrynen, R. 1999. Norms, compliance, and enforcement in global governance. *Globalization and global governance*: 25-46.

Wiener, A. 2004. *Contested compliance: Interventions on the normative structure of world*

politics. *European journal of international relations*, 10(2): 189-234.

Aula 5: Carolina Salgado

Stubbs, Richard 2008. The ASEAN alternative? Ideas, institutions and the challenge to 'global' governance. *The Pacific Review*, 21:4.

Bernhagen, P. & Mitchell, N. 2010. The private provision of public goods: corporate commitments and the United Nations Global Compact. *International Studies Quarterly* 54: 1175-1187.

Hurd, Ian 2015. Myths of Membership: The Politics of Legitimation in UN Security Council Reform. In: Frederking, Brian & Diehl, Paul F.. The politics of global governance: *International Organizations in an Independent World*. 67-84.

Kaldor, Mary 2003. *Global Civil Society: an Answer to War*. Polity, Cambridge. [Cap. 4: Social movements, NGOs and Networks].

Herz, Mônica 2011. *The Organization of American States (OAS): Global Governance Away From the Media*. Routledge, New York. [Cap. 1: The history of the OAS].

Keck, Margaret & Sikkink, Kathryn 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Cornell University Press, Ithaca. [Cap.1: Transnational advocacy networks in international politics].

Zartman, I. W. 2010. Conflict management as cooperation. In: Zartman, I. W. & Touval, S. *International Cooperation: The extents and limits of multilateralism*, Cambridge University Press, Cambridge. 161-181.

Sell, Susan 2013. Who governs the globe?. In: Weiss, Thomas & Wilkinson, Rorden. *International Organization and Global Governance*. Routledge, London and New York.

Aula 6: Daniel França

Muzaka, Valbona 2010. Linkages, contests and overlaps in the global intellectual property rights regime. *European Journal of International Relations*, 17(4): 755-776.

Halbert, Debora J. 2007. The World Intellectual Property Organization. *Journal of the Copyright Society of the USA*, 54 (2-3): 253-284.

Sell, Susan K 2011. TRIPS was never enough: vertical forum shifting, FTAs, ACTA, and TPP. *Journal of Intellectual Property Law*, 18: 447:478.

Drahos, Peter 2010. *The Global Governance of Knowledge: Patent offices and their clients*. Cambridge University Press, Cambridge. [Cap. 1: Patent offices and the global governance of knowledge].

Bartels, Tom & Eimer, Thomas R. 2019. *From consent to consultation: Indigenous*

rights and the new environmental constitutionalism, Environmental Politics: 1-17.

Menezes, Henrique Zeferino 2018. South-South Collaboration for an Intellectual Property Rights Flexibilities Agenda. Contexto Internacional, 40(1) Jan/Apr: 117-138.

Muzaka, Valbona 2011. The Politics of Intellectual Property Rights and Access to Medicines. Palgrave Macmillan, Basingstoke.

Correa, Carlos 2000. Intellectual Property Rights, the WTO and Developing Countries: The TRIPS Agreement and Policy Options. Zed Books, London.

Deere, Carolyn 2009. The Implementation Game: TRIPS Agreement and the Global Politics of Intellectual Property Reform in Developing Countries. Oxford University Press, Oxford.

Borges, Luciana Correia; Carvalho, Pedro Henrique Mota de Menezes; Zeferino, Henrique 2015. Regime Internacional de Propriedade Intelectual: Imposição Normativa Estadunidense através das cláusulas TRIPS-Plus. Revista de Estudos Internacionais 6 (1): 69-88.

South Centre 2014. SDGS: Economic Issues at National and Global Levels. South Centre Papers on Sustainable Development Goals.

Aula 7: Daniel França

Drahos, Peter 2002. Negotiating Intellectual Property Rights: Between Coercion and Dialogue. In: Drahos, Peter & Mayne; Ruth (Eds). Global Intellectual Property Rights: Knowledge, Access and Development. Palgrave Macmillan, New York.

Singh, J. P. 2008. Negotiation and the Global Information Economy. Cambridge University Press, New York. [Cap. 3: Services and intellectual property: multilateral framework negotiations].

Enloe, Cynthia 2004. The Curious Feminist: Searching for Women in a New Age of Empire. University of California Press: Berkeley, Los Angeles, London. [Cap. 2: Margins, Silences, and Bottom Rungs: How to overcome the Underestimation of Power in the Study of International Relations].

Tucker, Karen 2018. Unraveling Coloniality in International Relations: Knowledge, Relationality, and Strategies for Engagement. International Political Sociology, Vol. 12: 215-232

Mertha, Andrew & Pahre, Robert 2005. Patently Misleading: Partial Implementation and Bargaining Leverage in Sino-American Negotiations on Intellectual Property Rights. International Organization, 59, Summer: 695-729.

Adler-Nissen, Rebecca & Drieschova, Alena 2019. Track-Change Diplomacy: Technology, Affordances, and the Practice of International Negotiations. International Studies Quarterly, 63: 531-545.

Odell, John S. et al 2013. Negotiating Agreements in International Relations. American Political Science Association.

Berchvitch, Jacob; Kremenyuk, Victor; Zartman & I. William Eds. 2009. The Sage Handbook of Conflict Resolution. Sage, London.

Buzan, Barry 1981. Negotiating by Consensus: Developments in Technique at the United Nations Conference on the Law of the Sea. The American Journal of International Law, 75, 2: 324-348.

Keohane, Robert O. 1984. After Hegemony: Cooperation and Discord in the World Political Economy. Princeton University Press, Princeton, New Jersey. [Caps. 1, 2, 3 e 4]

Odell, John S. 2013. Negotiation and Bargaining. In: Carlsnaes, W., Risse, T. and Simons, B. A. (Eds.). Handbook of International Relations. Sage Publications, London.

Aula 8: Carolina Salgado

Simulação de negociação sobre acesso a medicamentos entre Brasil e União Europeia.

Documentos serão enviados em breve.

Aula 9: Daniel França

Simulação sobre negociação de indicações geográficas no Acordo Mercosul – UE.

Rodrigo, Camille Bouchet 2018. Geographical Indications, a Strategic Legal Weapon of the EU in its FTAs' Negotiations, with a Focus on the EU/Mercosur Agreement. Dissertação de Mestrado. Universidade de Strasbourg.

Robinson, D. & Gibson, C 2011. Governing Knowledge: Discourses and Tactics of the European Union in Trade-Related Intellectual Property Negotiations. Antipode, 43 (5): 1883-1910.