

## บรรณานุกรม

พระราชบัญญัติคุ้มครองและส่งเสริมภูมิปัญญาการแพทย์แผนไทย พ.ศ.2542 พระราชบัญญัติยา พ.ศ.2510 ราชกิจจานุเบกษา เล่ม 84/ตอนที่ 101/ฉบับพิเศษ หน้า 7/20 ตุลาคม 2510

พระราชบัญญัติลิขสิทธิ์ พ.ศ.2537 พระราชบัญญัติสิทธิบัตร พ.ศ.2522 พระราชบัญญัติคุ้มครองและส่งเสริมภูมิปัญญาการแพทย์แผนไทย พ.ศ.2542

Andrew R Solow and James M Broadus (1995) 'The Meaning of Biodiversity: Issues the measurement of Biological Diversity' 28 *Vanderbilt Journal of Transnational Law* 695.

Article 16c (1)(c), *Directive 2004/24/EC* of the European Parliament and of the Council of 31 March 2004, amending as regards traditional herbal medicinal products, *Directive 2001/83/EC on the Community code relating to medicinal products for human use* [2004] OJ L 136/85, 87.

Article 2, 1(b) of the *Council Regulation* (EC) No 509/2006 of 20 March 2006 on *Agricultural Products and Foodstuffs as Traditional Specialities Guaranteed* [2006] OJ L 93/1, 3.

Bernard O'Connor (2005) 'Protecting Traditional Knowledge: An Overview of Developing Area of Intellectual Property Law' 6/5 The Journal of World Intellectual Property 677, 678

Bernard O'Connor (2005) 'Protecting Traditional Knowledge: An Overview of Developing Area of Intellectual Property Law' 6/5 The Journal of World Intellectual Property 677.

Bernard O'Connor, 'Protecting Traditional Knowledge: An Overview of Developing Area of Intellectual Property Law' (2005) 6/5 *The Journal of World Intellectual Property* 677, 678.

Carlos M Correa (2001) Traditional Knowledge and Intellectual Property: Issues and Options Surrounding the Protection of Traditional Knowledge.

Carlos M Correa, *Traditional Knowledge and Intellectual Property: Issues and Options Surrounding the Protection of Traditional Knowledge* (November 2001) 7.

Chris Wold (1998) 'The Futility, Utility, and Future of the Biodiversity Convention' 9 *Colorado Journal of International Law and Policy* 1, 10.

Chidi Oguamanam, 'Localizing Intellectual Property in the Globalization Epoch: The Integration of Indigenous Knowledge' (2004) 11 *Indiana Journal of Global Legal Studies* 135. 140.

Christopher C Joyner (1986) 'Legal Implications of the Common Heritage of Mankind' 35 International and Comparative Law Quarterly 190

Christopher May (2006) 'Why IPRs are a Global Political Issue' in David Vaver (ed), *Intellectual Property Rights: Critical Concepts in Law*.

Craig D Jacoby (1997), and Charles Weiss, 'Recognizing Property Rights in Traditional Biocultural Contribution' 16 Stanford Environmental Law Journal.

Craig D Jacoby (1997) and Charles Weiss, 'Recognizing Property Rights in Traditional Biocultural Contribution' 16 Stanford Environmental Law Journal.

Daniel Gervails (2005) 'Traditional Knowledge and Intellectual Property: A TRIPS-Compatible Approach' Law Review of Michigan State University.

Daniel M Bodansky (1995) 'The Meaning of Biodiversity: International Law and Protection of Biological Diversity' 28 *Vanderbilt Journal of Transnational Law* 623, 623.

Diamond v Chakrabarty (1980) 447 U.S.303, 309; see also Erin Kathleen Bender+, 'Comment: North and South: the WTO, TRIPS, and the Scourge of Biopiracy' (2003) 11 Tulsa Journal of Comparative and International Law 281, 289. He stated that 'This monumental decision, making "the first patent on life granted by the U.S. patent office," would have a profound affect on both international Intellectual Property (IP) law and on international trade'.

Directive 2004/24/EC of the European Parliament and of the Council (OJ L 136/85, 86).

Dwijen Rangnekar, 'Protecting Geographical Indications: Club Goods and the Dilemmas of Collective Action' (Paper presented at the annual meeting of the Law and Society Association, Hilton Bonaventure, Montreal, Quebec, Canada, May 27, 2008.

Eliana Torelly de Carvalho, 'Protection of Traditional Biodiversity-Related Knowledge: Analysis of Proposals for the Adoption of a Sui Generis System' (2003) 11 *Missouri Environmental Law & Policy Review* 38,51.

Erin Howe, Boonyong Keiwkarnka and Manirul Islam Khan 'Traditional Medicine and Medicinal Plants: Utilization, Policy and Research in Thailand' (2004) 2/1 Journal of Public health and Development 101, 102.

Graham Dutfield (2004) Intellectual Property, Biogenetic resources and Traditional Knowledge 91;

Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore (2004) 5, 5.

Hohfeldian, the American jurist, his analysis points out that the rights come *attached* with correlative duties are important for all property rights. For more information see J W Harris, *Property and Justice* (1996) cited in Matthew H Kramer, 'Book Review' (1997) *The Cambridge Law Journal* 642-6.

Jeremy Philips and Alison Firth, *Introduction to Intellectual Property Law* (Third Edition, 1995).

Johanna Gibson (2005) Community Resources: Intellectual Property, International Trade and Protection of Traditional Knowledge.

K V Krishnamurthy, *Textbook of Biodiversity* (2003) 78; see also N.R. Fransworth, 'Screening Plants for New Medicines.' in E.O. Wilson and F.M. Peter (eds), *Biodiversity* (1988) 212-6.; He also comments that 'According to the World Health Organization, up to 80 per cent of the world's population depends on traditional medicine for its primary health needs'.

Karen W Baer, 'A Theory of Intellectual Property and the Biodiversity Treaty' (1995) 21 *Syracause Journal of International law and Commerce* 259, 272.

Klaus Bosselmann, 'Plants and Policies: The International Legal Regime Concerning Biotechnology and Biodiversity' (1996) 7 Colorado Journal of International Environmental Law and Policy 111, 112.

Matthias Leistner (2004) 'Part III. Analysis of Different Areas of Indigenous Resources' in Silke von Lewinski (ed), *Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore*.

Michael Hassemer (2004) 'Section 2. Genetic Resources' in Silke von Lewinki (ed), Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore.

Nancy Kremers (2004) 'Speaking with a Forked Tongue in the Global Debate on Traditional Knowledge and Genetic Resources: Are U.S. Intellectual Property Law and Policy Aimed at Meaningful Protection for Native American Cultures?' 15 Fordham Intellectual Property, Media & Entertainment Law Journal 3, 12.

Oliver Mills, *Biotechnological Inventions: Moral Restrains and Patent Law* (2005) 123.

Olufunmilayo B Arewa (2006) 'TRIPs and Traditional Knowledge: Local Communities, Local Knowledge, and Global Intellectual property Frameworks' 10/2 *Marquette Intellectual Property law Review*.

Paul J Heald (2003) 'Symposium: Traditional Knowledge, Intellectual Property, and Indigenous Culture: Article: The Rhetoric of Biopiracy' 11 *Cardozo Journal of International and Comparative Law*.

Peter Drahos, *A Philosohpy of Intellectual Property*, 13-39 (1996) cited in Kelan, 'Comment: Property Rights, Individual rights and the Validity of Patent Law Systems' (2000) 71 *University if Colorado Law Review*.

Ronan Kennedy (2006) 'International Conflicts over Plants Resources: Future Developments?'20 *Tulane Environmental Law Journal* 1, 3

S James Anaya, *Indigenous Peoples in International Law* (2<sup>nd</sup> ed, 2004).

Silke von Lewinski (ed), *Indigenous* Sumathi Subbiah, 'Reaping What They Sow: The Basmati Rice Controversy and Strategies for Protecting Traditional Knowledge' 27 *Boston College International and Comparative Law Review*.

Sirividhya Ragavan (2001) 'Protection of Traditional Knowledge' (2001) 2

Minnesota Intellectual Property Review 1, 4.

Sumathi Subbiah, 'Reaping What They Sow: The Basmati Rice Controversy and Strategies for Protecting Traditional Knowledge' (2004) 27 Boston College International and Comparative Law Review 549-55.

Teresa Schroeder (2002) 'Comment: Chinese Regulation of Traditional Chinese Medicine in the Modern World: Can the Chinese Effectively Profit from one of the Most Valuable Cultural Resources?' 11 Pacific Rim Law & Policy Journal 687, 697.

The *Directive on the Legal Protection of Biotechnological Inventions 1998* (Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions, OJ L213. P. 13).

The Institute of Thai Traditional Medicine (2007), Department for the Development of Thai Traditional and Alternative Medicine, Ministry of Public Health.

The International Labour Organization Convention No.107 of 26 June 1957, enter into force on 2 June 1959, United Nations treaties Series 328, 247.

\_\_\_\_\_\_ *No.169* of 27 June 1989, enter into force on 5 September 1991, United Nations treaties Series 1650, 383.

The International Union for the Protection of New Varieties of Plants (UPOV), (2009)

The TRIPS Agreement Article 27, 3(b)

The UNCTAD, 'Report of the International Seminar on Systems for the Protection and Commercialization of Traditional knowledge' (Report of the seminar at the International Seminar on Systems for the Protection of Traditional knowledge (TK), at New Delhi, India, 3-5 April 2002) 3.

The *Universal Declaration of Human Rights* of 10 December 1948, General Assembly Official Record, III, Resolutions, (UN Doc. A/810), 71.

The World Health Organization – Report of the Inter-Regional Workshop on Intellectual property Rights in the Context of Traditional Medicine, Bangkok, Thailand, 6-8 December 2000, WHO/EDM/TRM/2001.1, 17.

Thomas J Krumenacher (2004) 'Protection for Indigenous Peoples and Their Traditional Knowledge: Would a Registry System Reduce the Misappropriation of Traditional Knowledge' 8 *Marquette International Property Law Review*.

Vichi Chockevivat and Anchalee Chuthaputti, 'The Role of Thai Traditional Medicine in Health Promotion' (Paper presented at the 6<sup>th</sup> Global Conference on Health Promotion, Bangkok, Thailand, 7-11 August 2005) 2.

W Lesser, Sustainable Use of Genetic Resources Under the Convention on Biological Diversity: Exploring Access and Benefit Sharing Issue' (1998) 1.

W R Cornish, Intellectual Property: Patents, Copyright, Trade Marks, and Allied Rights (Forth Edition, 1999) 3.

World Health Organization (WHO) Legal Status of Traditional Medicine and Complementary/ Alternative Medicine: A Worldwide Review (2001) 141.

World Intellectual Property Organization (WIPO), *Intellectual Property and Traditional Knowledge* (WIPO Publication No. 920 (E), Booklet No.2) 4, (n.d.).

World Health Organization - WHO Traditional Medicine Strategy 2002-2005, WHO/EDM/TRM/2002.1.

WHO, WHO Traditional Medicine Strategy 2002-2005, WHO Geneva (2002), 1.

## เว็บไซต์

http://www.wto.org/english/thewto\_e/minist\_e/min03\_e/min03\_e.htm

http://www.cbd.int/ convention/parties/list. Shtml

http://www.cwis.org/fwdp/drft9329.html

http://www.asianlii.org/cn/legis/ cen/laws/ rotpototem652/

http://works. bepress.com/daniel\_ gervais/3>or< http://aix1.uottawa.ca/~dgervais/publications/TRIPS,%20DOHA%20&%20TRADITIONAL% 20KNOWLEDGE%20(DRAFT).pdf

http://www.ipthailand.org/ipthailand/index.php?option=com\_content&task=category&sectionid=17&id=104&Itemid=183> at 10 February 2013.

http://www2.ohchr.org/english/issues/indigenous/groups/groups-02.htm

http://www.wipo.int/tk/en/laws/tk.html

http://www.who.int/medicines/ areas/traditional/definitions/en/index.html

http://www.asianlii.org/cn/legis/cen/laws/rotpototem652/

http://www.austlii.edu.au/

http://www.wipo.int/tk/en/laws/tk.html

http://who.int/medicines/areas/traditional/definitions/en/

http://au.encarta.msn.com/ encyclopedia 1481590757/biopiracy.html9

http://www.canmexworkshop.com/documents/ papers/I.3.pdf

http://www.sedos.org/english/shiva.htm

http://www.encyclo.co.uk/define/biopiracy

http://www.grain.org/front/

http://caae.phil.cmu.edu/cavalier/Forum/meta/background/Rawls.html

http://www.wipo.int/about-ip/en/

http://www.stats.govt.nz/products-and-services/nz-in-the-

## oecd/whatistheoecd.htm

http://www.who.int/social determinants/links/events/alma ata/en/index.html

http://www,dtam.moph.go.th

http://www.whothailand.org/EN/ Section4 230.htm

http://www.wipo.int/treaties/en/ip/ berne/trtdocs wo001.html

http://www.wto.org/english/thewto\_e/minst\_e/min03\_ e/brief\_e/br...

http://www.upov.int/index en.html

www.bioversityinternational.org> at 31 January 2013.