

Education and research on “Intellectual Property”: questions and concerns



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“Intellectual Property”

- Education and research must provide a critical perspective
- Facts are important – from the historical role of intellectual creativity, to the today's economics and policy options
- At least in education and research, dogma should be avoided

The logo graphic consists of a vertical black line on the left, a horizontal black line below the text, and three overlapping squares: a yellow one at the top left, a red one at the bottom left, and a blue one at the bottom right.

UNU-INTECH

- The UNU's institute on innovation, technology and economic development
- Merging with Maastricht Economic Research Institute for Innovation and Technology (MERIT, University of Maastricht)
- MERIT is Europe's (and among the world's) leading institutes on research on economics of innovation



Creativity: property or process

- Protecting creativity is a balance between protecting existing creations and enabling future creations
- Treats “works of the human spirit”^[WIPO] as static “property” rather than as dynamic “innovation”



Economic incentives to create

- “Intellectual Property” provides an incentive to extract maximum revenue from extant works (=protection of land)
- This may be an incentive for the creation of new works, but not always
- IP is not a natural property right; it is treated in law as a state-granted monopoly justified by social benefits



Facts on development

- Today's developed nations depended on the violation of others' IP rights (UK, NL vs Germany; US vs UK; Japan vs US)
- Today, developing countries try to copy rich nations' early development behaviour, by copying their IP
- Global harmonisation prevents this, but also makes allowances for poor nations



Facts on economics

- Creativity with non-traditional IP models
- Open science – the history of collaborative academic production
- Open source / Free software: Debian GNU/Linux is 55 million lines* - what a company would need 2,300 persons & 6 years to reproduce: US\$ 1.9 billion

*in 2001; it is now over 100 million lines of code, representing twice as much value.



Facts on economics

- Monopolies can be anti-competitive
- TRIPS Article 40 allows national copyright laws to control IPRs in case of anti-competitive abusive use of rights
- Marieb's "Human Anatomy Update 3rd" costs US\$125 in Malaysia = \$1153 in the US, adjusted for GDP/cap! A fair price, or IPR monopoly abuse?



Facts on policy options

- “IP awareness in developing countries” education should provide full awareness, not a dogmatic view
- Flexibilities exist to allow developing countries to adapt their systems in the light of historical and economic facts
- The Doha Declaration emphasises these, and the WIPO Development Agenda emphasises this role for WIPO



A good education?

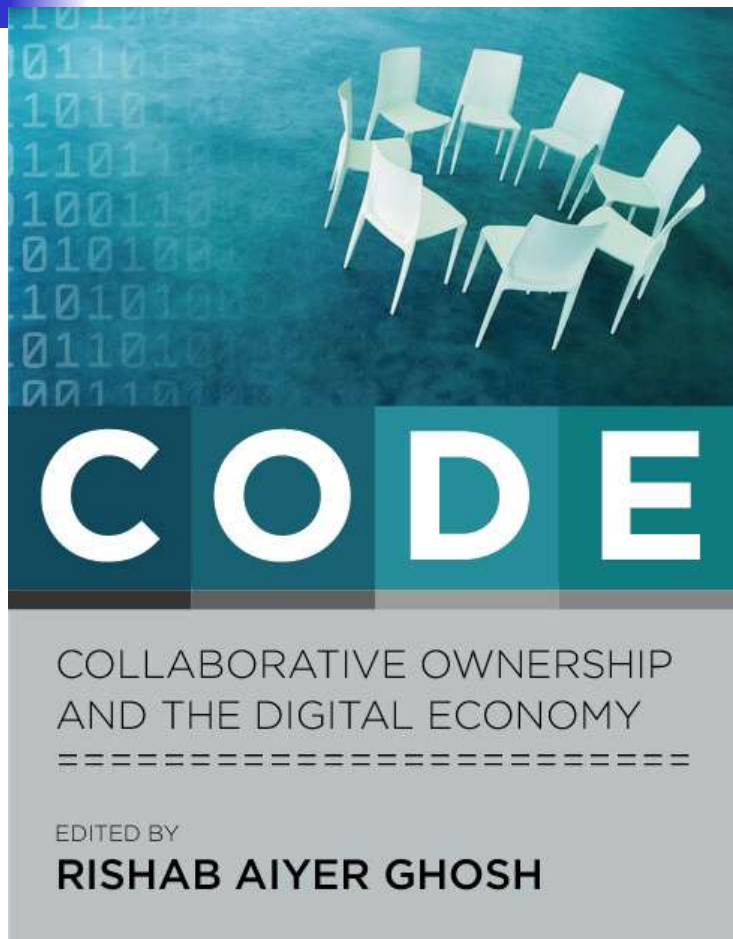
- Only Mongolia, Philippines affirmed the right to issue compulsory licenses for textbook translation (allowed by Berne Appendix)
- Indonesia, Papua New Guinea limit number of copies of works that can be made for teaching purposes (not required by Berne Convention)



A good education?

- Simplified explanations are essential for policy-makers, but they tend to be one-sided (patent infringement: “theft” or independent invention?)
- Education of policy shapers emphasises interests of (usually foreign) rights-holders, such as enforcement
- Education should emphasise interests of society at large: awareness of competition and IPR abuse (TRIPS Article 40), compulsory licensing...

More information



**CODE: Collaborative
Ownership and the
Digital Economy**

MIT Press, 2005
Rishab A. Ghosh, ed.

www.merit.unimaas.nl
www.intech.unu.edu