

WIPO Expert Forum on Technology Transfer

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Discussion of S. Musungu (2014), “Intellectual Property-Related Policies and Initiatives in Developing Countries to Promote Technology Transfer”

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Highlights

- ▶ IPR policies/initiatives in Developed Countries (North) to facilitate technology transfer to Less Developed (South)
- ▶ Independently, another paper written on similar theme:
 - ▶ W. Park, P. Krylova, L. Reynolds, and O. Barder (2014) *Europe Beyond Aid: Evaluating Europe's Contribution to the Transfer of Technology and Knowledge to Developing Nations*, Center for Global Development (CGD) draft. <http://www.cgdev.org>
- ▶ Recommendations
 - ▶ Patent Disclosure (clearer standards)
 - ▶ Border Measures: IPR should not constrain Exports, including goods-in-transit.
 - ▶ Exports of Goods produced under Compulsory Licensing
 - ▶ Licensing: ease restrictions on location of use; esp. publicly funded innovations.



Critiques

- ▶ **Role of Patent Disclosure?**
 - ▶ Better disclosure standards; availability of databases & search tools
 - ▶ Improve access to knowledge, but the quality/utility of inventive knowledge in a patent varies
 - ▶ Basic vs. Applied Knowledge
 - ▶ No 'Substitute' for putting patented invention to practice.

- ▶ **Other policies in North (cf. CGD study and Maskus, 2005*)**
 - ▶ Factors affecting availability/use of information in the Public Domain:
 - ▶ Government Support for R&D by Socioeconomic Objective
 - ▶ Software, Plant & Animal Patenting, Experimental Use Exceptions
 - ▶ Database Protection, Technological Protection Measures (TPM)
 - ▶ TRIPS-Plus FTAA

▶ *K. Maskus (2005), "Components of a Proposed Technology Transfer Index: Background Note"
<http://www.cgdev.org/initiative/commitment-development-index/inside>

Critiques

▶ Initiatives

- ▶ Health
- ▶ Food Security
- ▶ Climate Change

▶ Other: Mobile Money & Banking

- ▶ Diffusion in Kenya (M-Pesa), Tanzania, and Uganda
- ▶ Advantages for low-income, rural communities
- ▶ Innovations come from 'North'
- ▶ Potential IP Issues
 - ▶ U.S. Supreme Court Ruling (2014): *Alice Corp vs. CLS Bank International*
 - ▶ Yet, patenting continues in financial software & mobile banking
 - ▶ Competition from Apple, Google, Microsoft
 - ▶ Risk of 'Weak' Patents, Thickets/Blocking, Litigation, Inability to form Patent Pools ...
 - ▶ Impacts on diffusion and TT in the South?



Thank you.

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