

Public Use and Exclusivity by Intellectual Property

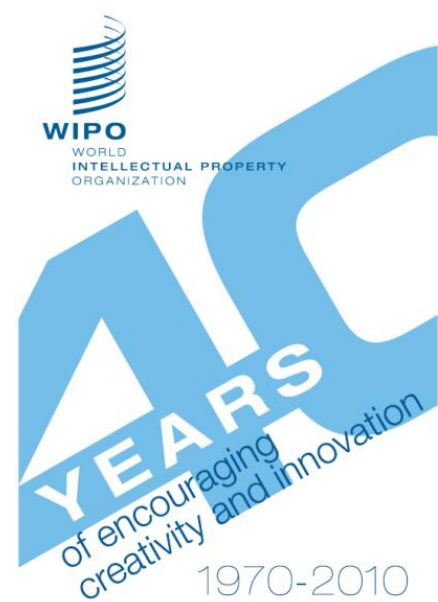
World Intellectual Property Organization
WIPO Japan Office, Head

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WIPO Background

- Specialized agency of the United Nations
- 184 Member States
- 250+ accredited observers



*“Developing a **balanced and accessible** international **intellectual property system**, which rewards **creativity**, stimulates **innovation** and contributes to the economic, social and cultural **development** of all countries, while safeguarding the **public interest**.”*



WIPO Development Agenda

- Adopted in 2007
- 45 recommendations divided into six clusters:
 - technical assistance and capacity building
 - norm-setting, flexibilities, public policy and public domain
 - technology transfer, ICT and access to knowledge
 - assessment, evaluation and impact studies
 - institutional matters including mandate and governance
 - other issues
- Committee on Development & Intellectual Property (CDIP)
- 17 projects so far

“the protection and enforcement of IPRs should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations”

Article 7, TRIPS Agreement.



Global Challenges

climate change – desertification – epidemics - access to health care -
food security - preservation of biodiversity

- How to strike the balance between the incentive to create (producers) and the diffusion of the social benefit of the innovation (consumers)?
- How to increase the capacity of developing countries to manage intellectual property, enable technology transfer and promote local innovation?



WIPO Contribution (1)

- Policy input:
 - Studies
 - Forum for dialogue
- Technical assistance:
 - National IP and Innovation Strategies
 - National innovation infrastructure
- Capacity building:
 - Workshops on patent drafting, IP licensing & technology transfer for research institutes
 - Technology & Innovation Support Centers (TISCs)



WIPO Contribution (2)

- Increasing access to knowledge



- Cooperation & Platforms
 - IGOs
 - Private sector



Climate Change – Key Issues

- Technology : the essential source of anthropogenic climate change and also part of the solution.
- The role of the patent system for the generation, dissemination and publication of new technologies
- How to ensure that critical innovations do not bypass the developing world?
- How can factors that stimulate innovation be integrated into R&D strategies, national production capacities, effective regulatory systems and sound IP management?
- How can transfer and diffusion of relevant mitigation and adaptation technologies worldwide be accelerated?



Climate Change, Patents & Technology Transfer

- A patent on a particular technology is not a barrier in itself to transfer of technology; nor does it guarantee that the technology will be fully exploited in all possibly beneficial ways;
- The absence of an enforceable patent right in a certain country does not in itself provide any guarantee of technology transfer;
- The transparency of the patent system, if effectively exploited, can in itself serve as a major boost to technology transfer:
 - track significant technological developments & trends
 - avoid duplicative R&D, and enable technological leapfrogging
 - organize & structure technology transfer arrangements



Climate Change & IP

Beyond Patents

Responses to climate change require use of all forms of IP:

- protection of undisclosed information or trade secrets
- certification and collective marks, geographical indications and other distinctive signs;
- undisclosed information and regulatory data;
- plant variety protection/farmers rights (adaptation)
- suppression of unfair competition, including as misleading claims about carbon offsets.



WIPO, IP & the UNFCCC Process

- Background
- Latest developments (Cancun 2010)
- WIPO Contribution
 - Policy input
 - Side events
 - Forum for discussion



Public-Private Cooperation

Development of a platform to facilitate partnerships & exchange of green technologies:

- in collaboration with JIPA (GTPP)
- for the benefit of all developers of green technologies worldwide
- specifically set up to support developing country access

Partnership hub / forum providing three main services:

- Database of environmentally sound technologies;
- Packaged technology including know-how, services and materials;
- Supporting activities – partnering facilitation, licensing negotiation, financing & licensing guarantees, dispute resolution

CALL FOR PARTNERS



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