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

Walter G. Park
American University, Washington, D.C.
Highlights

- IPR policies/initiatives in Developed Countries (North) to facilitate technology transfer to Less Developed (South)

- Independently, another paper written on similar theme:

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?