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WIPO scheme to give patents to poorest

Corporations more willing to share intellectual property

THE WORLD INTELLECTUAL PROPERTY ORGANISATION is preparing a scheme in which corporations would give free access to IP to the poorest developing countries, its director general Francis Gurry has announced.

Speaking at the Spanish EU Presidency's Science Against Poverty conference in Segovia on 8 April, Gurry said the Global Responsibility Licensing initiative would allow companies to issue free licences in food security, health and environment technologies.

"Essentially, voluntarily a corporation would agree to make available free of charge its technologies where they have no market—usually a humanitarian situation or where there are no consumers," said Gurry at the conference. WIPO will launch the initiative formally at the World Economic Forum at the Swiss ski resort Davos in January 2011.

The scheme was devised by James Moody, a member of WEF's young leaders network and development director at Australia's national research agency, and Siobhan Walsh, from NGO Concern Worldwide in Dublin. It is now being developed further by a committee comprising WIPO, the WEF and representatives from the law, research, business, NGOs, and philanthropic organisations such as the Bill and Melinda Gates Foundation.

Moody confirmed to *Research Fortnight* that corporations are on board, but is not yet prepared to name names. "We are in discussion with large holders of IP, but it is too premature to announce the particular members," he said. The group aims to sign up 10 companies by the end of the first year of operation with 5,000 patents available for use, rising to 1,000 companies and 500,000 patents after five years.

Moody acknowledges that giving free IP for "humanitarian use" has not been easy to define. Among the proposals on the table are that free access to patents could be given to those in countries where incomes are below \$1.25 a day, or those needing "emergency aid". More details will be announced at the January launch.

The initiative is the latest in a series in which corporations are opening up their IP. One of the reasons for this is their thinning product pipelines. Another

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reason is that in return for granting access to IP, they can get access to new money for development research from governments and from philanthropists such as Bill Gates.

"A lot of studies by UN agencies have shown that, so far, the benefits of technology transfer have been for the more advanced countries," says Alhaji Tejan-Cole, a lawyer for the African Agricultural Technology Foundation, based in Kenya. The AATF provides a smaller-scale but similar service to the proposed WIPO initiative and includes Monsanto and BASF as partners.

But at least one leading observer of IP is advising caution. Graham Dutfield, professor of international governance at the University of Leeds, says freeing up access to IP will not automatically lead to a revolution in new products for the developing world. "Sometimes patents are tied together and to exploit an invention, a single patent itself wouldn't give you access," he says. "A patent also doesn't always give all the information that you need. So it's not as easy as it looks."

Dutfield also predicts that getting companies on board will not be difficult. "If they can see a certain value in showing they are agreeing to license on humanitarian grounds; that can be turned into advertising, and some of the companies do have bad names," he says. "There must be an interest in doing this, because they're not charities."

Moody says companies could benefit in other ways, such as by obtaining information about emerging markets. He also hopes the scheme will drive more research on development issues, alleviating the concerns of those researchers who avoid working in areas where the landscape is crowded with patents.

WIPO may also benefit from driving the proposal, says Dutfield. "WIPO has had some criticism in the past. Gurry knows that [WIPO] will get a lot more criticism if all it does is promote IP. That's an image he wants to reject."

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