

**WIPO HIGH LEVEL FORUM ON THE GLOBAL IP INFRASTRUCTURE
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**“International Cooperation in Building an Equitable and
Effective Global IP Infrastructure for the Promotion of
Innovation”**

As quoted by Justice Holmes “the life of the law has not been logic, it has been experience”.

Every country has its own laws and way of doing things based on its economy, cultural experiences and national interest. What may be logic for a developed country happens to be a cumbersome experience for a developing country.

Building of equitable and effective global IP infrastructure comprises of laws and regulations of the institution involved in the management of IP. Equity must prevail in giving effect to a global IP infrastructure model otherwise all efforts will be futile. Harmonization of IP standards is a first step towards global IP-Infrastructure for promotion of innovation. A second step is harmonization of the enforcement options available to IP owners.

Developing states are typically seeking cooperation to better the IP system’s R&D efforts. Need cooperation in developing an appropriate IP policy and IP management infrastructure, which will cover many of the leading research institutions and inventions in the country.

Besides, policy or legal reforms or approaches to reform should be adoptable to national legal, political and economic situation. Due to economic crisis in developing countries and lack of linkage between international laws and

national norms of developing countries, developing countries merely make perfunctory efforts at conforming to TRIPS and barely borrow the basic idea of emerging institutional ownership of IP. Simply the national economy of developing countries is unable to absorb new technologies and IP infrastructure into existing legal framework or economic situation.

Laws and policies should be appropriately devised to advocate a uniform application of the laws and norms that promote commercial stability adequate to support innovation and national interest.

Therefore, laws and policies should be formulated in the light of international and national systems and experiences of all states. Effective and equitable global IP infrastructure should be based on a business model that would promote national innovation system and an internationally feasible IP strategy.

Today, international cooperation is desired at regional, national and international level especially to formulate conducive IP policies and strategies. It is quite challenging to integrate the present international IP policies and strategies over national economic plans. It is essential that proper economic and social research is conducted so that there is a positive linkage between the laws, norms and the national interest of each state.

We are seeking cooperation for appropriate training for judiciary and lawyers. Judicial misunderstanding of the IP system and its purposes and processes is a primary problem. As a result of which intellectual and industrial property are not viewed as reliable support for commercial infrastructure and hinders the promotion of innovation. The idea is to achieve a uniform and predictable application of the law that would promote commercial stability adequate to support intellectual and industrial innovation. In drafting laws, the overarching consideration is the national interest. A duly trained

judiciary system would better understand and correct the policy misperception that hinders technological advance.

There is a dearth of skilled manpower in most of the developing countries. IP cuts across various disciplines such as technology research, design, manufacture management, data computation and analysis, information technology, legal IPR and trade related matters. Also, law and economics are merging in the recent times. Multidisciplinary experts are required to match pace at global level. Cooperation is required to provide opportunities to hold joint degree programs for science, engineering, economics and law. Cooperation is necessary to train experts in multidiscipline so that there is harmonization in the global IP infrastructure and everyone's interest is assessed appropriately.

Cooperation is necessary to devise a national IP impact assessment system at national and international level and proper research should be conducted to evaluate the impact of any norm that has been agreed at international level. International forum should develop norms and policies duly considering its effect on the developing countries. There should be committees to review and seriously examine the impact and purpose of the norms or policies proposed or determined at international level.

In the present scenario it is felt that the international policy makers are trying to strap different developing countries into rigid norms that risk damaging their international competitiveness. One size does not fit all. To make an effective global IP infrastructure it is essential to make equitable laws and policies which are suitable worldwide.

The global IP infrastructure is a union of IP structures of all countries which are included in the world community. The idea in this is an evolving platform to promote development of the IP infrastructure at the regional, national and international level.

International cooperation is necessary in targeting certain key areas. These targets should be achieved taking into account different national circumstances for the establishment of an equitable and effective global IP infrastructure to promote innovation. The global environmental factors, which generate a favorable environment for inventions and innovations, are:

- the state of science and technology;
- the legislative, legal, fiscal and financial environment;
- the scientific and entrepreneurial culture; and
- human resources and their level of knowledge and education.

In giving effect to these objectives, goals and targets, special attention should be paid to the need of developing countries.

Following areas seek international cooperation leading to an equitable and effective global IP infrastructure for the promotion of innovation:

- (a) Necessary human capacity building programs should be developed by all countries, taking into account different circumstances to match the needs of countries and their citizens.
- (b) Devise joint degree programs in multidiscipline.
- (c) Impact assessment committees should be included in the action plans to evaluate the impact of norms and policies on developing countries.
- (d) In order to alleviate the challenges of book and software piracy in developing countries; develop affordable technologies to facilitate people's access to non-pirated books and software.

- (e) Undertake international research and development efforts aimed at assessing impacts of introducing a new norm or strategy for international application.
- (f) Support technology infrastructure, for instance Technology Business Incubators, Technology Parks, and Small Business Technology Transfer Programs (SBTTR).
- (g) Design and produce ICT equipment and services at affordable rates so that every one has easy and affordable access to them including the developing nations, and promote the development of technologies and applications suited to their needs. Such a measure is essential to eradicate piracy of CDs and DVDs in developing countries.
- (h) Support the creation and development of a digital public library and fostering world wide cooperation between libraries.
- (i) Encourage initiative to support free and affordable access to journals and books, and open archives for scientific information.

Global IP infrastructure will only be an effective business model if the norms are equitable internationally. Considering the economic crisis faced by Pakistan international cooperation is necessary at international forum to extend support in striking a balance in affordability. Basic necessities such as books and software should be imported into developing countries at low prices; this measure would control piracy of books to some extent. Moreover, publishing rights should be given to Pakistan as they are provided to our neighboring country India. CDs and DVDs should also be sold at affordable prices so that infringing copies are not sold and distributed in the markets. It is superficial to believe that prices of products produced and sold in developed countries could be available at similar costs in developing countries as well. For example a book that costs 50 pounds in United Kingdom shall cost approx 6000 Rupees in Pakistan. Six Thousand Rupees (PKR 6000) is the minimum wage rate of an employee in Pakistan under Pakistan labor laws. Similarly medicines for tuberculosis cost approx Rupees

Three Hundred (PKR300) a month whereas in US the medicines for tuberculosis could cost about two hundred and fifty dollars (\$250). Developing countries including Pakistan that have recently developed or improved their IP policies still grant most of their products to foreigners. Hence, the patent system is primarily being used to protect imported technologies.

Therefore an IP Infrastructure should be build that is globally feasible and effective. It should not just suit developed countries and become an unbearable pressure for developing countries.