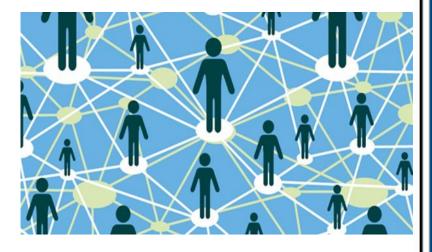
# Strategic Application of WIPO's Technical **Assistance to** Accelerate Innovation-**Driven Development**

Dr. Stanley P. Kowalski Director

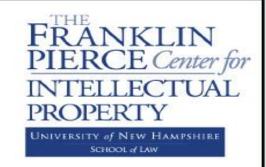
**International Technology Transfer Institute (ITTI)** 





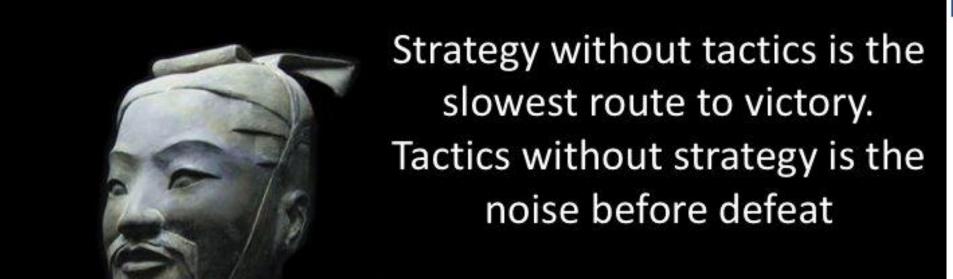


- 1) Overview of Webinar/Theme
- 2) WIPO Development Agenda
- 3) Accelerated Innovation-Driven Development (Need)
- 4) ASPAC Region Challenges
- 5) IP Paradigms
- 6) Innovation Driven Development (Details)
- 7) Strategic Capacity Building
- 8) Recommendations





University of New Hampshiri School of Law



Sun Tzu



### Theme of Webinar

Technical Assistance (TA) is about Tactics.

Therefore, to have sustainable impact ...

Technical assistance programs should be strategically delivered to and focused in member states.

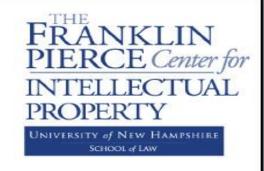


World Intellectual Property Organization (WIPO)
Development Agenda

To assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to ... making national IP institutions more efficient

and promote fair balance between intellectual property protection and the public interest.

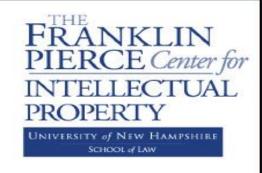




World Intellectual Property Organization (WIPO) Development Agenda

Increase human and financial allocation for technical assistance programs in WIPO for promoting a, inter alia, development-oriented IP culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on intellectual property.

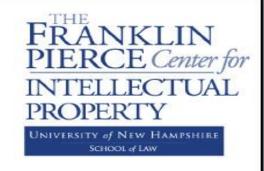




World Intellectual Property Organization (WIPO) Development Agenda

The first proposal for the establishment of a development agenda for WIPO (document WO/GA/31/11) was submitted by Argentina and Brazil at the 2004 General Assembly, and subsequently supported by 12 other developing countries.



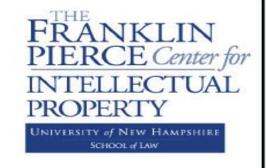


World Intellectual Property Organization (WIPO) Development Agenda

Sixteen years have passed. Where are we now?

For Starters: Many of the WIPO Technical training and educational programs are excellent (I've worked in several of them). For example...



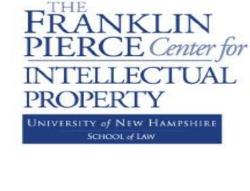






The WIPO Academy is the core entity in WIPO for training and human capacity-building activities, particularly for developing countries, least-developed countries (LDCs) and countries in transition..



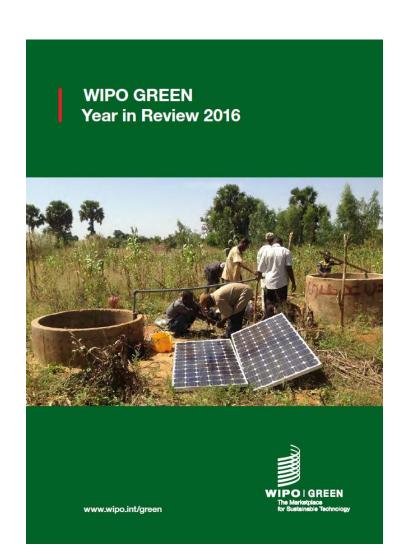




The WIPO Technology and Innovation Support Center (TISC) program provides innovators in developing countries with access to locally based, high quality technology information and related services, helping them to exploit their innovative potential and to create, protect, and manage their intellectual property (IP) rights.

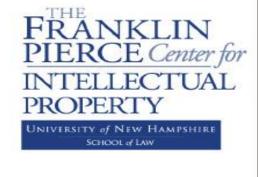






WIPO GREEN, an interactive marketplace that connects technology and service providers with those seeking innovative solutions, was established by the World Intellectual Property Organization (WIPO) in 2013.







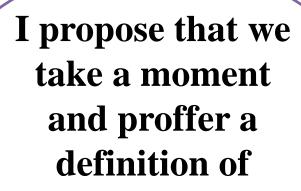


However, in order to achieve accelerated and sustainable impact, such WIPO technical training programs need to be coordinated with member country development initiatives.





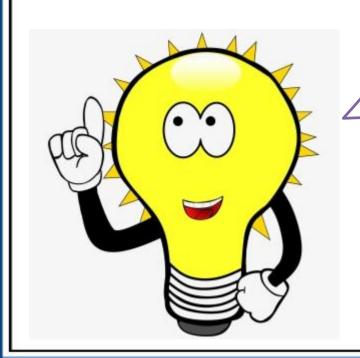




"Development"!



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ORGANIZATION



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Development: real improvements in people's quality of life and wellbeing.

Development: social outcomes and environmental sustainability.

OECD (2018), Perspectives on Global Development 2019: Rethinking Development Strategies, Perspectives on Global Development, OECD Publishing, Paris.



The benefits from innovation go beyond income alone: the unmeasured welfare gains from improvements in health and longevity are thought to be almost as large as those measured by GDP per capita.

Cirera, Xavier, and William F. Maloney. The innovation paradox: Developing-country capabilities and the unrealized promise of technological catch-up. The World Bank, 2017.





- ➤ More investment in technical skills through both formal education and lifelong learning.
- ➤ A more effective national innovation systems.
- ➤ Greater support for entrepreneurship and for the start-up of new technology-based companies.

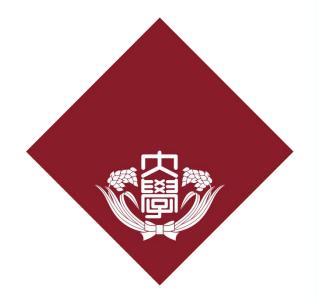
OECD (2018), Perspectives on Global Development 2019: Rethinking Development Strategies, Perspectives on Global Development, OECD Publishing, Paris.





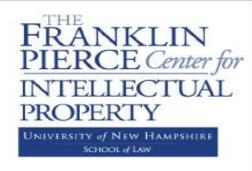
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- Creating an environment that stimulates research and development by public and private entities.
- Leveraging information and communications technology.



Tsunekawa, Keiichi, and Yasuyuki Todo, eds. Emerging States at Crossroads. Springer, 2019. Waseda Univ. Japan.

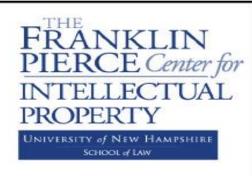




## **Proposed Development Definition:**

Broad-based human, societal and environmental progress via establishment of indigenous, dynamic, sustainable, globally networked innovation ecosystems.





# Development is a

# major undertaking.

It cannot be achieved via ad-hoc, piecemeal, willy-nilly programs. It must be strategic, focused and sustained.





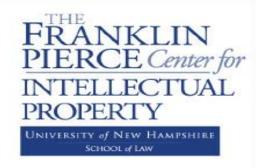


"[E]ach country has <u>primary responsibility for its own</u> <u>economic and social development</u>, while acknowledging that the scale and ambition of the new agenda requires a revitalized Global Partnership ... to <u>mobilize</u> all available resources."

(CDIP Twenty-Third Session Geneva, May 20 to 24, 2019)

"mobilize" strategically.



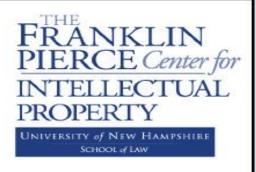


"mobilize" strategically, define strategy and tactics:

Strategy = ?

Tactics = ?





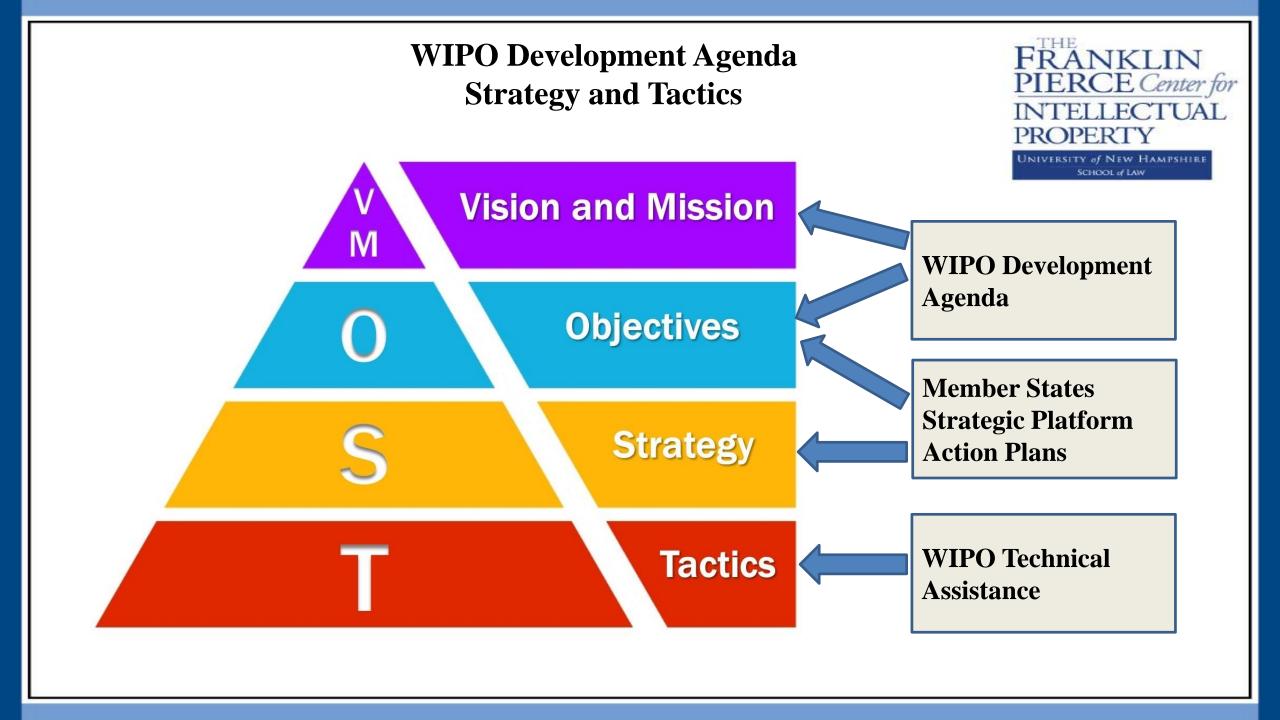
Strategy is a plan to achieve objectives and actualize a vision.

Tactics are the activities to achieve the strategy, progressing from milestone to milestone.



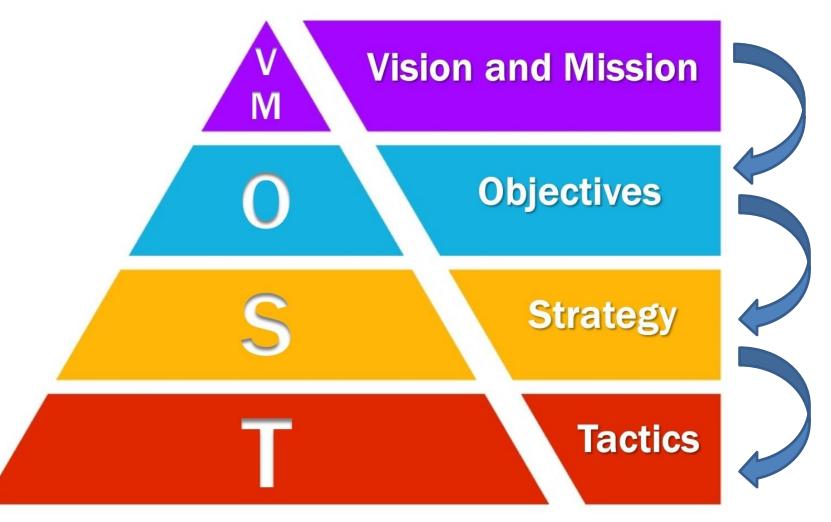


Objective ... accelerated/sustainable innovation-driven development to diversify from commodity over-dependence and/or middle-income trap persistence (MNC FDI, labor-intensive manufacturing and export-led growth).



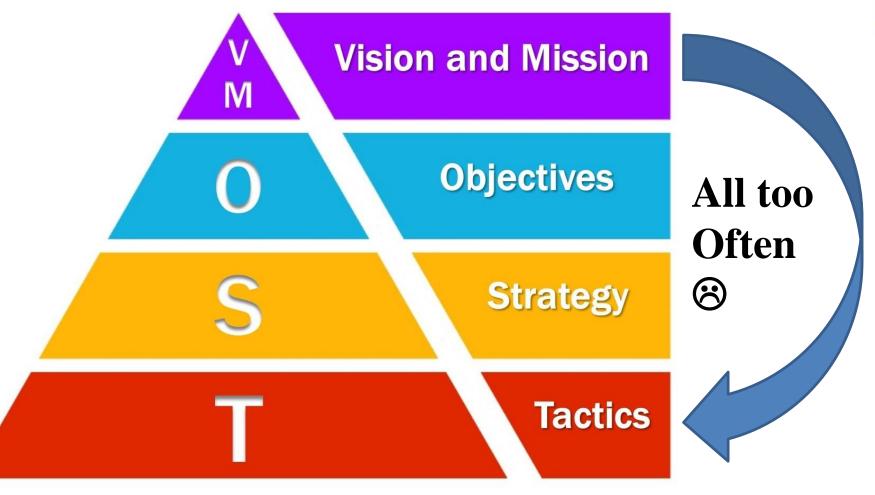
WIPO Development Agenda
Sustainable systematic execution (ideally): from Vision to Strategy
to Tactics



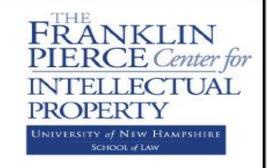


WIPO Development Agenda
"Implementation" From Vision directly to Tactics





### WIPO Development Agenda Sustainable systematic execution : from Vision to Strategy to Tactics



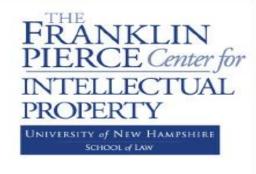


Airport =
Member State
Strategic Action
Plan

Airplane = Tactics







**Airplane = WIPO TA** 

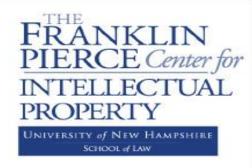
Airport = Member State Strategic Innovation Platform





Global
Partnerships in
Development:
WIPO, Member
States and Others,
e.g., AUTM



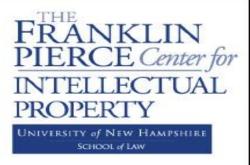


"The Transfer of Appropriate Technology for the benefit of LDCs ... to contribute to the national knowledge and skills capacity transformation ... in the management, administration and utilization of technical and scientific information with a view to building their appropriate technology bases and meeting nationally identified development needs."

(CDIP Twenty-Third Session Geneva, May 20 to 24, 2019)

"building ... appropriate technology bases" strategically.





The specific objectives of the transfer of appropriate technology include:

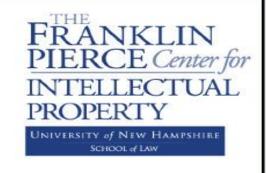
- 1. To facilitate greater use of appropriate technical and scientific information in addressing nationally identified needs for the achievement of the development goals;
- 2. To transform national knowledge, skills and build institutional capacity in the use of technical and scientific information for identified development needs; and
- 3. To coordinate the retrieval of appropriate technical and scientific information and provide appropriate expertise in those technical areas for the application of the appropriate technology in a practical and effective manner.

(CDIP Twenty-Third Session Geneva, May 20 to 24, 2019)





Strategic Application (Delivery) of WIPO's Technical Assistance to Accelerate Innovation-Driven Development



# Important/Urgent Need for Accelerated Innovation-driven Development

Now in the 21st Century; accelerated economic diversification and development is crucial for the emerging economies: rapidly emerging global innovation marketplace.





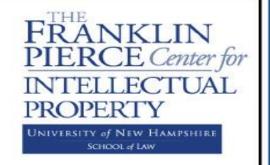
21st Century Increasingly Driven by Knowledge-**Based, Innovation-Driven Development** 





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Keith E. Maskus, "Economic Development and Intellectual Property **Rights: Key Analytical** Results from Economics," in Peter Menell and David Schwartz, editors, The **Economics of Intellectual Property Law: Volume 2** Analytical Methods, (London: Edward Elgar), **2018**, in press.

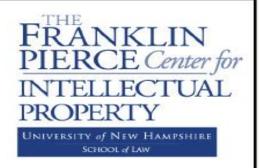


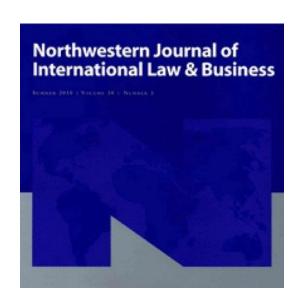


For most developing economies, *incoming international* technologies are the primary source of new information, productivity gains, and economic growth. *International* technology diffusion is therefore a major determinant of global technical change and increasing such flows is a critical part of economic development policy. It is equally vital to adapt technologies to local conditions and learn how to use and improve them. Countries seeking access to foreign technologies therefore build into their innovation systems the entire policy complex involving skill accumulation, investment, competition, R&D support, and IPRs.





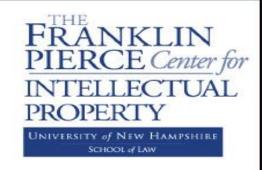




Baldia, Sonia. "The transaction cost problem in international intellectual property exchange and innovation markets." Nw. J. Int'l L. & Bus. 34 (2013): 1-52.

Indeed, innovation in the 21st century is a highly interactive, multidisciplinary process that involves cooperation among a growing and diverse network of organizations and individuals across national borders. Such a partnering model is referred to as "networked" or "open" innovation.







Stevens, Ashley J. "An emerging model for life sciences commercialization." *Nature biotechnology* 35, no. 7 (2017): 608.

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[In] natural-resource-rich economies, where money is available, the skills needed to manage the risks of investing in technology development are frequently absent. Resource rich economies have little experience in managing market risk—there is no market risk in oil, gas or mineral projects. There is certainly technical [and pricing] risk ... but markets for the products exist. As a result, technology investment pools in such countries are frequently mismanaged.

# **Asia-Pacific Region**

Inertial forces forestalling innovation-driven development



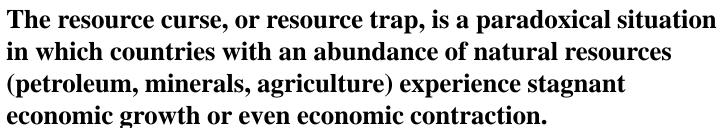




# Resource curse



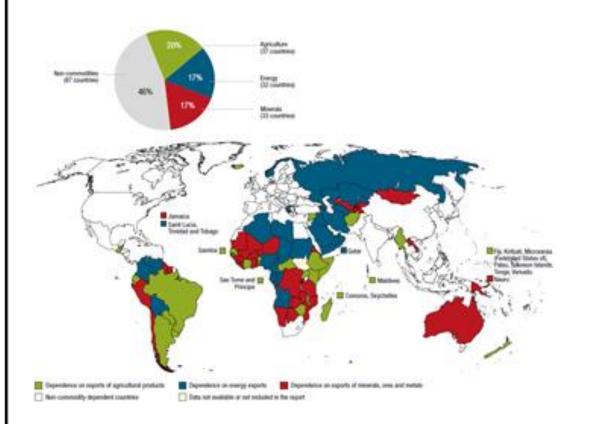






#### **Resource curse**





#### Patent applications and grants by origin

#### A17. Equivalent patent applications by origin, 2018



Note: Platest filing activity by origin includes resistent applications and applications filed atmost. The origin of a patent application is stetermined by the residence of the first natived applicant, applications filed at regional offices are considered equivalent to multiple applications in the relevant interests the glossary for the definition of equivalent applications.

Source: WIPO Drattato's Database, August 2019.

# Middle income trap

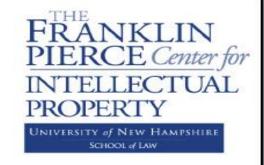


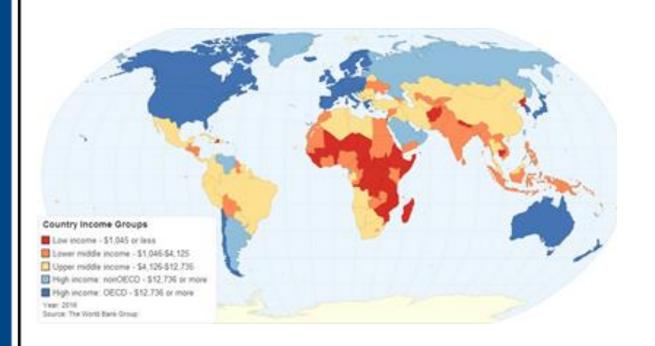




The challenge is to move from resource-driven growth that is dependent on cheap labor and capital to growth based on knowledge innovation, technology transfer and intellectual property.

#### Middle income trap





#### Patent applications and grants by origin

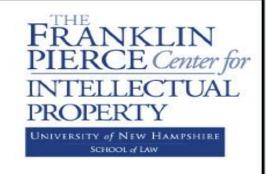




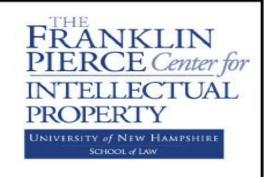
Note: Platent Bing activity by origin includes resident applications and applications Red abroad. The origin of a patent application is determined by the residence of the first named application. Bind at regional offices are considered equivalent to multiple applications in the relevant member states. See the glossory for the definition of equivalent application.

Source: WIPO Statistics Detailines, August 2016.

The traditional growth paradigm in developing countries of labour-intensive manufactured exports seems to have reached its limits. (OECD (2018)

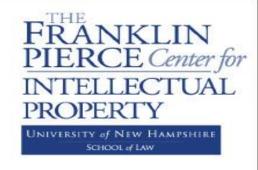


The resource curse and middle-income trap predominate and thereby hinder and delay investment in strategic innovation development.



But can't we wait until later in the century to finally get around to this?

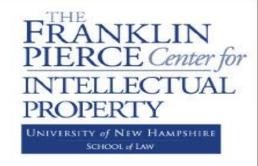




NO



# **ASPAC Challenges Fragile/Failed States**







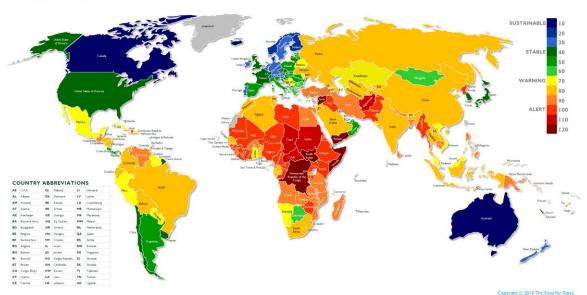
States' vulnerability to conflict or collapse, poverty and migration. Impact can be regional or global.

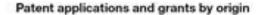
#### **Fragile/Failed States**





#### THE WORLD IN 2019





member states. See the glossory for the definition of equivalent application.

Sission: WIPO Statistics Database, August 2019.



the residence of the first comed applicant. Applications fied at regional offices are considered equivalent to multiple applications in the relevant

Erosion of legitimate authority to make collective decisions; Inability to provide reasonable public services;

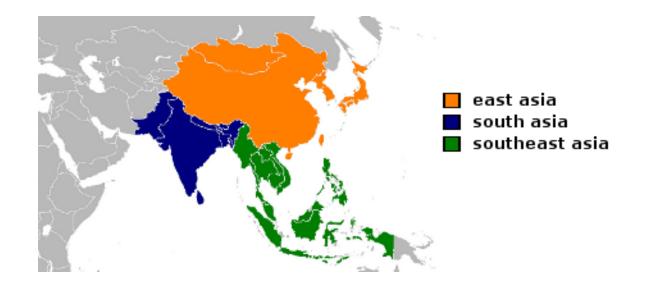
Loss of physical control of its territory or a monopoly on the legitimate use of force; Inability to interact with other states as a full member of the international community.

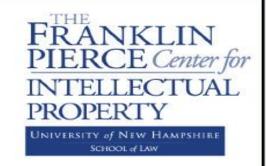
https://fragilestatesindex.org/

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# **Examples of Countries from the Asia Pacific Region**

- > Indonesia
- > Philippines
- > Vietnam
- > Korea

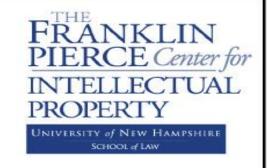




# **Examples of Countries from the Asia Pacific Region**

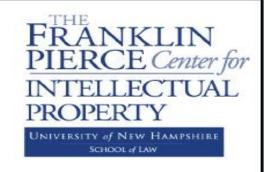
> Indonesia



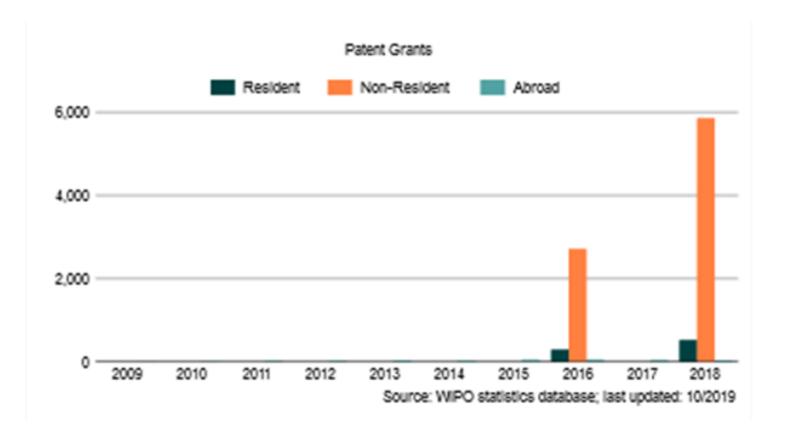


# But who are the top IP owners in Indonesia?

Hint: It is not the Indonesians. ©



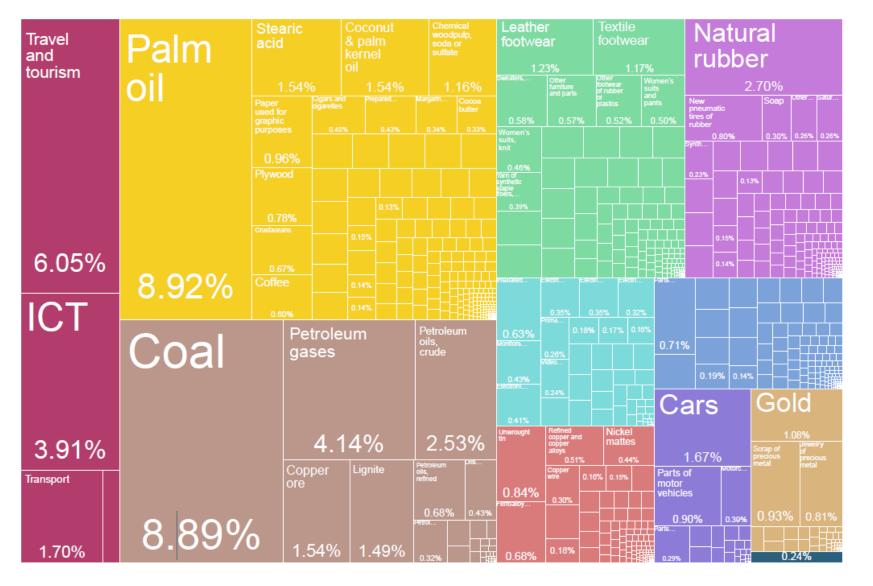
		Applicants	
	<b>No</b> a 134,964 13,213	Name	No
Countries Name Indonesia PCT Source: Pate		QUALCOMM INCORPORATED	3,212
		HONDA MOTOR CO., LTD.	1,631
		UNILEVER N.V.	1,383
		HALLIBURTON ENERGY SERVICES, INC.	1,107
		BASF SE	1,027
		KAO CORPORATION	982
	1	NIPPON STEEL & SUMITOMO METAL CORPORATION	936
		NOVARTIS AG	929
		QUALCOMM INC	880
		NESTEC S.A.	866



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Indonesia Patenting

#### \$207B





# **ASPAC Challenges**

What did Indonesia export 2017

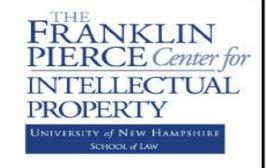


# **Examples of Countries from the**

Asia Pacific Region

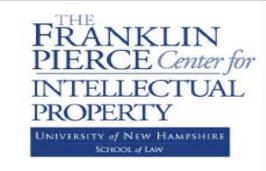
> Philippines





# But who are the top IP owners in The Philippines?

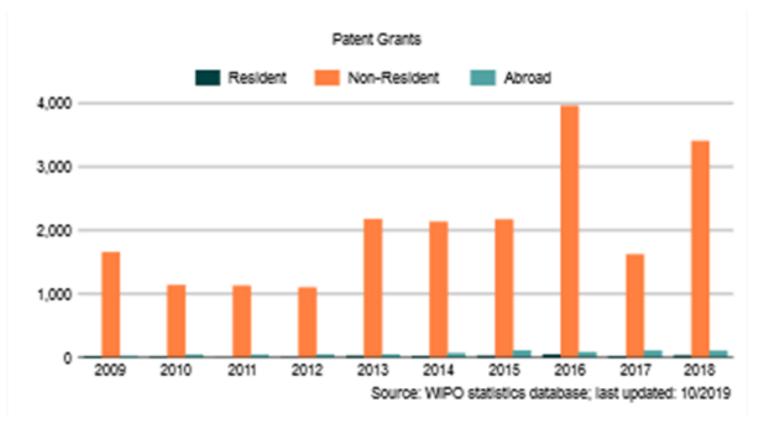
Hint: It is not the Filipinos. ©



Name	No
PCT	37,156
Philippines	26,004

Source: PatentScope

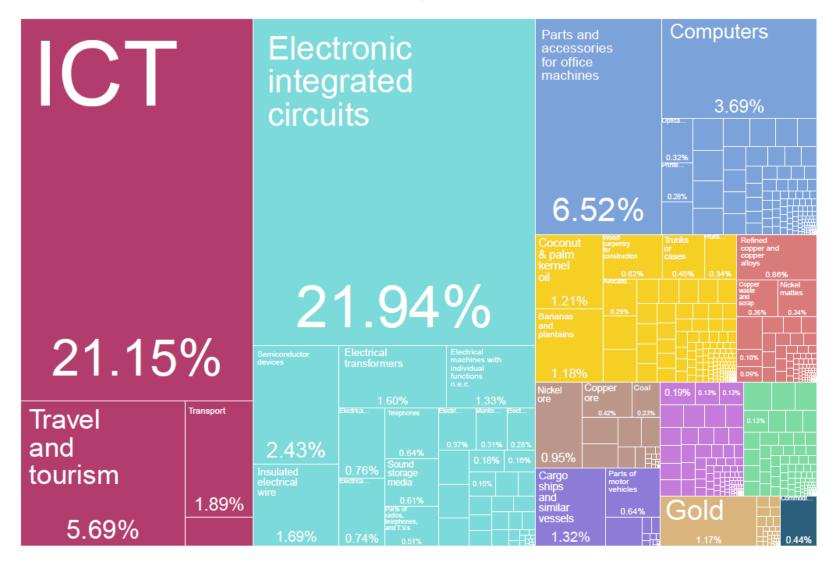
Name	No
NESTEC S.A.	1,278
QUALCOMM INCORPORATED	1,076
NOVARTIS AG	954
COLGATE-PALMOLIVE COMPANY	920
UNILEVER PLC	702
UNILEVER N.V.	681
PHILIP MORRIS PRODUCTS S.A.	652
F. HOFFMANN-LA ROCHE AG	638
BOEHRINGER INGELHEIM INTERNATIONAL GMBH	626
ASTRAZENECA AB	522



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**Philippines Patenting** 

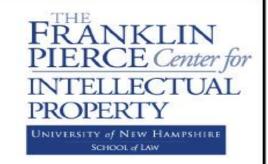
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# **ASPAC Challenges**

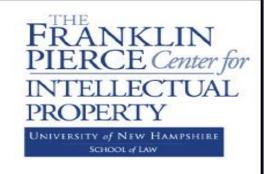
What did Philippines export 2017



# Examples of Countries from the Asia Pacific Region

> Vietnam





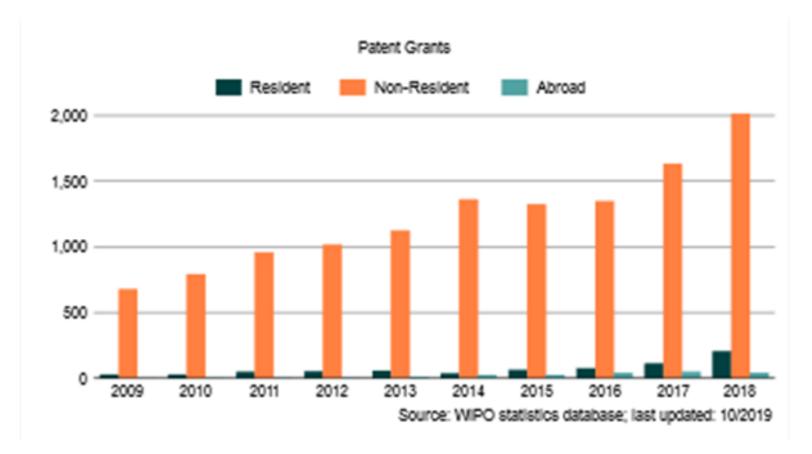
# But who are the top IP owners in Vietnam?

Hint: It is not the Vietnamese. ©



#### **Applicants**

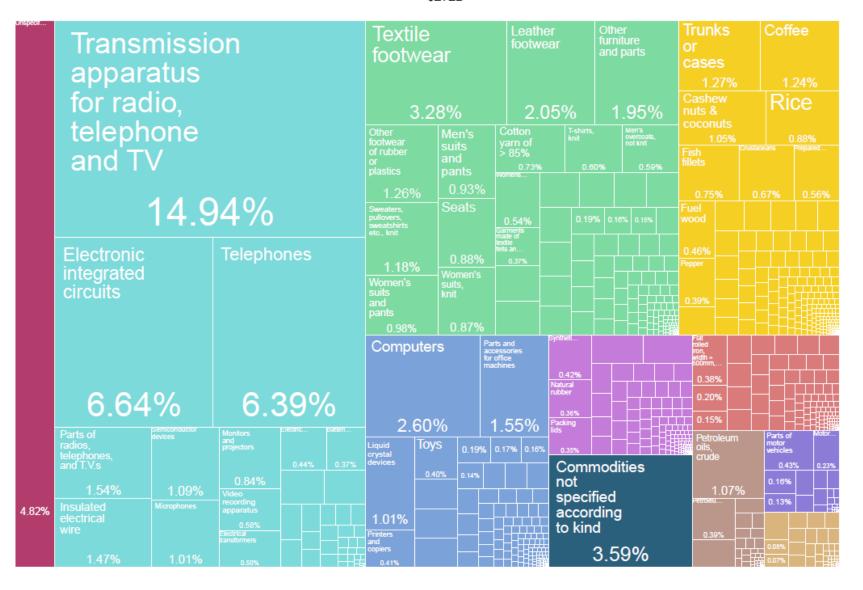
		Name	No
		HONDA MOTOR CO., LTD.	763
		QUALCOMM INCORPORATED	572
Countries		THE PROCTER & GAMBLE COMPANY	487
Name	No	NOVARTIS AG	459
Viet Nam 59,938		SAMSUNG ELECTRONICS CO., LTD.	427
PCT 2:	5	UNILEVER N.V.	419
Source: PatentScope		Yamaha Hatsudoki Kabushiki Kaisha	414
		SONY CORPORATION	405
		HONDA GIKEN KOGYO KABUSHIKI KAISHA	351
		Qualcomm Incorporated	297



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Vietnam Patenting

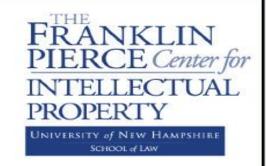
#### \$272B





# **ASPAC Challenges**

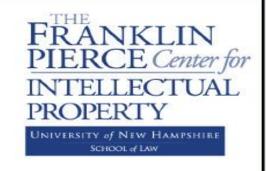
What did Vietnam export 2017



# Examples of Countries from the Asia Pacific Region

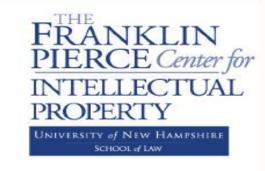




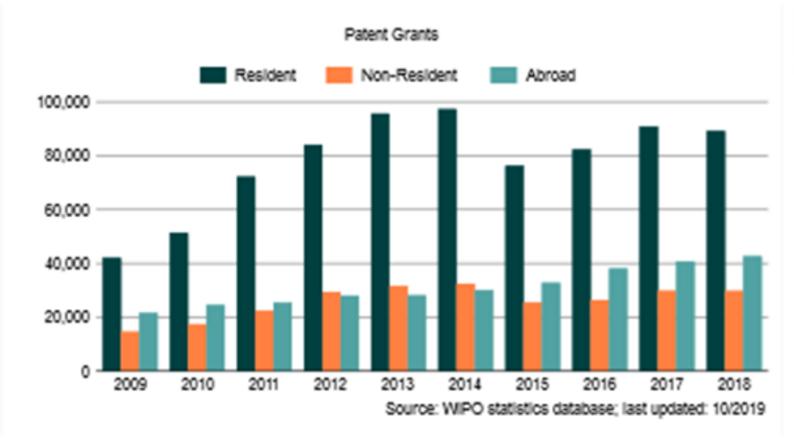


# But who are the top IP owners in Korea?

Hint: It is the Koreans. ©



	Applicants	
	Name	No
	SAMSUNG ELECTRONICS CO., LTD.	164,186
Countries	SAMSUNG	129,468
Name No	LG ELECTRONICS INC.	106,805
Republic of Korea 4,191,190	LG	91,602
PCT 490,993	HYUNDAI MOTOR COMPANY	55,592
Source: PatentScope	HYUNDAI	46,676
	Yoon Jong-yong Samsung Electronics Co., Ltd.	44,609
	HYNIX SEMICONDUCTOR INC.	44,020
	Kwangho Samsung Electronics Co., Ltd.	34,423
	Bae Soon-Hoon Daewoo Electronics Co., Ltd.	30,239

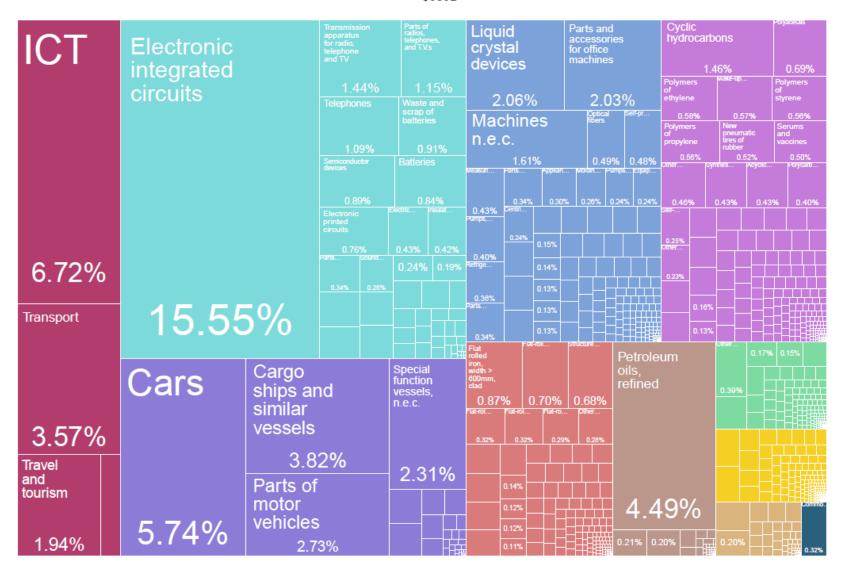


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Korea Patenting

#### \$689B





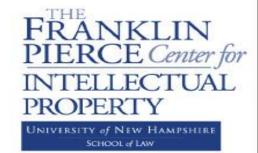
# **ASPAC Challenges**

What did Korea export 2017 There is No Choice: The World is Moving Fast...

With or Without You!

Catching up is difficult. It means learning how to run faster than the competitors (who are already running quite rapidly)

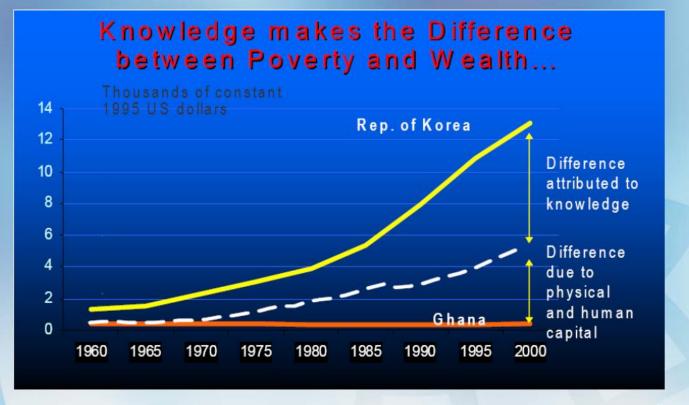




# **ASPAC Challenges**

Courtesy Dr. Al Watkins, World Bank

## But Many Countries Are Not Yet Running Fast Enough!!

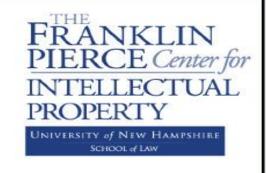




## **ASPAC Challenges**

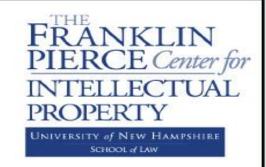
Courtesy Dr. Al Watkins, World Bank





## Four Intellectual Property Rights Paradigms

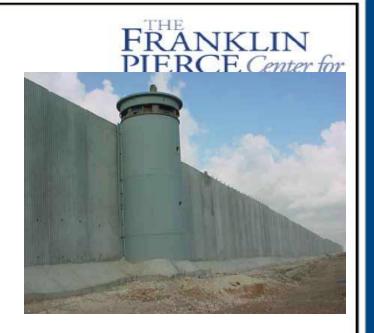
## IP as a barrier?





## IP as a barrier?

- Patent Monopolies
- > Patent Thickets
- Compulsory Licensing
- Blocked Access to Medicines
- ➤ Blocked Access to Environmentally Sound Technologies
- > MNC Global Domination of Innovation Markets

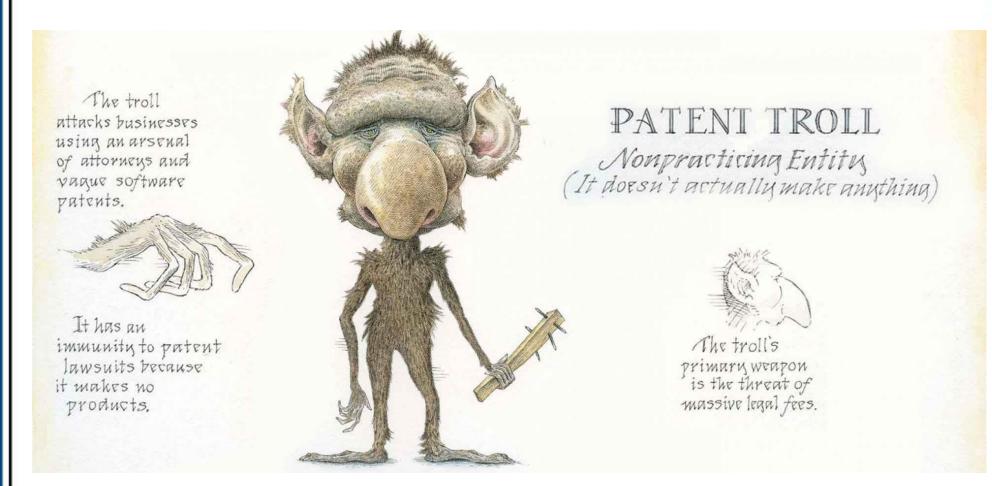




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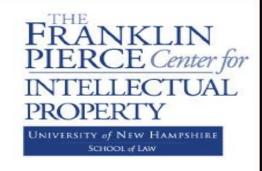
IP as a weapon?



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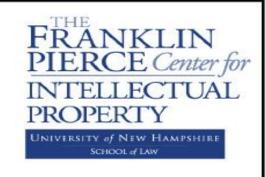
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IP as a weapon?



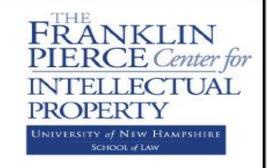
## IP as a Windfall?





The "Money Truck"
Fallacy – a Patent is not a Printing Press for Money





### Or, IP as part of a system?





#### IP as part of a system?

- > IP Rights as Incentives
- ➤ IP Rights as Transaction Mechanism for Technology Transfer (system of transferable property rights)
- ➤ IP Rights and Open Innovation Paradigm (Technology Assembly)
- > IP Rights as an Investment
- > IP Rights as a Means to Enter Global Markets
- > Patent Information as Driver of Innovation





tasks traffic solution team technology testing security developer systems

Transcription processes analysis prototyping page developer structure optimization team technology testing security developer systems

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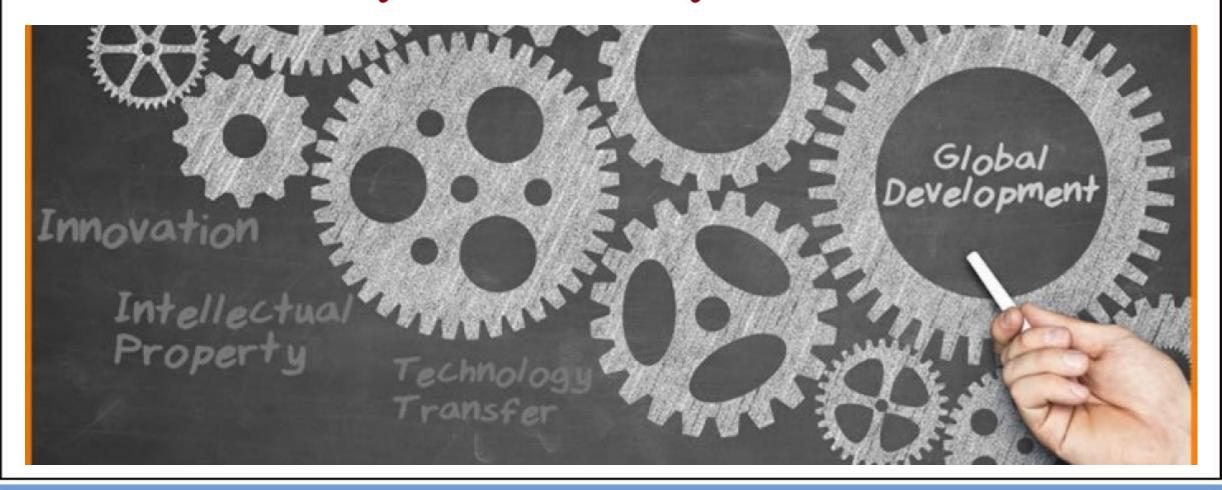
Transcription specification users architecture update source maintenance network planning coding systems.

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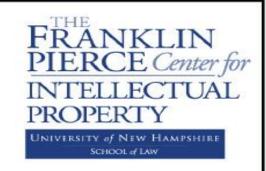
Transcription specification users architecture update source maintenance network planning coding systems.

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#### **Development Paradigms:**

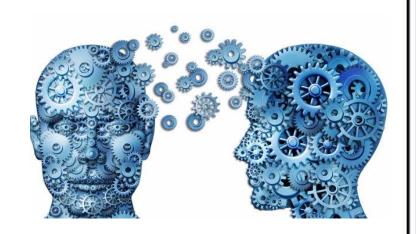


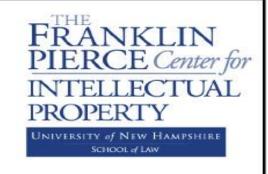
What is the objective?

1) Accelerate establishment of globally connected innovation ecosystem ...

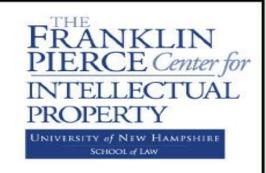
Or

2) Make money from IP "riches"?





# Intellectual Property (IP) or Innovation Driven Development



Developing Countries are (primarily) consumers, not generators, of innovation.



IP-Driven Development (to find IP to protect and make \$\$\$)

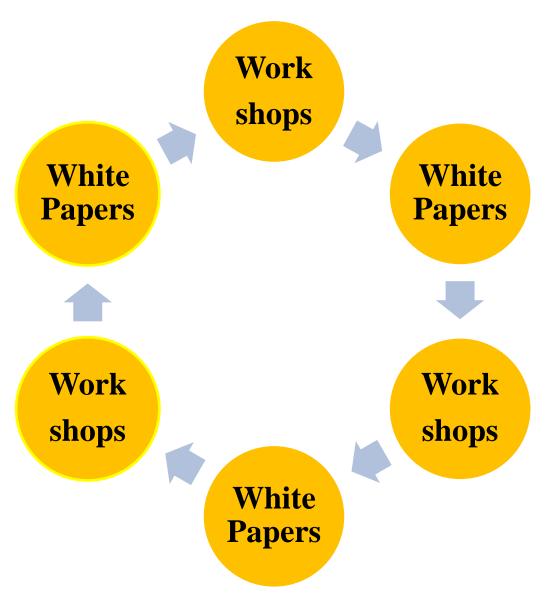
Will not work if there is no IP (nascent innovation) in the first instance.

Futile Cycle.

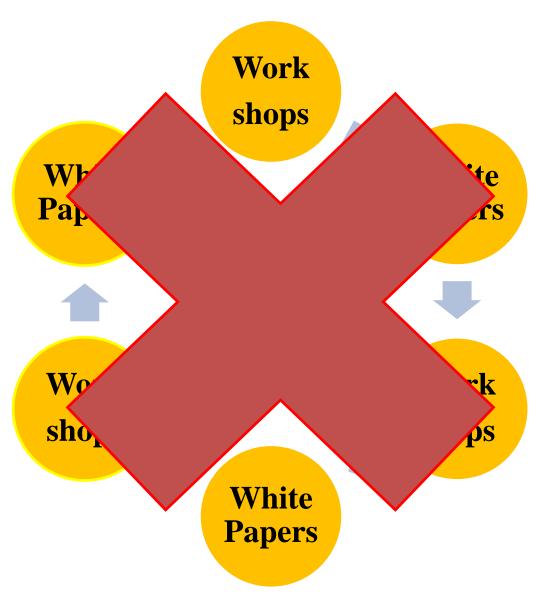
Gotta find an invention to patent and make \$\$!

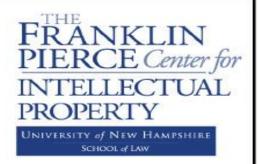


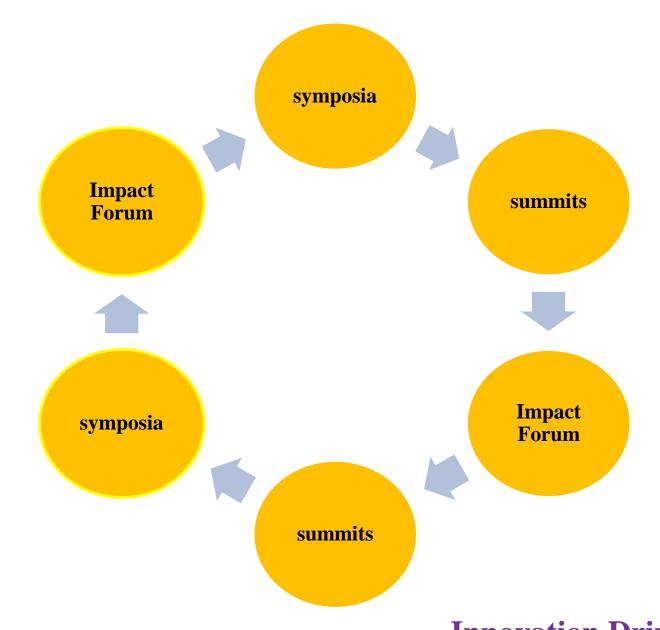






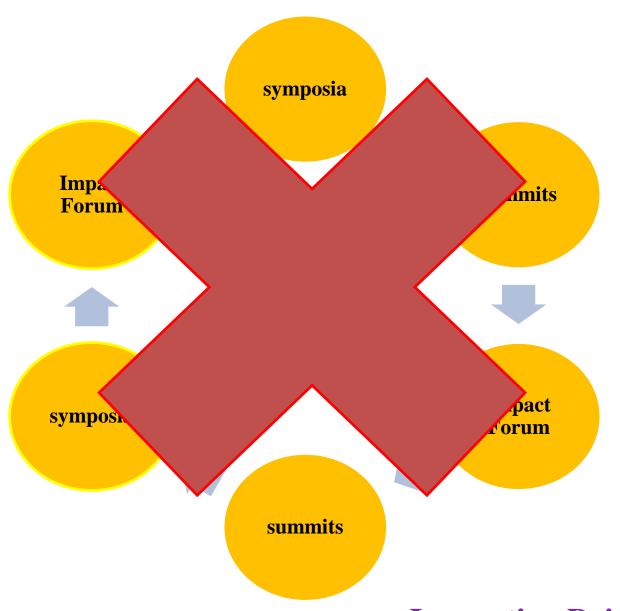






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25 Years of
Workshops and
White Papers!
Where's the
developing
country generated
IP?







It's not an IP problem. It's a development problem.
Innovation is facilitated and fostered by IP, not vice versa!

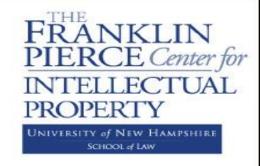
Just one more IP workshop and we should be all set!!





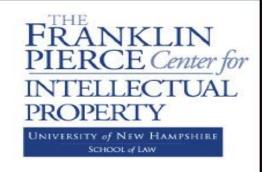
Need to focus on hard work of innovation-driven development, and NOT IP-driven, futile technical training. Tail has been wagging the dog of 25 years!





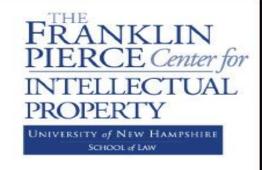
IP is neither a commodity to be mined, drilled or harvested, nor a manufacture to mass produce for export.



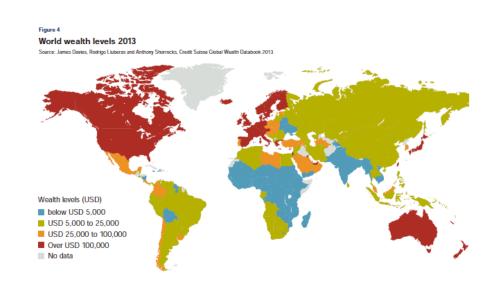


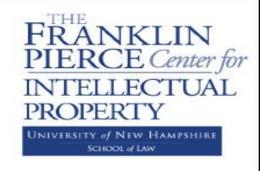
IP is a tool to accelerate the efficient and equitable functioning of innovation ecosystems.





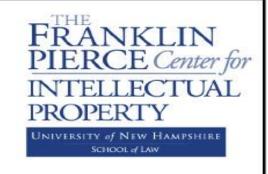
Assess, recognize and accept innovation/technology development status of country





"IP as a policy exists to encourage investments in innovation." WIPO DG Francis Gurry

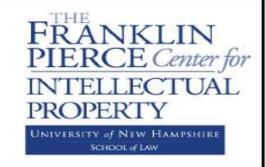




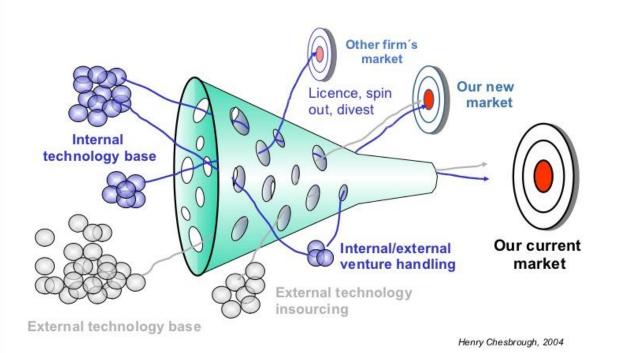
Therefore, focus on IP not only as means to protect and enforce rights, but as a tool to enable, accelerate and sustain innovation-driven development.



#### **Open Innovation/Global Market**



#### Open innovation

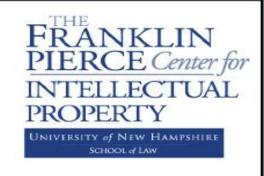






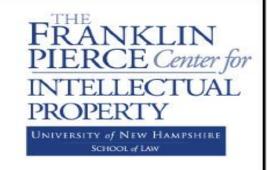
**Innovation-Driven Development:** Connecting to the **Global Innovation** Market .... **Identifying** opportunities for strategic engagement.





Develop strategic action plan to build innovation ecosystem foundation

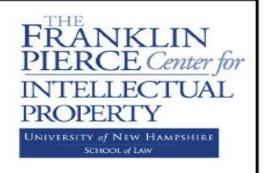




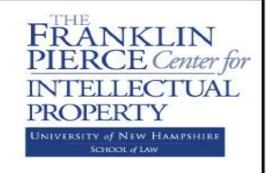
Institute realistic series of tactical steps, deliverables and benchmarks to implement strategic plan (avoid dreams of IP gold mines and Silicon Valley clones).

#### Role of IP:

- I. Facilitate Efficient Transactions(e.g., licensing, collaborations)
- II. Create Value
- III. Protect Assets
- IV. Foster establishment of research enterprise (innovation ecosystem)

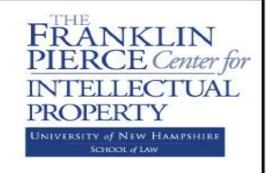






WIPO TA Programs thereby efficiently and tactically delivered into member nation strategic innovation capacity building initiatives.

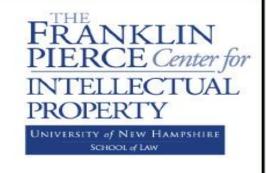




WIPO TA Programs, which are scarce assets, can thereby be invested and delivered with the greatest strategic impact in terms of development objectives (UN MDGs).



Innovation-Driven
Therefore:
THIS (strategic TA delivery):





#### **Innovation Driven Development**



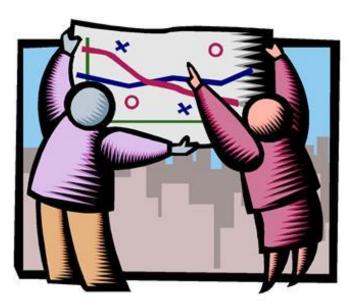
And ...
NOT THIS
(ad-hoc,
piecemeal,
willy-nilly
TA delivery):

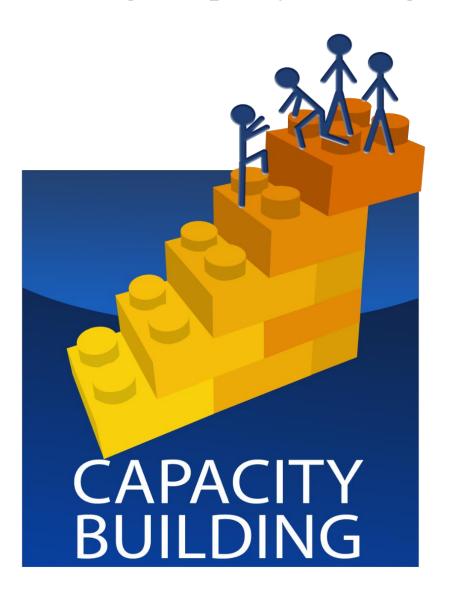






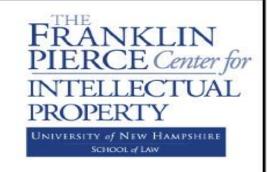








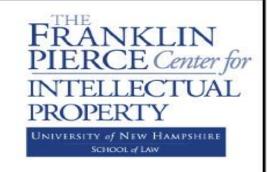
## WHAT IS "CAPACITY BUILDING"?



"Capacity consists of a party's ability to <u>solve its</u> <u>problems and achieve its objectives.</u> Capacity building aims to strengthen parties' ability to work together for their mutual benefit by <u>providing them with the skills and tools they</u> <u>need</u> to define problems and issues and formulate solutions.

- Michele Malise, 2010

## AND ... WHAT IS "CAPACITY DEVELOPMENT"?



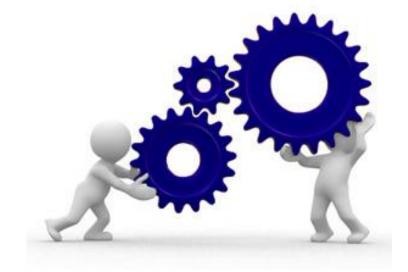
While 'capacity-building' suggests building something new from the ground up, according to a pre-imposed design, 'capacity development' is believed to better express an approach that builds on existing skills and knowledge, driving a dynamic and flexible process of change, borne by local actors.

https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\_BRI(2017)599411

# WHAT IS "CAPACITY BUILDING/DEVELOPMENT"?



Human capital
Institutions
Institutional
infrastructure
Global networks





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Human Capital: How to do

Institutions: What to do

Institutional Infrastructure: Where to do

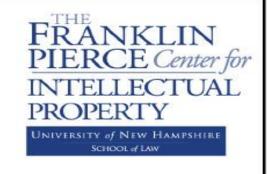
Global networks: Who to know



**Human Capital:** the skills, knowledge, and experience possessed by an individual or population, viewed in terms of their value or cost to an organization or

country.

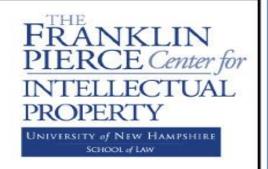




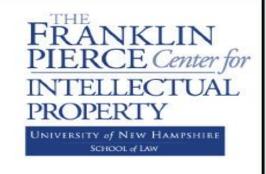
Institutions:
Rules and norms that are
developed to manage social,
economic and political systems.

**Institutions:** 

Interactions and relationships among individuals and organizations, e.g., government, industry and university. (aka, "Triple Helix")

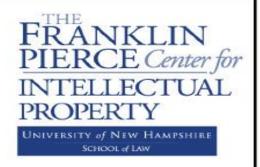






Institutional Infrastructure:
The organizational structure
that serves as the hub or center
for implementing development
agendas and action plans.

### Institutional Infrastructure: Technology Transfer Offices (TTOs)





#### THE TWO PATHS FROM LAB TO MARKET

1. Patenting and Licensing to Existing Companies

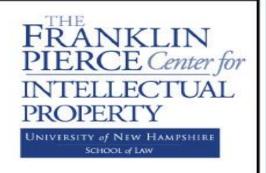
Patenting and licensing inventions to existing companies is more important than ever. Established companies have ready resources and existing market presence, so licensing to such companies is often the fastest way to

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Global Networks: Identifying, communication, collaborating in an open innovation ecosystem.



## Key for sustainable success:



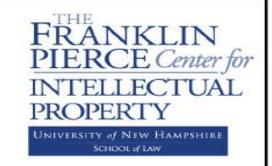
Strategic, systematic, applicable IP education: Technical training with focus, purpose and goals to advance innovation.



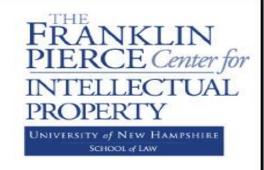
Prescriptive Recommendations for ASPAC Region :

**Action Plan to** 

Accelerate
Development of
Sustainable
Globally-Networked
IP/Innovation Ecosystem



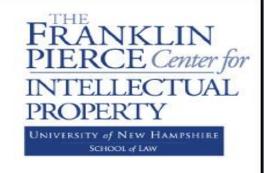




#### **Action Plan:**

Implementation of
Strategic Capacity
Building to Establish
Platform (think Airport)
for Efficient Delivery of
TA (think Aircraft)

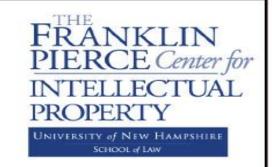




#### Establish a Center of Excellence for IP capacity building

Developing countries urgently need personnel trained in tech-transfer, IP management, information systems and related business, technical and legal disciplines. This will require corresponding institutional infrastructure, both for immediate and then subsequent ongoing capacity and capability building.

#### Establish a Center of Excellence for IP capacity building







### Use information strategically



#### **Patent Litigation**

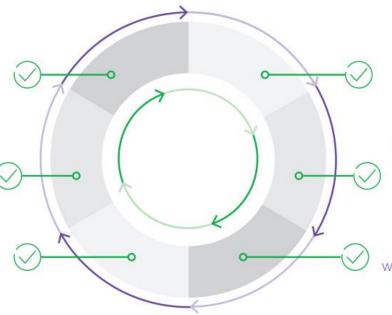
Quickly find the insights you need when defending against infringement suits

#### **Monetization and Licensing**

Leverage citation analytics to identify new opportunities for existing IP

#### **Patent Prosecution**

Reduce costs and improve patent grant rates



#### Innovation Landscape

Inform R&D spend with a comprehensive view of the innovation landscape

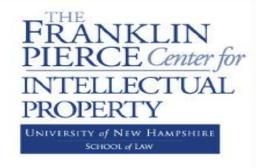
#### Competitive Intelligence

Identify new entrants that present a threat

#### Freedom to Operate

Undertake FTO searchers with confidence, in less time





### Strengthen Global networks



#### Connect to Global Open Innovation Market





## Prioritization of innovations of economic/societal appropriateness and importance







Accelerating technology and investment in Southeast Asia's agri-food supply chain



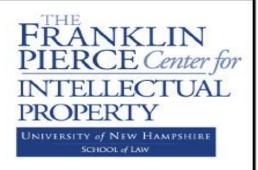
agrifoodinnovation.com @RAFISingapore







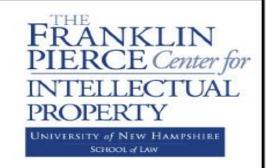
#### **WIPO Development Agenda**



Development is a major undertaking. It cannot be achieved via ad-hoc, piecemeal, willy-nilly programs. It must be strategic, focused and sustained.



WIPO TA Delivery: Strategic, Coordinated, Focused, Efficient, Sustainable for Development







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