



## **WIPO Sub-Regional Workshop on Patent Policy and its Legislative Implementation**

***Topic 13: The coherence between national public policies and patent laws – The case of certain Caribbean countries***

**Basseterre, Saint Kitts and Nevis  
April 10 and 11, 2013**

# WIPO Sub-Regional Workshop on Patent Policy and its Legislative Implementation

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# Topic 13

The coherence between national public policies and patent laws – the case of certain Caribbean countries

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- The notion of “policy coherence” refers to the interaction of policies with a view to achieving overriding objectives
- Government action without policy coherence what has been called “deficient coherence” will likely lead to ineffectiveness, inefficiency waste of resources and loss of credibility

Policy coherence means that:

- policies are directly related to the articulated development goals of a country
- policies are not inconsistent with each other but are mutually re-enforcing, creating synergies towards achieving defined goals/objectives

- It is understood that there are limits to the extent to which the policies of a country can achieve perfect coherence , but there should at least be a consciousness of the need for coherence and deliberate steps taken towards achieving it

- In the context of technical assistance with respect to the implementation of intellectual property rights, there is now an appreciation of the importance of policy coordination within national governments to ensure that IP policies and laws are designed and implemented in ways that support development goals - particularly in the areas of innovation, public health, education and technological development.

- As it relates to patents the question is: how can patent system/law as part of a coherent policy framework contribute to the development agenda and serve the economic, social and cultural needs of CARICOM states?



- The topic under discussion is challenging in the context of the Caribbean because, as we know, policy statements on intellectual property in general and on patents in particular are generally not articulated by the governments of the region

(Indications are that this may be changing: IP Audits/Strategies proposed to be undertaken)

## Approach:

To explore a possible approach to policy coherence using the National Development Plan of Trinidad and Tobago- Vision 2020

Vision 2020 is a National Strategic Plan developed to guide T&T to becoming a developed nation by the year 2020.

- The following development priorities form the planks of the Strategic Plan of T&T as articulated in Vision 2020
- (1) developing innovative people
- (2) governing effectively
- (3) enabling competitive business
- (4) nurturing a caring society, and
- (5) investing in sound infrastructure and environment.

Each of these is fulsome developed in the Plan

## Priority 1: Developing Innovative people

Summary statement: Prosperity will manifest itself through innovation and the generation and implementation of personal and national ideas.

Innovation should be fostered at work, school, at play, and in artistic self-expression. Innovative people value the dignity of work, accept risk and are lifelong learners. They seek solutions for problems, thereby improving the competitiveness of the nation.

This statement has implications for at least:

- education policy: curriculum development-  
focus on science and technology; innovation;  
life-long learning, entrepreneurship

- Innovation policy: national research agenda;  
research funding; incentivizing creativity and  
innovation active encouragement of academic/  
industry research

Ques. How can the patent system foster innovation and support creativity ; promote the pursuit of technology to solve problems; improve the competitiveness of business?

- Patent policy: encouragement/facilitation of patent prosecution; governance structure for patent prosecution; legislation

## Priority 2: Governing efficiently

Summary statement refers, *inter alia* to: the rule of law; strengthening of governance structures; government procurement, security

IP/patent policy: Instituting and strengthening structures for IP management at national and regional levels; facilitating the use of technology in managing processes; capacity building; participating in global patent systems, as appropriate

### Priority 3: Enabling competitive business

Summary statement: Firms compete but government has a role in providing environment that will allow competition, innovation and entrepreneurship

Policies: providing a sound legal environment; facilitate free competition (supported by competition policy); taxation policy; incentives, rural policy; energy; services; foster entrepreneurship; incentivize micro, small and medium size enterprises; trade and export promotion



- In relation to IPRS: Adequate, up-to-date legislative framework and efficient administrative structures; accession to appropriate IP conventions
- Patent law/policy: address anti-competitive practices; use of TRIPS flexibilities e.g. focus on technology transfer

## Priority 4: Nurturing a Caring Society

Summary statement includes reference to:

- Health- HIV concerns
- Poverty alleviation
- Regional development and sustainable communities

- Policies: Health and Nutrition ; HIV sub-policy; Rural development, water and water resources
- IP/Patent policy: To take advantage of TRIPS flexibilities in particular, those relating to health, including the Doha Declaration of TRIPS and public health; utilise all flexibilities in particular those that affect the agricultural sector; protection of genetic resources e.g. strong disclosure requirements

- Priority 5: Investing in sound infrastructure and environment
- Summary statement refers to the provision of well-built, operated and maintained physical infrastructure and transportation systems and the need for affordable and reliable supplies of water, electricity, telecommunications, postal and wastewater management services and cutting-edge ICT infrastructure

Policies: Transportation; Water,  
Telecommunications; competition; ICT

IP/Patent policy: protection of software; terms  
of patent licences; technology transfer issues  
etc.

- It would be desirable that in each policy document a section is devoted to identifying other related policies with an analysis of how they relate to each other
- This would facilitate an appreciation of policy linkages, emphasize the cross-sectoral nature of the development agenda; improve administration & mobilise key players to act together to achieve common objectives

- A number of developing countries have moved towards the development and adoption of national strategies which anchor IP asset management and exploitation considerations within national policy-making processes related in particular, to innovation, science and technology, trade and export promotion, human resource education.

In CARICOM policy issues relating to patents and IP Policy generally should cease to be an “add on” or afterthought or addressed only in response to external influences.

Rather, they should be an integral part of the development policy framework and action plan

The move by some countries in the Region, with WIPO’s help, to develop National IP Strategies is a welcome and significant step.



*End*