

Foreword by Sam Dryden

Intellectual property! The concept seems to some individuals to represent a vague abstraction. To others it represents a contradiction. But to many, without doubt, intellectual property is a powerful tool. Intellectual property refers to a set of global practices with undeniably real effects. Indeed, the fundamental cultural, intellectual, and commercial enterprises of any nation increasingly intersect with the implementation of intellectual property rights. This is especially true with respect to the life sciences, and specifically to health care and agriculture, because the way intellectual property is managed dramatically affects the pace of innovation, the dissemination of knowledge, and the delivery of new technologies.

These reasons alone are enough to warrant the publication of this *Executive Guide* and companion *Handbook* on intellectual property and innovation. But there are more ambitious and more practical reasons as well. These essays (together with the companion *Handbook*) offer a truly global snapshot of the emerging worldwide practice of IP management. Depending on your point of view (and these essays integrate many points of view)—or on how you practice it—IP management either retards or stimulates innovation and access to new technologies. The authors' views converge, however, on two main points: the growing reach of the emerging global IP rights system and the importance of IP management practice by the public sector. All agree that both the current IP rights systems and IP management practices, in general, are far from perfect. Yet it is evident that solid IP management can be a powerful tool for advancing the public interest. To manage intellectual property well, however, requires knowledge—not simply the knowledge necessary to navigate these systems, but an understanding of the concepts that govern the systems and the values that activate them. With informed use, the public benefits that IP rights regimes are capable of providing can be maximized, especially in developing countries.

Even to function minimally in the modern global economy requires a thorough understanding of how IP systems work. Governments that wish to be part of the global economy will need to radically adjust their approaches to intellectual property; indeed, both intellectual and real property should be reexamined and redefined in both the public and private realms. As new systems evolve, they will need to be understood, established, and enforced by countries' legislative and judicial branches. Innovations will have to be both protected and exploited. These demands have broad commercial implications for all parties involved

Dryden S. 2007. Foreword. In *Executive Guide to Intellectual Property Management in Health and Agricultural Innovation: A Handbook of Best Practices* (Krattiger A, RT Mahoney, L Nelsen et al.). MIHR (Oxford, UK), PIPRA (Davis, USA), Oswaldo Cruz Foundation (Fiocruz, Rio de Janeiro, Brazil), and bioDevelopments-International Institute (Ithaca, USA). Available online at www.ipHandbook.org.

© 2007, S Dryden. *Sharing the Art of IP Management*. Photocopying and distribution through the Internet for noncommercial purposes is permitted and encouraged.

in the development and use of intellectual property, including private inventors, academia, corporations, and, more recently, farmers.

To many people in the plant sciences, these evolving global systems appear to go against the grain of many time-honored precepts, such as breeders' rights, farmer-saved seed, and the free dissemination of germplasm. Many misconceptions exist. Some individuals believe IP rights function simply to enable the developed world to take advantage of the developing world (for example, by depriving farmers of seed that could support their livelihood or by depriving nations of the value of their indigenous germplasm). But the exercise of IP rights is far more complex than these suspicions represent and the provisions for adapting IP rights agreements are much more flexible than is commonly imagined.

This *Executive Guide* is important in many ways. It explains what makes IP systems work and how the public sector, in particular, can best use the system to achieve its mission and objectives. An authoritative undertaking written by world authorities on the subject, this *Executive Guide* is an exceedingly valuable—and timely—contribution to the fields of IP management and economic and social development. The *Guide* is a manual for understanding, not just the mechanics of IP rights, but also their conceptual foundations. A resource for translating IP rights into realistic deals and practical solutions, the *Executive Guide* demystifies intellectual property, making the subject accessible to all. We hope that this *Guide* will level the playing field with respect to developed and developing nations, open up new avenues of collaboration between the public and private sectors, and move us all in the direction of a healthier and more equitable world.

September 2007
Boulder, Colorado, U.S.A.