

## Foreword by Francis Gurry

Intellectual property (IP) has become a much richer field of endeavor as it has moved from isolationism in the world of policy to a position of engagement. From a one-dimensional technical specialization, intellectual property has become a multidimensional complex of policies. The transition has not, however, been without cost, in this case in the form of greater complexity. The range of policy fora in which intellectual property is discussed has expanded, seemingly without limit, to encompass most international organizations, as each of the policy domains for which these organizations are responsible confronts the implications of IP rights in the new environment of the knowledge economy. These policy intersections recur at each of the regional, bilateral, and national levels. And the cast of actors involved in the drama contains a much wider and more diverse range of characters, performing a more demanding repertoire than would have been imaginable two decades ago. Nowhere is this development more striking than in the life sciences, especially related to innovation for public health and agriculture, where the promises of new technology that may serve the most fundamental of human needs vie with complex concerns over the impact of technologies, ethical issues, and claims over fundamental justice and human rights.

*Intellectual Property Management in Health and Agricultural Innovation: A Handbook of Best Practices* will serve as an invaluable resource in this challenging new environment. The *Handbook* is based on a number of orientations that contribute in highly positive ways to an understanding of the utility, value, and limitations of IP rights as a system of law, a mechanism for policy development, and a policy instrument.

The *Handbook's* first positive orientation is the practical approach embraced by it and by the companion *Executive Guide*. The increased attention that intellectual property has, quite understandably, attracted has brought with it a certain tendency to conflate IP issues with some of the *grandes idées* that permeate the reflections of contemporary society, such as globalization, the ethical limits of scientific endeavor, and distributional equity. This tendency has had an adverse effect on IP management because it has redirected the focus of intellectual property away from practical issues; intellectual property is not necessarily neutral with respect to any of these grand movements of thought. But we would do well to remember that policies involving intellectual property are operational policies, the effects of which depend heavily on how the intellectual property is deployed and used. Solid practical guidance and experience are precious resources and they are to be found in abundance in the *Handbook*.

---

Gurry F. 2007. Foreword. In *Intellectual Property Management in Health and Agricultural Innovation: A Handbook of Best Practices* (eds. A Krattiger, RT Mahoney, L Nelsen, et al.). MIHR: Oxford, U.K., and PIPRA: Davis, California, U.S.A. Available online at [www.ipHandbook.org](http://www.ipHandbook.org).

© 2007. F Gurry. *Sharing the Art of IP Management*: Photocopying and distribution through the Internet for noncommercial purposes is permitted and encouraged.

Practical approaches and solutions offer a welcome contrast to the notion that everything has a legislative solution. Legislation, whether national or international, is of limited value and is always without meaning unless given life through practical action or implementation. We have experienced an explosion of IP legislation at the international level in the past 15 years, with ten new multilateral treaties being concluded between 1989 and 2000. Experience of the practical management of IP rights provides a rich knowledge base for evaluating and harnessing the benefits of this legislative landscape and for assessing the full range of options open to public- and private-sector actors to deliver, in practice, the ostensible benefits of this intense phase of legislative activity.

A second very positive orientation of the *Handbook* is through the espousal of a methodology of best practices. In the complex world of international negotiations, solutions are often based on the identification of the lowest common denominator of the varied positions and underlying interests of the countries involved. Such an approach is often necessary for finding agreement in a world with, as yet, a still underdeveloped sense of the common sphere. Few examples are to be found of agreements based on the identification of best practices, as a positive expression of the common interest, and agreement on the aspiration of striving toward such best practices. While the world awaits more widespread acceptance of the methodology of best practices with regard to the international legislative process, the *Handbook* makes a major contribution, by providing a description of the use of that methodology, with respect to practical choices for the management of intellectual property within the current legislative environment.

An understanding of best practices is essential for the *Handbook's* *strategic* orientation—a *strategic* approach to the management of intellectual property. The complexity of the environment of intellectual property demands the use of effective strategies for navigating the sophisticated institutional architecture and for utilizing the potential that intellectual property offers for the generation, deployment, and diffusion of new knowledge in the commercial, scientific, and public sectors. The patent system has developed the most comprehensive, systematic, and accessible record of humanity's technology. Fifteen years ago, this treasure of knowledge was known only to a small group of experts who had access to the paper collections in which the record was stored. Digital technology has combined with the accessibility of the Internet to make this record available, free of charge, to the whole world. When mined intelligently, this wealth of raw data can provide the technological and policy information that enables the public and private sectors to have a more strategic approach to the identification of research opportunities, freedom to operate, and business strategies.

The Centre for the Management of Intellectual Property in Health Research and Development (MIHR) and the Public Intellectual Property Resource for Agriculture (PIPRA) are to be commended for the development and publication of the *Handbook*, which will advance the understanding and practice of intellectual property in a constructive, pragmatic, and highly effective manner.

March 2007  
Geneva, Switzerland

**FRANCIS GURRY**, Deputy Director-General, World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20, Switzerland. [francis.gurry@wipo.int](mailto:francis.gurry@wipo.int)