

Message from the Editorial Board: From Best Principles to Best Practice

As members of the Editorial Board, we represent not only a diversity of professional backgrounds, institutions, and geographic regions, but also a diversity of viewpoints about intellectual property (IP). We agree on many things and we share a common goal: to broaden and accelerate access—especially in developing countries—to life-saving and poverty-alleviating innovations in health and agriculture. A fundamental vision of a more equitable world—represented in the points that follow—binds us together in this endeavor.

- **Intellectual property is a tool to foster innovation.** Intellectual property is here. And here to stay. Whether viewed as a legal concept, a social construct, a business asset, or an instrument to achieve humanitarian objectives, the value of intellectual property cannot be disputed. The notion that inventions can become *property* and can therefore be owned and sold, has encouraged scientists and researchers to invent, and entrepreneurs and companies to invest in innovation, by allowing them to profit from the resulting technologies. But by permitting entrepreneurs to exclude competitors and set higher prices, IP protection may also prevent some individuals, or populations, from being able to access products. There are many ways, however, that intellectual property can be utilized and distributed. Through the publishing of this *Handbook*, the companion *Executive Guide*, and the online version, we intend to help **put intellectual property to work for the public sector and the public interest**. We agree that intellectual property should be neither feared, nor blindly embraced; rather, it should be *managed* to maximize the benefits of innovation for *all* of society, *especially* the poor.
- **IP rights are a compromise and an imperfect solution.** They represent the search for balance between making all knowledge freely available within the *public domain* and granting *ownership* of valuable discoveries to the inventors. Historically, we have seen that this balance encourages investment—and reinvestment—in innovation, although this innovation too infrequently is directed toward the needs of the poor. Reaching an appropriate balance requires

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continuous, sound IP management, and our desire to encourage this was a major impetus for compiling this *Handbook* and for writing the *Executive Guide*. Fortunately, as numerous case studies have shown, the public sector can craft effective solutions that can achieve, or at least approach, a suitable balance. This can be accomplished by using the existing IP system, especially as it addresses situations in which companies agree to donate or otherwise share their intellectual property.

- **Genius can flourish anywhere, and the emerging global systems of innovation in health and agriculture open up new prospects for innovation everywhere.** This notion has profound implications for the management of innovation, technology transfer, market competition, and economic development in every country, regardless of its economic status. Provided with opportunities and resources, scientists and scholars from any locale can create promising inventions with the potential to become valuable technology. And whether inventions are home grown or come from outside, authoritative IP management will play a crucial role in enabling and preserving access to the resulting innovations.
- **Policies to promote the *creation and management* of intellectual property by public sector institutions should give first priority to advancing the mission of those institutions.** In most countries, the mission of universities is education, research, and public service. Universities are not revenue generators. Technology transfer should support the larger mission, and not merely the budgets, of those institutions.
- The historical trend has been for intellectual property to benefit mostly the affluent. This is due, in part, to the fact that **insufficient attention has been paid by the public sector to managing intellectual property.** This lack of focused attention must be corrected. Public sector IP management is a rather young discipline, and there have been enormous changes in the public sector's involvement in health research since the 1970s and in agri-biotechnology since the 1990s. The public sector is only now beginning to appreciate how it can use its own intellectual property—and leverage that of others—to help meet its social mission, including its responsibilities to the poor. We believe that there is growing interest, within both the public and private sectors, in using intellectual property for public benefit but, also, a lack of knowledge and capacity. This *Handbook* is designed to help address these needs.

We hope this *Handbook* and *Executive Guide* will encourage all parties to take greater advantage of the unprecedented opportunity to benefit from the strategic management of intellectual property aimed at promoting the public welfare—especially those people who have, until now, been unable to partake in technology's benefits—and that this will contribute to building a healthier and more equitable world. ■

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Pictured above, from left to right: Carlos Fernandez, Alan Bennett, Anatole Krattiger, Lita Nelsen, Jennifer Thomson, Kanikaram Satyanarayana, and Richard Mahoney



Left: Gregory Graff and Stanley Kowalski