



“Concluding remarks and suggested issues for discussion”

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Validating concerns

- **Is there an issue?**
 - Few projects seem to be blocked by patents
 - Limited evidence of litigation against researchers
- **Where is the issue, if any?**
 - Geographical specificities
 - More in US than EU
 - Does harmonization matter?
 - Sectoral issue
 - Especially with biotech, pharma & agriculture
 - How about nanotechnologies?
 - Academic v/s Industry
 - Industry more affected
 - Biotech start-ups patenting « research tools »
 - Access to intellectual property or physical property?
 - Often the latter

Identifying issues

- **Public research sector:**
 - Patents v/s publications and grace period
 - Affordable licenses for research purposes
 - Academic competition limiting access
- **Research tools:**
 - Typically not exempted
 - Research use weakens business model of those producing research tools

Considering solutions

- **Identify policy/market instruments**
 - Amend the law to clarify the research exemption (clarity) or not (flexibility)?
 - Commercial v/s non commercial use: no longer relevant?
 - Research «on» v/s research «with»?
 - Can the market improve access?
 - Patent commons
 - Licensing
- **« Law on the books » → « Law in action »**
 - Licensing, inventing around, infringing, challenging patents, etc.
 - Researchers don't know/don't care about patents?
- **Cooperation and open innovation**
 - Provides access to researchers & knowledge
 - Reduces risk for infringement?

Suggested issues for discussion

- **What is the issue?**
- **How could this evolve in coming years?**
 - New technologies? (Nanotechnology?)
 - Increasing litigation?
 - New innovation models?
- **Do national differences matter?**
 - Does it affect innovation & economic performance?
 - Is there a need for global harmonization?
- **Which policy instruments could be considered?**
- **What could OECD do in this matter?**
 - Economic studies?
 - Need for better understanding of issues at stake and economic consequences or research use of patented inventions (e.g. research tools)
 - Identify good practices?