



**OECD Conference on
IPR, INNOVATION AND ECONOMIC PERFORMANCE**

OECD Headquarters, Paris, 28-29 August 2003

AGENDA

Background

This conference is part of a broad project on Intellectual Property Rights (IPRs), Innovation and Economic Performance launched under the aegis of the OECD Committee for Scientific and Technological Policy at the end of 2002. The objective of the project is to provide policy-makers with factual evidence and analysis that shed light on the policy debate about IPRs, and sets out implications for the development of IPR regimes that contribute more efficiently to innovation and economic performance.

This conference provides an opportunity to learn from researchers, stakeholders and policy makers in order to draw conclusions about the current and future challenges of IPR regimes. It is designed as a forum for discussion among business executives, officials from Patent and Trademark Offices (PTOs), policy makers, economists, legal experts, and other interested parties.

A number of policy-oriented empirical studies undertaken by economists and legal experts, in most part especially prepared for the project, will be presented and discussed at the conference. Results and conclusions from those studies will be tested against the views of policy makers and practitioners from the business community and PTOs in each of the six thematic sessions of the conference:

- Patents and economic performance: establishing the links.
- Changes in patent regimes.
- Patents and entrepreneurship.
- Patents and diffusion of technology.
- IPR for software and services.
- Current and future policy challenges.

DAY 1: THURSDAY 28 AUGUST 2003

OECD ROOM 2

08:45-09:00 REGISTRATION

(Welcome Lodge of the main OECD entrance; 2, rue André-Pascal 75016 Paris)

09:00-09:15 WELCOME AND INTRODUCTION

Herwig Schlögl, Deputy Secretary General, OECD

09:15-11:45 SESSION 1: PATENTS AND ECONOMIC PERFORMANCE: ESTABLISHING THE LINKS

Chairman: **Sung Chul Chung**, Science & Technology Policy Institute (STePI), Korea, Vice Chairman of the OECD Committee for Scientific and Technological Policy

09:15-10:15 Introduction of issues

§ *Patenting trends across countries:* **Samuel Kortum**, University of Minnesota; Jonathan Eaton, Boston University; Josh Lerner, Harvard Business School

§ *Japan's patent system and business innovation: reassessing pro-patent policies:* **Kazuyuki Motohashi**, Hitotsubashi University

§ *Scope and nature of the patent surge – A view from Germany:* **Jakob Edler**, Knut Blind, Rainer Frietsch and Ulrich Schmoch, Fraunhofer Institute for Systems and Innovation Research

§ *Understanding business patenting and licensing: results of a survey:* Dominique Guellec, Catalina Martínez, and **Jerry Sheehan**, OECD

10:15-10:45 Coffee break

10:45-11:15 Stakeholders and policy makers views

§ **Stephen Merrill**, Executive Director, The National Academies, U.S.

§ **Thierry Sueur**, Vice-President of IPR and Vice-President of European & International Affairs, Air Liquide

11:15-11:45 Discussion

Have firms increased their patenting propensity? Is the surge in patenting a generalised phenomenon across sectors and countries? What drives the increasing importance of patents for business and economic performance?

11:45-15:45 SESSION 2: CHANGES IN PATENT REGIMES

Chairman: Andrew Christie, Director of the Intellectual Property Research Institute of Australia (IPRIA)

11:45-12:30 Introduction of issues

§ *Co-evolution of patent system and technology in Japan: Akira Goto*, University of Tokyo

§ Legal Challenges to Patent Validity in the US and Europe: Dietmar Harhoff, University of Munich

§ *Overview of recent changes in patent regimes in United States, Japan and Europe: Dominique Guellec and Catalina Martínez*, OECD

12:30-14:30 Lunch

14:30-15:15 Stakeholders and policy makers views

§ **Ulrich Schatz**, former Principal Director for International Affairs/Patent Law, European Patent Office

§ **Francis Gurry**, Assistant Director General, World Intellectual Property Organization (WIPO)

§ **Bruce Lehman**, President and CEO, International Intellectual Property Institute (IPI)

15:15-15:45 Discussion

What have been the most important changes recently experienced by patent regimes? What have been their determinants? What have been their effects? Have similar changes in the strength of patent protection occurred at the same pace across countries and sectors?

15:45-16:15 Coffee break

16:15-18:00 SESSION 3: PATENTS AND ENTREPRENEURSHIP

Chairman: Mozelle Thompson, Commissioner, US Federal Trade Commission

16:15-16:45 Introduction of issues

§ *Patents, competition and entrepreneurship: Bronwyn H. Hall*, University of California at Berkeley

§ *Enforcing patent rights and competition: Mark Schankerman*, London School of Economics

16:45-17:30 Stakeholders and policy makers views

§ **Jean-Bernard Schmidt**, Chairman, European Private Equity & Venture Capital Association (EVCA)

§ **Thane Kreiner**, Senior Vice President, Corporate Affairs, Affymetrix, Inc.

§ **David Ellard**, European Commission Internal Market DG

17:30-18:00 Discussion

Do large firms have a comparative advantage with respect to small ones as regards patent enforcement? Do patents generate asymmetries among large and small firms? Are the impacts of patents on competition the same across sectors and markets? What is the effect of patents on the performance of start-ups?

18:00 *George Marshall room, Chateau de La Muette*

DAY 2: FRIDAY 29 AUGUST 2003

OECD ROOM 2

09:00-10:30 SESSION 4: PATENTS AND DIFFUSION OF TECHNOLOGY

Chairman: Manuel Desantes, Vice President DG 5, Legal/International Affairs, European Patent Office (EPO)

09:00-09:30 Introduction of issues

§ *Technology licensing: Nicholas Vonortas*, Director, Center for International Science and Technology Policy, The George Washington University

§ *Effects of research tool patents and licensing on biomedical innovation: Wesley Cohen*, Duke University; John Walsh, University of Illinois at Chicago and University of Tokyo; Ashish Arora, Carnegie Mellon University

09:30-10:00 Stakeholders and policy makers views

§ **Richard Johnson**, Arnold & Porter, Vice-Chair of BIAC Technology Committee

§ **Sandra Thomas**, Director of the Nuffield Council on Bioethics

10:00-10:30 Discussion

Do patents facilitate the diffusion of technology among firms? Are transaction costs for the diffusion of technology higher in some sectors than in others?

10:30-11:00 *Coffee break*

11:00-15:30 SESSION 5: IPR FOR SOFTWARE AND SERVICES

Chairman: **Richard Simpson**, Industry Canada, Director General Electronic Commerce Branch, Chairman of the OECD Working Party on Information Economy

11:00-12:00 Introduction of issues

§ *Through the lens of intangibles: what software and services reveal about the patent system:* **Brian Kahin**, School of Information and Ford School of Public Policy, University of Michigan

§ *Patenting in services: evidence from European innovation surveys:* **Pierre Mohnen**, MERIT, University of Maastricht; Jacques Mairesse, INSEE

§ *An empirical look at software patents:* **Robert Hunt**, Federal Reserve Bank of Philadelphia; James Bessen, Research on Innovation and Visiting Scholar, MIT Sloan School of Management

§ *How do firms leverage their knowledge assets? Complementarity and substitution between types of legal intellectual property in software:* **Stuart Graham**, Georgia Institute of Technology; Deepak Somaya, University of Maryland

12:00-14:00 Lunch

14:00-14:45 Stakeholders and policy makers' views

§ **Harald Hagedorn**, Patent Attorney, SAP AG

§ **Hartmut Pilch**, FFII & Eurolinux Alliance

§ **Marie Therese Huppertz**, Director, Corporate Affairs (Europe, Middle-East, Africa) Microsoft

14:45-15:30 Discussion:

Does patenting play a different role in protecting IP or in enhancing competitive advantage in services and manufacturing? Are there alternative means of protection for software and services more effective than patents? What is the effect of patents on diffusion and further innovation in software? How does the emergence of open source software change the IPR discussion in this sector?

15:30-16:00 Coffee Break

16:00-18:00 SESSION 6: CURRENT AND FUTURE POLICY CHALLENGES

Chairman: **Francis Gurry**, Assistant Director General, WIPO

- § **Ichiro Nakayama**, Deputy Counsellor, Intellectual Property Strategy Headquarters, Cabinet Secretariat of Japan
- § **Manuel Desantes**, Vice President DG 5, Legal/International Affairs, EPO
- § **Lois Boland**, Acting Director, Office of International Relations, US Patent and Trademark Office
- § **John Barton**, George E. Osborne Professor of Law, Stanford Law School

17:00-18:00 Discussion

What are the major challenges ahead for IPR policy in OECD countries? What is the effect of sectoral differences on patenting behaviour and on patent policy?

18:00 *Closing remarks by Dominique Guellec (OECD) and adjournment*