

PIIPA-PIJIP Conference on Pro Bono Intellectual Property Services: Past, Present, and Future  
Thematic Summary

**History of Public Interest Intellectual Property Activities**

The foundation for public interest IP activities relies on the dedication of individuals and organizations that look at the interplay of science and society, and the social impact that creative advancement has on the global marketplace. Pro bono IP services acknowledge the need for IP assistance in developing countries and recognize that the need was not being met because of the unaffordable rates and unreliable resources available to local innovators in impoverished nations. The founding of organizations like PIIPA and PIJIP, as well as the active participation of law clinics and professionals has made it possible to respond to IP assistance abroad by providing professional expertise that has a lasting impact on the innovators, local communities and economy.

The activities carried out by pro bono intellectual property organizations help to mitigate the dichotomy in the IP arena regarding pro-IP and anti-IP lobbyists by making services available regardless of one's view of IP. Pro bono service "answers the call" for overseas IP assistance without enforcement, which provides fair and equal access to developing countries, creating a sustainable and practical solution for each case based on individual need. Groups like PIIPA approach the increasing trend towards an inclusive self-sustaining global network by attempting to meet individual needs for IP services on a practical basis that is not politically or theoretically driven so that resources provide assistance where it is needed most. Because the global marketplace includes power, knowledge and economic status, the flow of innovation and creativity is directly affected, and thus in need of services that aim to level the access discrepancy.

**Assessing the Need at the Source**

When assessing the need for IP services it is critical that adequate and direct research be executed at the source to address common oversight that occurs from speculation made by outsiders. Two methods proven effective in collecting data and assessing the need for IP services in developing countries are through surveys and case studies. In 2006 PIIPA conducted a survey to determine what specific sectors needed most, and many of the findings opposed the political and theoretical perspective of the developed nations that there should be fewer restrictions on IP. In sum, the survey exposed an increasing need for protection and trade marking/copyrighting of ideas coming from developing countries, and a high demand for more extensive advice and education on individual IP rights.

The case study method addresses the need for IP services by following a specific case from the beginning of the matching process to the final outcome. Each case is analyzed to better understand what each developing nation struggles with and which sectors need the most

assistance. Once the need in one area or sector is identified, a network of similar cases can be served because innovators in developing nations become more aware of their rights and can better expose the need for IP services. Similarly, IP law clinics, such as the Intellectual Property and Technology Law Program, have been able to work simultaneously with referral-based IP services to create the greater awareness of IP rights and where Pro Bono assistance is needed most internationally. Numerous local communities in Madagascar, South Africa have benefited from IP clinical research, referral services, and pro bono activities to help cultivate more economic growth by developing and protecting skill sets specific to the region.

### **Meeting International IP Needs**

Assessing the IP needs of developing countries does not immediately create a working network for pro bono attorney's to meet the needs of innovators overseas. Adequate financial and professional resources as well as a strategic core model to direct those resources efficiently must be available before action can be taken. Funding poses a debilitating dilemma because government-sponsored plans often come with an agenda that the developing nations have learned to distrust and the number of independent donors has steadily declined. PIIPA's core business model has proven its capacity to supply pro bono IP resources to developing country innovators; however, without funding for marketing, web materials, regional offices and workshops/conferences domestically and internationally IP services will not meet the needs of innovators and researchers. Efforts have been made in the US to increase the availability of grants for public interest non-profits and pro bono IP services have seized the opportunity to draw of those resources by applying.

Structural changes in the way that the network of IP experts and other public interest IP organizations interact has the potential to create awareness and promote a greater focus on the overarching theme of meeting IP needs with resources. Coalition and capacity building between public interest IP organizations, clinics, and experts leverages funds and processes to effectively execute the overall mission of assessing the need and providing resources to advance developing nations.

Creating an interest in this issue is critical, and domestically IP experts recognize the importance of providing protection and advice to innovators in developing countries, but the network must include more representatives and organizations from developing countries. Outreach to regional leaders and local activists will promote capacity building efforts and potentially inspire governments and organizations abroad to assist in funding the initiative.

### **Short and Long Term Outcomes/Recommendations**

In the short and long term the pro bono IP network must make connections and build relationships with innovators that need assistance in order to create awareness of IPR and opportunities for protection a little or no cost. This will be more easily accomplished when

increased financial resources are made available to establish regional offices on-site in developing countries where local experts can help their community with the knowledge they have gained through domestic IP professionals. Because there is not a universal medium to communicate internationally with developing nations, face-to-face contact establishes trust and directly influences the interaction between the expert and assistance-seeker, which increases the likelihood of success. In the meantime, conferences and workshops are an effective means in exploring new methods for assessment and inspiring organizations and individuals to band together to create a “buzz” whether it is in Washington, amongst law students or a small agency in Kenya.