



INNOVATION AND ACCESS TO KNOWLEDGE PROGRAMME

### Seminar Announcement

The South Centre Innovation and Access to Knowledge Programme invites you to the **Seventh South Innovation Perspectives Series Seminar** titled:

## **Development at Stake: Addressing the Anti-Competitive Effect of IPRs in Standardization**

Date: 30 June 2008

Venue: Palais Des Nations, Room No. XI

Time : 15h00 – 18h00

### Agenda

#### **Chair and Introductory Remark:**

**Dr. Xuan Li**

Coordinator, Innovation and Access to Knowledge Programme (IAKP), South Centre

#### **Speakers:**

- **Presentation 1: *Current Multilateral Framework and Trends in IPRs and Standardization***

**Mr. Ermias Biadgleng**, Programme Officer, IAKP, South Centre, Geneva

- **Presentation 2: *Addressing the Anticompetitive Effect of IPR Issues in Standardization: A historical and legal perspective***

**Mr. Jonathan Band**, Attorney, Washington DC, USA

- **Presentation 3: *Addressing the Anticompetitive Effect of IPR Issues in Standardization: An Economic perspective***

**Mr. Rishab Aiyer Ghosh**, Senior Researcher, UNU-MERIT, Netherlands

#### **Discussants:**

- **Discussion 1: Policy Implication: *IPRs and Standardisation- of Conflict or Complementarities: A Perspective from WIPO Development Agenda***

**Mr. Thiru Balasubramaniam**, Knowledge Ecology International (Geneva Rep.)

- **Discussion 2: Policy Implication: *International Competition Dimension at Stake: Will Current Policies at Various Forums Help Resolve the Deadlock?***

**Dr. An Baisheng**, Deputy Director, WTO Department, Ministry of Commerce, the People's Republic of China

#### **Panel Discussion**

*Coffee will be served*

### **About the theme:**

Intellectual property (IP) issues in standardization are increasingly seen to be contentious as they at times lead to anticompetitive situations affecting markets and international trade. As intellectual property has become more entangled into technical standards, conflicts between private needs and public good have emerged. These conflicts can stifle market competition and prohibit countries from participating in technological advances because their industries can neither afford unreasonable royalties arising out of policy failures concerning treatment of IP in standardisation, nor can they fully comply with a complex web of licensing agreements.

While standards are adopted internationally and nationally, by Standard Setting Organisations (SSOs) and industry consortia, they are implemented cross border. The World Trade Organisation's Agreement on Technical Barriers to Trade tries to ensure that procedures relating to standardisation do not create unnecessary obstacles to trade. However, there are serious antitrust/ anticompetitive implications that may arise out of processes and policies adopted by Standard Setting Organizations in relation to treatment of IPR in standards. The problem is more acute in the area of Information and Communications Technology standardization where the unique characteristics of markets, network effects, innovation models and interoperability concerns demand open standards.

The current standardization regime follows an incoherent pattern of norms governing licensing and royalty sharing. The benchmarks on *ex ante* and *ex post* disclosure of relevant IP and its adequacy are often incoherent and less concrete. The SSOs fundamentally lack jurisdiction to remedy the situations arising out of anticompetitive and abusive behaviour of IP right holders. The remedies for abuse of standard process generally lie within national jurisdictions, which again follow different tests for evaluating anticompetitive effects and IP misuse. The SIP seminar aims to focus on the above issues and to find remedial solutions for addressing the international competition dimension of IPR Issues in Standardization.

### **About South Innovation Perspectives Series Seminars:**

The seminar series, presented by the South Centre on a quarterly basis, aims to provide a forum where cutting-edge research and ideas on innovation, access to knowledge and intellectual property, from a development perspective, are presented and debated. Speakers are researchers and policy analysts, especially from the South, who focus their work on key issues for developing countries as well as relevant global issues. By presenting new/innovative research and ideas, the seminar series plays an important role in linking local/national circumstances and challenges to the norm-setting activities in various International institutions and processes in Geneva and beyond. By engaging negotiators and the main players in international processes, the seminars also contribute to promoting evidence-based norm-setting in key institutions such as the World Intellectual Property Organization (WIPO), the World Health Organisation (WHO), and the World Trade Organization (WTO); among other organisations.

### **Registration**

Please e-mail [ngomeeneme@southcentre.org](mailto:ngomeeneme@southcentre.org) or call +41 22 791 80 50 or fax +41 22 798 85 31.

**Pre-registration is required due to limited space and security requirements by 25<sup>th</sup> June 2008.**