

Panel V: IP Institutions and Technological Change

- *Moderator:* Brian Kahin, CCIA and University of Washington
- *Speakers:*
 - **Private and State Interests in High Tech IP**
William Janeway, Warburg Pincus
 - **The Role of Government Incentives and Subsidies**
Nicholas Vonortas, George Washington University
 - **Information Technology and Biotechnology Challenges to IP Frameworks**
Arti Rai, Duke University School of Law/Duke Center for Innovation Policy

WTO: TRIPS 27.1

“Patents shall be available
and patent rights
enjoyable without
discrimination as to the
place of invention, the
field of technology and
whether products are
imported or locally
produced.”

RPX S-1 filing (April 2011)

“Based on our research, we believe there are more than 250,000 active patents relevant to today’s smartphones, a significant increase compared to our estimate of approximately 70,000 patents that were active and relevant to mobile phones in 2000.”

“TI has something like 8000 patents in the United States that are active patents, and for us to know what's in that portfolio, we think, is just a mind-boggling, budget-busting exercise to try to figure that out with any degree of accuracy at all.”

Frederick J. Telecky, Jr., Senior Vice President and General Patent Counsel, Texas Instruments, FTC/DOJ hearings Feb 2002

“[B]oth researchers and companies in component industries simply ignore patents. Virtually everyone does it. They do it at all stages of endeavor. From the perspective of an outsider to the patent system, this is a remarkable fact. And yet it may be what prevents the patent system from crushing innovation in component industries like IT.”

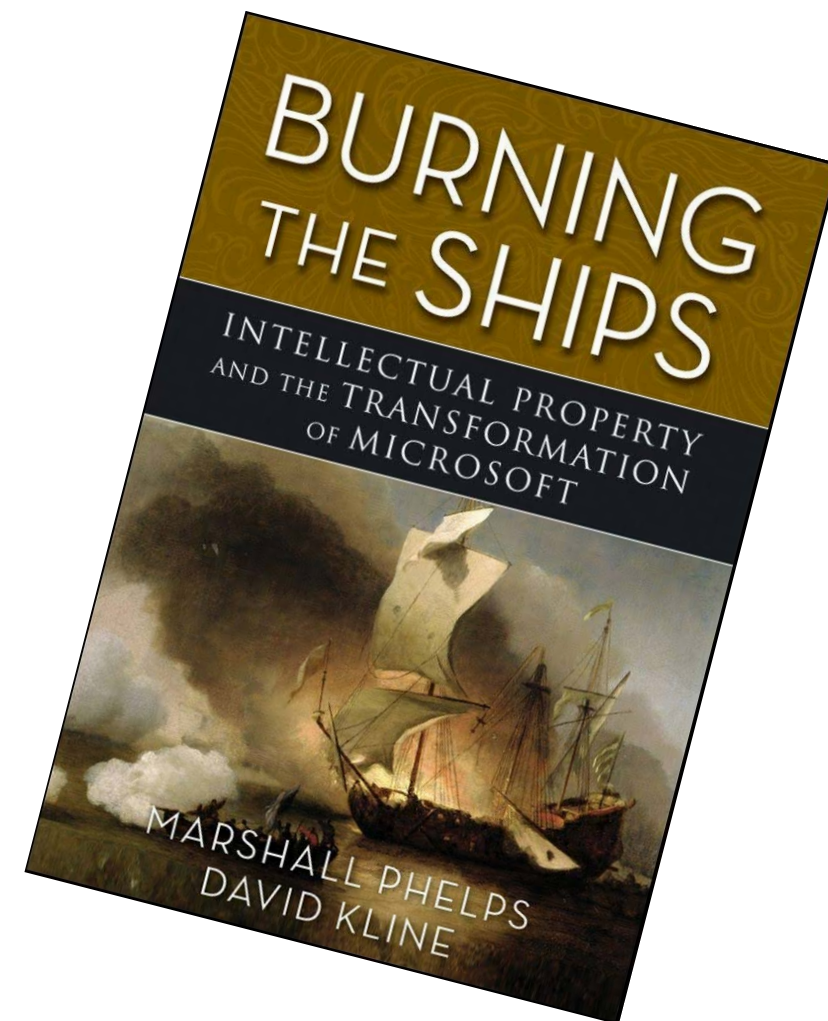
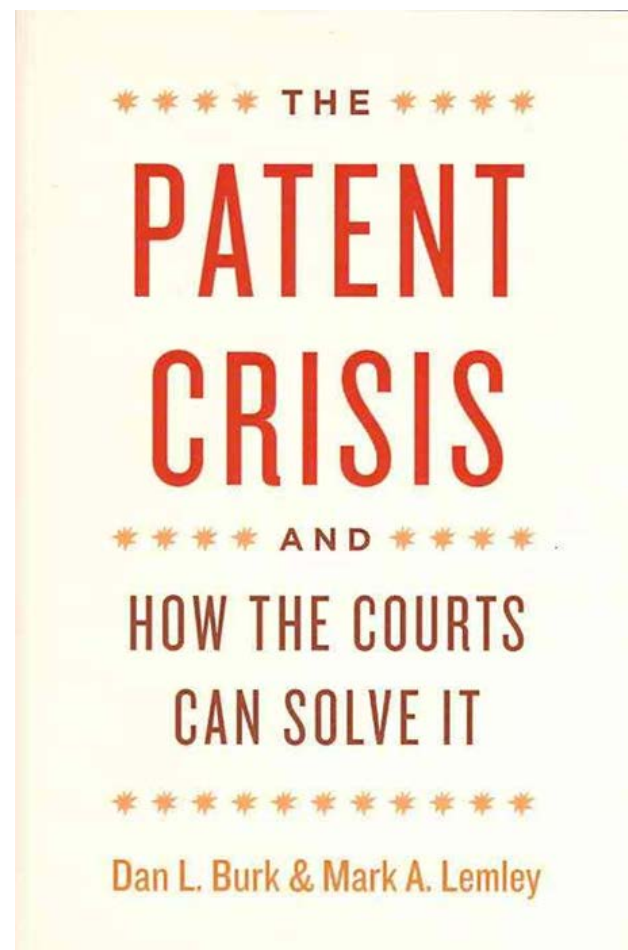
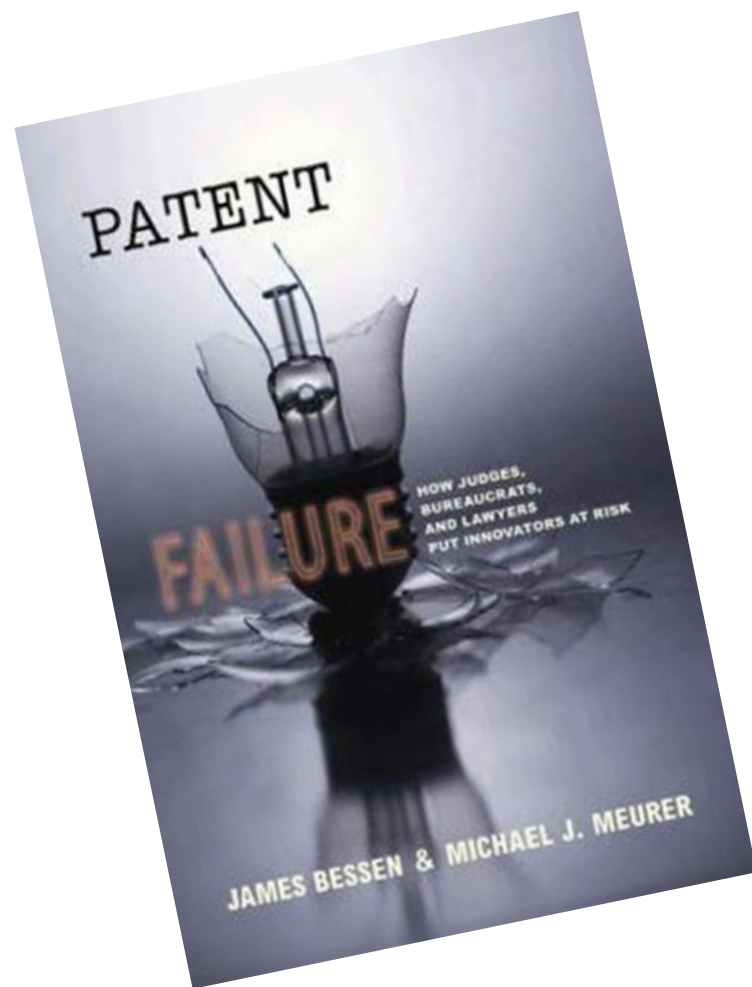
Mark Lemley, abstract for Ignoring Patents (2008)



To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy

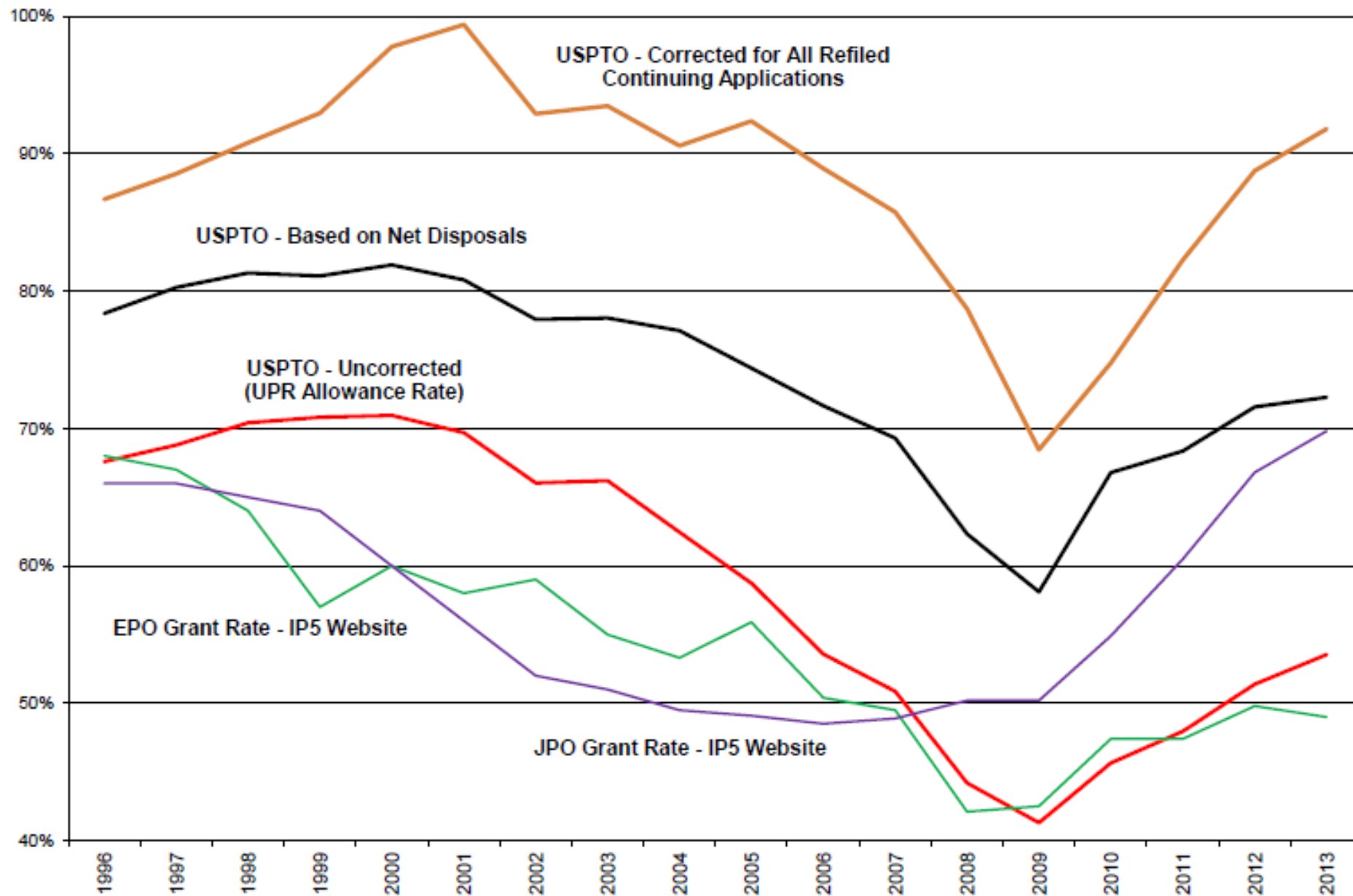
**A Report by the Federal Trade Commission
October 2003**





- **individual patents vs portfolios**
- **exclusivity vs interdependence**
- **linear or combinatorial**
- **innovative pace vs administrative timeframes**
- **dynamic efficiency: short vs long framework**
- **size of investment relative to transaction costs**
- **centralized or distributed innovation (Internet, Web)**
- **need for standards, market development**
- **nature of professional knowledge and regulatory framework**
- **visibility of trolls**
- **visibility of smartphones**
- **undocumented secondary markets, politics of upstream-downstream, global value chains, patent funds, privateers**

**Fig. 9 - Comparative Allowance Rates (Grant Rates)
(1996-2013)**



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