



OECD Ministerial Meeting  
on the **Future** of the **Internet** Economy

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OF THE INTERNET ECONOMY

# The appropriation of public-funded research in the Bayh-Dole emulation

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**Fueling Creativity: A2K and the Public Domain**

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# Main argument

- A2K is what **facilitates (traditional and open) innovation** in the information society
- The way we achieve A2K directly affects the amount of innovation and creation
- We need a mix of **open cyberinfrastructure and open licensing**, driven by **universities seen as public spaces and connectors to the individuals**, to maximize creativity and innovation from A2K.



# Innovation Process

The innovation process has to be seen as a **complex and cumulative process** that needs a **complex and flexible environment**, where **all actors have the chance to interact** and give their contribution.



# Emulating Bayh-Dole

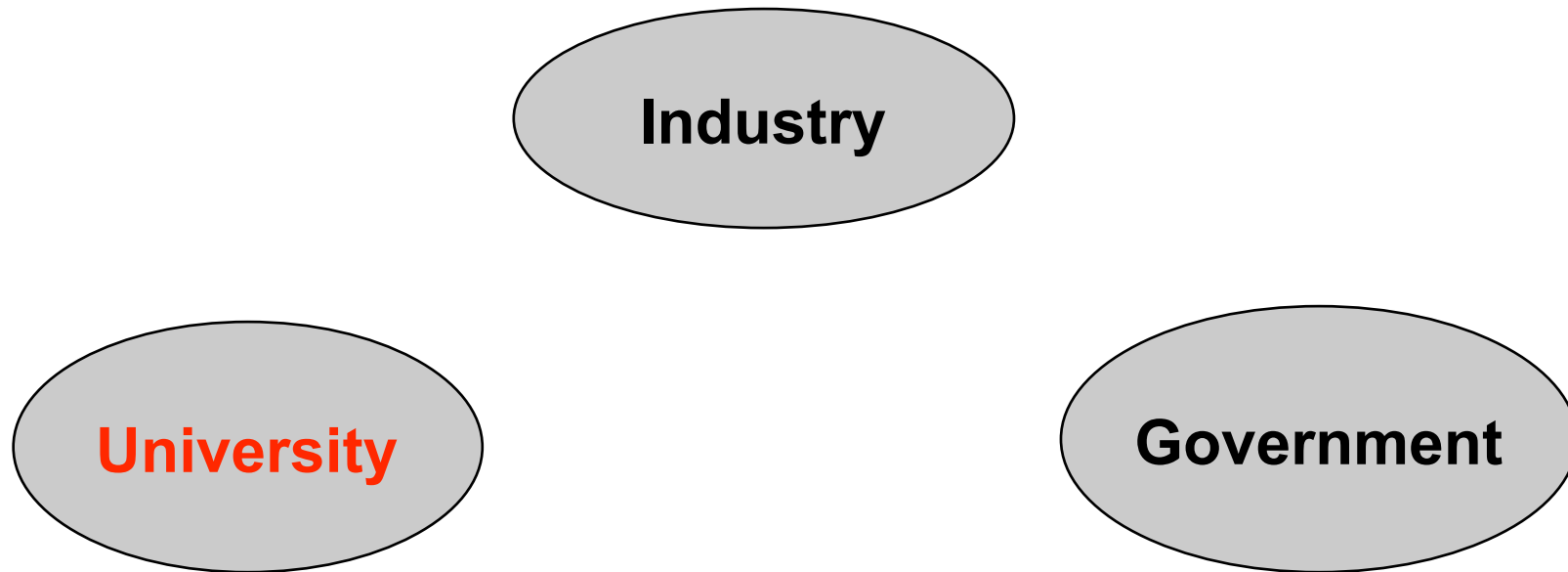
“Traditional Innovation” - Intellectual Property serves as a primary measurement of innovation and a safe-guard to attract investment

= ...

**The Public Domain is being enclosed**, by the replication around the word of Bayh-Dole Like innovation systems, **that privatizes knowledge produced with public-funding**



# Actors in Traditional Innovation



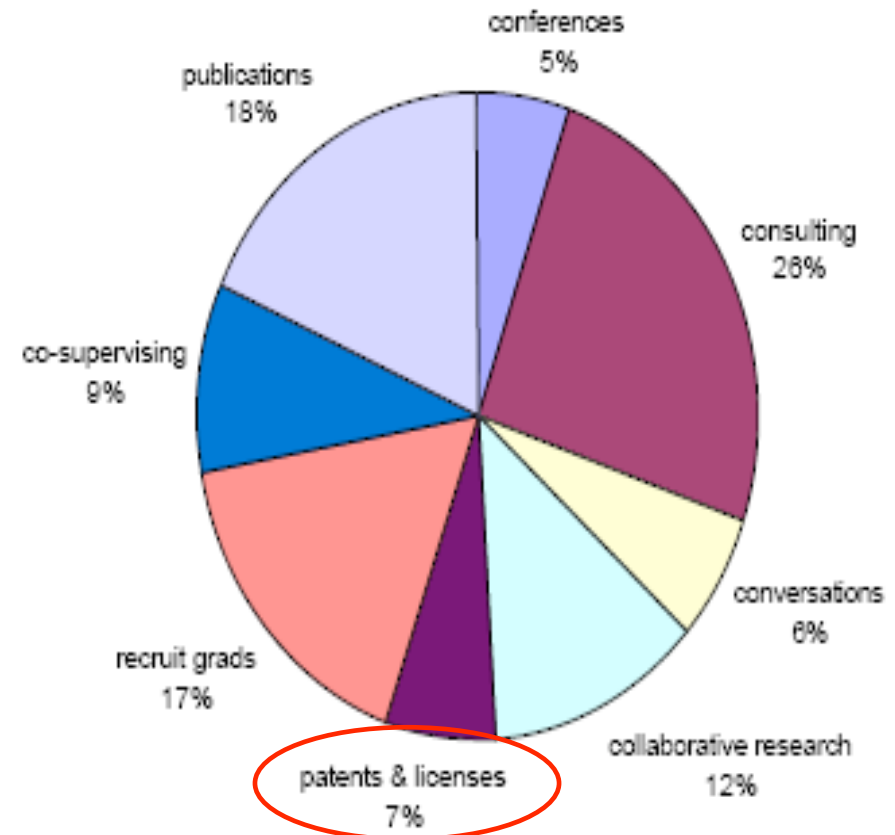
connect these three together into a network for e-R&D



# Is it working?

- North American academic research is **inconclusive in relation to the benefits of appropriation**
- **Complex internationalization** since developing countries may not present strong private equity markets, technology transfer community, or an entrepreneurial support system
- Patent Failure: “We find that the patent system **discourages investment in innovation by the average publicly traded American firm.**”

Perception of Relative Importance of Knowledge Channels (n=68)





# European Commission

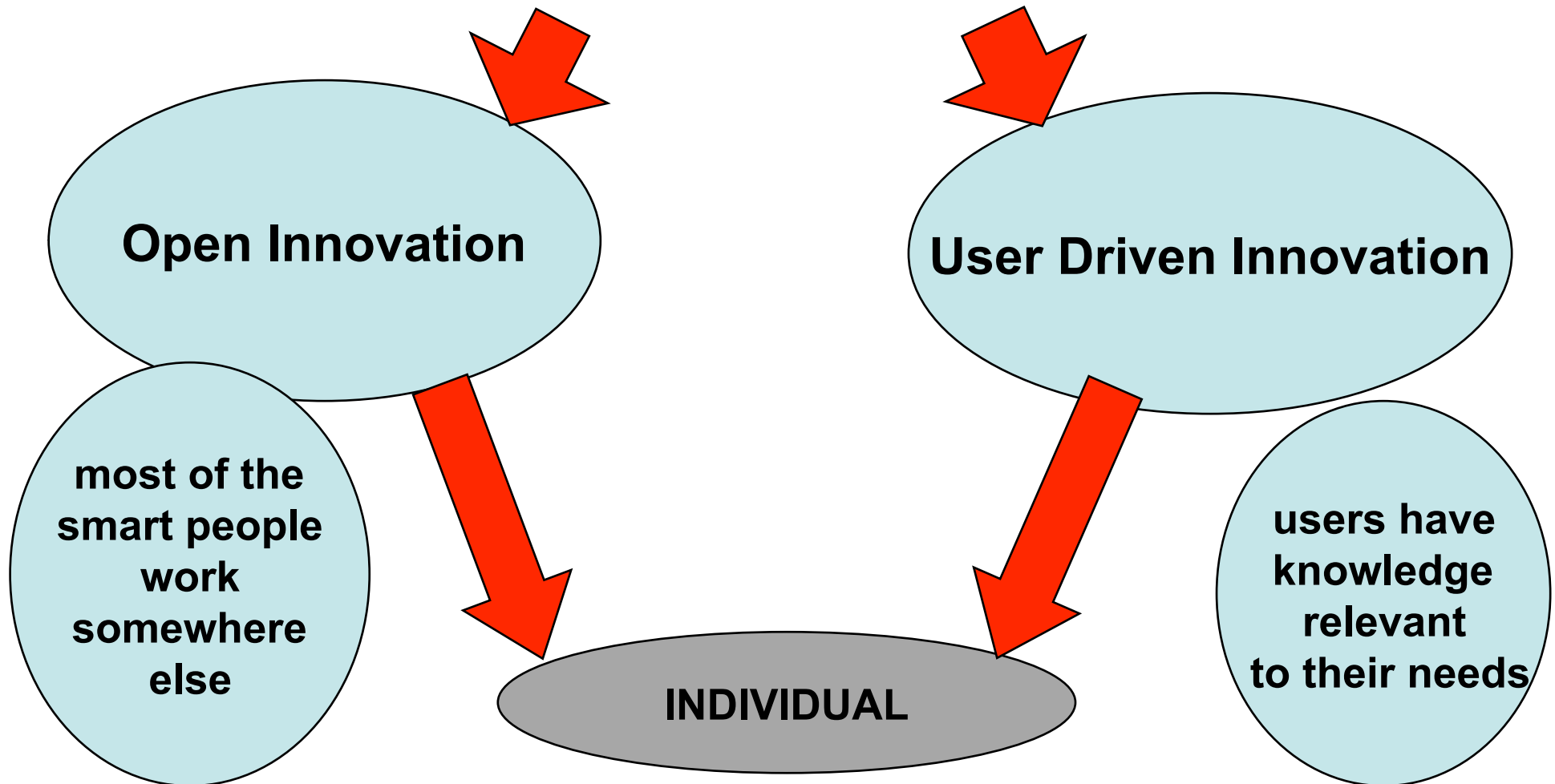
“Various ‘creative commons’ approaches (open access, open publications, open software,...) are increasingly endorsed by many universities. These mechanisms can ensure a more effective dissemination (...). It is therefore important to ensure that **researchers are aware of the benefits of both approaches and that decisions are made on the basis of socio-economic impact.**”

*Improving knowledge transfer between research institutions and industry across Europe: embracing open innovation, Implementing the Lisbon agenda (2007)*



# Here comes everybody!

## non-Traditional Innovation and the generative web





# Examples

- From Brazilian peripheries (from freezers and pipes, to software, mobile content, Internet-based games and music in our telecenters);
- To African models of printing on demand and movies production and distribution models;
- To kitesurfing and Postgres SQL and NMR spectroscopy

**What do they have in common?**

**the desire of the user to solve a local problem  
with local knowledge**



# What is needed for e-R&D?

- Cyberinfrastructure
- No constraints to publishing and Open Access
- Research Exemption



# Using the Internet to foster creation and innovation Processes

**We need to look for a new road that takes into consideration the empowerment of technology and knowledge to the people and learn from peer-production what is the Intellectual Property system they need, preserving the public domain**



# Open Cyberinfrastructure

**Federated**

**Open-source**

**Open-development**

**Open-access**

**(guarantee of  
interoperability)**

software  
and high  
performance  
networks

Improve  
research  
productivity and  
enable  
breakthroughs  
not otherwise  
possible



# Open Access

free availability on the public internet, **permitting users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software,** or use them for any other lawful purpose, **without financial, legal or technical barriers** other than those inseparable from gaining access to the internet itself.”

(Budapest Declaration)



# Benefits of (truly) Open Access Journals

- Its is not free, it is freedom;
- Cost less for users;
- Grant re-use rights associated with “web culture”;
- Innovation in distribution and publishing models;
- They are peer-reviewed;
- And yes, they have great index of impact results.



# Role of University

**sufficiently complex internal policy of intellectual property to **allow the open innovation and user-driven innovation** models, that asks for **A2K strategies****

What brings together:

- user reinvention;
- economics of open source;
- open licensing;
- clear exceptions and limitations
- technologies of cooperation and collective action;
- cyber-infrastructure for national and international collaboration and;
- access to and transfer of knowledge in an open science context .



# A call for OECD action

University will need interlocking **governmental policies** that support infrastructure development for non-traditional innovation and a **legislative and judicial** compromise to bar the expansion of the Intellectual Property and Technological Protection Measures

**Bringing back balance into the equation.**



*“Thus, this book speaks.  
It has a voice that allows  
you to read yourself and  
you are invited to  
contribute to its writing.”*

*Pierre Lévy*

**Thank you!!!!**

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