

future of IP?

A scenario exercise by the European
Patent Office



- ❖ How might IP regimes evolve by 2025?
- ❖ What global legitimacy might such regimes have?

The 5 most important driving forces causing the system to become increasingly complex and unpredictable

- ❖ 1. As new and powerful players emerge, who has power and authority?
 - ❖ multinational corporations; civil society organisations (CSOs) and global networks of political and special interest movements; international bodies; emerging economies and regional trade blocs; or other players, such as private equity investors

- ❖ 2. As the rules of the global jungle take shape, who will survive? And for how long?
 - ❖ the accelerated the pace of change, creating economies of scale which has led to an economic, social and political competitive flattening of the world between a multiplicity of players that include countries, regions, hotspots and city states, market sectors, global companies, organisational and business models, consumer markets and workforces, business and universities as well as cultures

The 5 drivers/2

- ❖ 3. How do humans and their institutions adjust to cope with the rate of change?
 - ❖ growing tension between, on the pace of global markets, the rate of change in technology and long-term cycles of political and legal institutions , as well as human psychology and the environment; e growing divide between the shortand long-term goals
- ❖ 4. As global society becomes increasingly reliant on complex interconnected systems, where are the tipping points that threaten them?
 - ❖ regional, ethnic and cultural conflicts, rise of worldwide terrorism and, increasing impact of environmental problems; risks changing from traditional (natural hazards) to complex systemic risks
- ❖ 5. As information becomes increasingly abundant, what knowledge has value?
 - ❖ Are there cheaper, quicker methods of protecting and exploiting knowledge than the existing legal system?

4 competing scenarios

- ❖ **Market rules** (The balance of power is held by multinational corporations with the resources to build powerful patent portfolios, enforce their rights in an increasingly litigious world and drive the agenda.)
- ❖ **Whose Game?** (a world where geopolitics is the dominant driver)
- ❖ **Trees of Knowledge** (a world where society is the dominant driver and diminishing societal trust and growing criticism of the existing system result in its gradual erosion.)
- ❖ **Blue Skies** (a world where technology is the dominant driver. Societal reliance on technology and growing systemic risks force this change; the key players are technocrats and politicians responding to global crises.)

How might IP regimes evolve by 2025?			
Market Rules	Whose Game?	Trees of Knowledge	Blue Skies
Business as dominant driver.	Geo-politics as dominant driver.	Society as dominant driver.	Technology as dominant driver.
The story of consolidation in the face of a system that has been so successful that it is collapsing under its own weight.	The story of conflict in the face of a boomerang effect that strikes the dominant players as geopolitical balances shift and competing ambitions emerge.	The story of erosion in the face of diminishing societal trust and growing criticism of the patent system.	The story of differentiation of the patent system in the face of global crises, societal reliance on technology and the threat of systemic risks.
Key questions			
Could ever-increasing volumes overwhelm the patent system?	What are the main drivers for future geopolitical change? How might they steer globalisation?	How can public and private interest in IP be reconciled for the benefit of society?	How can technical expertise be identified and measured? By whom?
Will the desire for patent rights continue to increase, or will there be new forms of IP protection?	What impact might this have on existing structures and institutions?	How are the ethical and moral dilemmas raised by technology reflected by the patent system?	How can valuable knowledge be protected in emerging and complex technological fields?
How might issues of enforcement impact the further development of patent rights as a financial asset?	How might this impact the IP system globally and regionally?	Where should the limits to patentability be drawn? By whom?	Should the one-size-fits-all system be abolished to meet the needs of different technological sectors, where will the boundaries be drawn? By whom?
Does the patent system offer business protection in the face of ever-increasing competition?	Does the patent system serve the world's various interests fairly?	Does the patent system benefit society?	Can the patent system adapt to the changing nature and pace of technology?
...and a way to test this is to see whether business maintains its use of patent protection in the era of globalisation.	...and a way to test this is to look at least developed countries (LDCs) and other developing countries.	...and a way to test this is to examine whether it achieves a balance between rewarding innovation and providing goods and knowledge to the public.	...and a way to test this is to check whether a bifurcated patent system can better respond to the needs of technology and society.
What legitimacy might such a regime or regimes have?			
Business says 'yes' to IP; other views are irrelevant.	No global legitimacy; competing national and regional IP systems.	No legitimacy for classic monopoly rights; legitimacy for open and collaborative innovation.	IP reform restores global legitimacy.