

EMERGING MODELS OF PATENT OWNERSHIP

Timothy Simcoe
Boston University and NBER

What emerging models?

- Non-practicing entities
 - Texas LLCs vs. University TTOs
 - Privateers and “defensive” clubs
- Sovereign patent funds
 - ETRI and CSIRO vs. France Brevet and IP Bridge
- Private ordering
 - Pools, SSOs, open source, patent pledges

Innovation and welfare effects?

- Specialization and gains from trade
 - Incentives: Rent-seeking vs. innovation
 - Trading: Inter vs. intra-firm
- Phones, drugs, mousetraps and the unitary patent system
- International harmonization
 - Forum shopping vs. the ratchet effect

Policy implications

- Efficient markets for knowledge assets
 - Patent quality and transparency
 - Enforcement: balancing costs and risks
 - Competition: patents are not a license to collude
- Global institutions for trade
 - IPR policy outreach and education
 - Preventing protectionist IP policy