

*Intellectual Property Rights and MDG8-Global Partnerships for Development:  
Economic Incentives for Change*

Courtney Matson  
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In 2000, the United Nations created the Millennium Development Goals (MDGs). This set of eight goals encompass the world's largest problems and most pressing issues, forming "a blueprint agreed to by all the world's countries and all the world's leading development institutions...galvaniz[ing] unprecedented efforts to meet the needs of the world's poorest."<sup>1</sup> These goals seek to tackle issues of poverty, education, gender equality, child mortality, maternal health, diseases, environmental sustainability; and development. The last MDG, "partnership for development," ties together all the goals in a combined effort from all countries for global development. However, in this era of rapid global development, individual invention and innovation is often undermined. How does global development work? What are its requirements? How can developed and developing countries create a partnership for development, despite their many differences? This paper will answer these questions and pose a potential solution to the problem of intellectual property rights in the context of partnerships for global development.

Global development is a term misused by many. Global development, according to the American Heritage Dictionary, is the "determine[ing] the best techniques for applying a new device or process to production of goods or services"<sup>2</sup> and applying it on a global scale. While development includes economic, human rights, social, cultural, and political spheres, it is unfortunately the economic sphere which serves as the main drive and catalyst for other types of development, thus stimulating the other MDGs. The most important economic aspects in creating partnerships for global development, according to the United Nations are: further developing an open trading and financial system

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<sup>1</sup> "Millennium Development Goals." United Nations MDGs, 2005. 26 November 2006. <http://www.un.org/millenniumgoals/>.

<sup>2</sup> "Development." *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. *Answers.com* 28 November 2006. <http://www.answers.com/topic/development>.

nationally and internationally; more comprehensively dealing with developing countries' debt problems through debt sustainability measures; cooperating with developing countries to develop decent work for youth; and cooperating with the private sector to make available the benefits of new information and communication technologies.<sup>3</sup>

As the world continues its rapid process of globalization, the protection of rights and freedoms becomes increasingly important. Intellectual Property Rights (IPRs) are one example of such rights, the protection of which is becoming progressively more significant. Intellectual Property (IP) is commonly understood as any product of the mind, including ideas inventions; literary and artistic works, symbols, images, names, and designs; essentially any information or original expression of an individual(s).<sup>4</sup> IPRs are important because they “allow people to own their creativity and innovation in the same way that they can own physical property. The owner of IP can control and be rewarded for its use, and this encourages further innovation and creativity to the benefit of us all”<sup>5</sup> IPRs are thus protected under law in the same way other types of property are protected.

In developed countries, according to the World Bank's 2002 *Global Economic Prospects Report*, IPR protection is essential for today's globalized economies, and is associated with greater trade and foreign direct investment. This promotes faster economic growth, provides incentives for technological innovation, attracts investment, and creates new jobs and opportunities within countries.<sup>6</sup> Such countries have the resources to protect IPRs by obtaining copyrights, trademarks and registered trade secrets.

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<sup>3</sup> UN MDGs, 2005.

<sup>4</sup> Field, Thomas G Jr., “What is Intellectual Property?” U.S. Department of State, January 2006. Bureau of International Information Programs 27 November 2006. <http://usinfo.state.gov/products/pubs/intelprp/>.

<sup>5</sup> “What is Intellectual Property or IP?” UK Patent Office, 2000. 27 November 2006. <http://www.intellectual-property.gov.uk/>.

<sup>6</sup> Field, 2006.

In contrast, developing countries do not have these same means to protect IPRs. The issue of generic drug production and trade has long been a pressing one, which reached a serious impasse in 2002. The Agreement on Implementation of Paragraph 6 of the Doha Declaration on IPRs, however, which was created in August 2003 following the impasse at the Cancun Ministerial Meeting. It enables developing countries to import a generic drug if it is necessary to the alleviation of a public health concern, if that country's pharmaceutical industry cannot produce the drug itself, and if it can prove that the drug will only be used for public, non-commercial purposes.<sup>7</sup> Though not without problems, the provision of patented pharmaceutical drugs at reduced costs for those in developing countries will not be addressed herein.

This paper thus suggests a possible solution to IPRs in MDG8: the creation of a partnership system, wherein an organization, such as the World Intellectual Property Organization (WIPO) creates a system of strategic partnerships between a developed and a developing country, which have different but complementary needs. In this system, two countries would work together for mutual benefit in economic, political and social, and humanitarian development. This would include, but is not limited to the collaboration of efforts to promote the protection of intellectual property rights, by providing education and legal assistance in protecting the intellectual property of individuals and groups in the developing country lacking the resources to obtain a patent, copyright or other such protection measures. In return, the developed country would help the developing country market that idea, product or invention, for a wider, more global audience, thus helping to stimulate the economy of the developed country, which would

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<sup>7</sup> Global Trade Negotiations, "Intellectual Property Summary." Center for International Development at Harvard University, January 2004. 27 November 2006.  
<http://www.cid.harvard.edu/cidtrade/issues/ipr.html>.

in return, give a percentage of the revenue created [yet undetermined] to the developing country, while also allowing the developed country to import that product without tax and sell it to consumers within their country at a slightly lower cost [also yet undetermined]. The protection of the intellectual property rights of individuals in developing countries would help to stimulate the development of ideas and inventions, and the legal, procedural and marketing assistance in the protection of these IPRs by the developed country would also help provide a market for the proliferation of IPR-protected products.

The implementation of the proposed solution would create a series of positive outcomes. First, it would stimulate the developing country's economy by developing an open trade system between as well as within countries. Second, it would help to alleviate and make more sustainable the partnered-developing countries' debt while also allowing the partner-developed country to save money, which would also stimulate their economy. Third, it would make more efficacious trade possible and improve import/export relations between countries. Fourth, it would provide more jobs and opportunities, especially for and the long-term, future youth in those countries. Finally, it would cooperate with the private sector on information and communication technology improvements and availabilities. All of these outcomes would positively affect the provision of capabilities for both the developing and the developed country, improving their overall international status. This proposal suggests the creation of a system of partnerships, wherein developed and developing countries work together to create mutually-beneficial outcomes, thus achieving the eighth MDG, "developing partnerships for global development," and building a more cooperative, interdependent and collectively focused global community, starting with the individual.

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