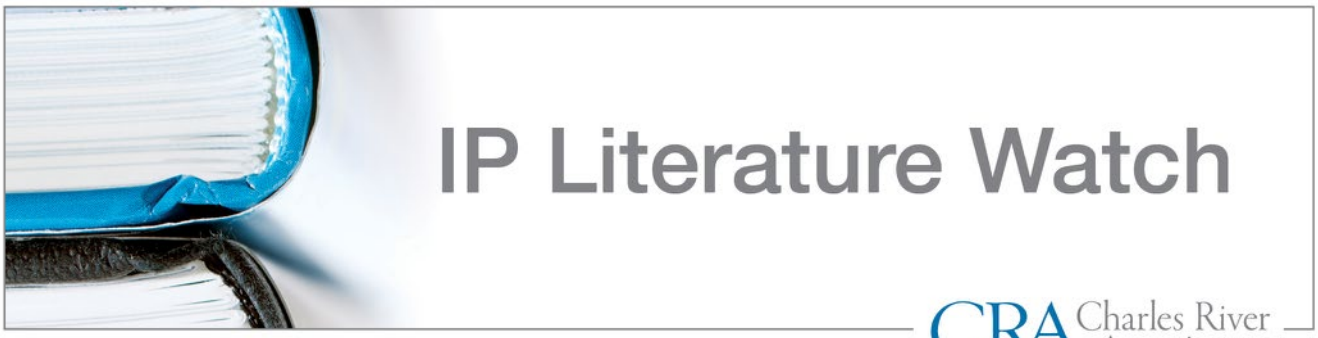

April 2023

This newsletter contains an overview of recent publications concerning intellectual property issues. The abstracts included below are as written by the author(s) and are unedited.

IP & Antitrust

Competition for Exclusivity and Customer Lock-in: Evidence from Copyright Enforcement in China

Youming Liu (Bank of Canada)
Working Paper
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4408238

Copyright law grants the exclusive right to copyright owners so that they have adequate financial incentives to create and innovate. However, when firms are copyright owners, they can leverage the exclusive right to sell or distribute products exclusively. This paper studies the music streaming industry, where streaming services compete for exclusive licenses from music labels. Service providers use exclusive content to attract users, tailoring their services to individual preferences that create switching costs leading to user lock-in. I first use theoretical analysis and descriptive empirics to show that exclusivity confers advantages in competition to a service that can generate larger lock-in effects. I then construct a dynamic structural model in which consumers face switching costs when making subscription decisions. I estimate the model using the monthly data from China's music streaming market over 2014-2017. Finally, I simulate market outcomes under two alternative policies, a compulsory licensing provision, and a mandatory data portability policy. The policy simulation shows that compulsory licensing that enforces non-exclusive distribution would not improve market competition by "leveling the field" between dominant and small services as intended. On the contrary, the policy increases market concentration, enlarging the gap in market share between dominant and small services. In contrast, mandatory data portability that reduces switching costs would reduce market concentration, bringing more users to smaller services.

IP & Licensing

Finding An Efficiency-Oriented Approach to Scrutinize the Essentiality of SEPs: A Survey

Giuseppe Colangelo (University of Basilicata, Department of Mathematics, Computer Science and Economics; Stanford Law School; LUISS Guido Carli, Department of Business and Management)
4iP Council Research Paper (2023)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4400790

Over the years, the debate surrounding standard essential patents (SEPs) has focused mainly on the economic and legal meanings of FRAND commitments. However, the assessment of SEPs' true essentiality is a topic that has gained significant interest among policy makers. As the European

Commission is expected to deliver a legislative proposal to promote an efficient and sustainable SEP licensing ecosystem, this paper aims to provide a review of the literature on different mechanisms that have been proposed to determine the essentiality of a patent. Indeed, whilst any policy intervention stems from the need to ensure a reasonable balance among accuracy, transparency, and cost of the essentiality checks, the available approaches score differently in terms of their efficiency.

Shall we share? The principle of FRAND in B2B data sharing

Marco Botta (European University Institute - Robert Schuman Centre for Advanced Studies (RSCAS))
Robert Schuman Centre for Advanced Studies Research Paper No. 2023_30
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4423805

Data is often defined as the 'oil' of the 21st century economy: companies that successfully collect and process a large amount of data can provide more personalized services to their customers, develop new products, and reduce their production costs, thus becoming more competitive. Similarly, public institutions can provide more personalized services to citizens if they can access a large dataset. However, small firms and public institutions often cannot collect a sufficiently large amount of data on their own, and via data sharing small firms and public institutions can access larger and more diversified sets of data, thus boosting their efficiency. Despite its well-recognized benefits, several technical, regulatory and economics obstacles currently limit the degree of data sharing.

This paper first discusses the market failures that currently limit data 'access' and 're-use' – which are jointly defined as 'data sharing'. Secondly, the paper analyses the legislation recently adopted by the European Union (EU) to foster Business2Business (B2B), Government2Business (G2B) and Business2Government(B2G) data sharing, especially by comparing the terms of the compensation that is provided by the EU legislation. Finally, the paper analyses the meanings of Fair, Reasonable and Non-Discriminatory (FRAND) terms in the context of the licensing of Standard Essential Patents (SEPs) and access remedies in EU competition law, to draw some lessons on how the principle of FRAND, in the context of B2B data sharing, is interpreted.

International Jurisdiction Over Standard-Essential Patents

Henrik Horn (Research Institute of Industrial Economics (IFN); Centre for Economic Policy Research (CEPR); Bruegel)
Robert Schuman Centre for Advanced Studies Research Paper No. 2023_19
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4408111

Countries are alleged to pursue commercial interests through their antitrust interventions regarding FRAND commitments for standard-essential patents (SEPs). This paper examines pros and cons of allocating jurisdiction according to fundamental principles in international law, assuming that countries' regulations promote national objectives. It shows why the Territoriality Principle yields too lenient treatment of patent-issuing countries' SEPs, and too strict of treatment of other countries' SEPs, and why the Nationality Principle yields too lenient treatment generally. Non-discrimination obligations can, but need not, improve on outcomes. Hence, existing international law will typically not implement efficient outcomes, suggesting that an international agreement is required.

IP & Litigation

Jury-Related Errors in Copyright

Zahr Said (University of Washington - School of Law)
Indiana Law Journal, Vol. 98, No. 3, 2023
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4406312

Copyright law is surprisingly hard. Copyright does not do what laypeople think it does, nor do its terms mean what laypeople expect. Copyright also possesses systemic indeterminacy about what it protects

and the extent of that protection. For laypeople, copyright law is decidedly "user-unfriendly." Nonetheless, copyright law reserves for lay jurors its most-litigated, most difficult, and most consequential question at trial: whether works are "substantially similar" and thus infringing.

Many have criticized this allocation because in the context of copyright law, juries effectively have the power to expand or contract owners' rights with little oversight or correction. But blaming the jury obscures other systemic factors and overlooks mistakes made by judges and litigants (as well as juries). In short, don't blame the jurors, blame the game. To evaluate and improve the jury's role in copyright litigation, we must look at—but also beyond—the jury and consider systemic sources of error, starting with complexities built into copyright itself.

This Article focuses on copyright's jury per se and begins to bridge the gap between copyright scholarship and the methodologically diverse generalist jury literature. Numerous high-profile jury trials underscore the jury's importance for copyright policy, yet scholars have neglected to consider the jury's role in light of existing generalist scholarship. Jury-Related Errors in Copyright profiles copyright's user-unfriendliness and explores its impact by examining cases involving jury-related errors. It proposes a framework for considering reforms, arguing that copyright law must be attuned to what juries need to accomplish their tasks (via a "jury-centric" approach) as well as heeding how juries' verdicts effectuate—or distort—copyright's policy aims (using a "system-centric" approach). More scholarship is needed to develop future reforms but this Article provides a necessary starting point by acknowledging copyright law's current user-unfriendliness and highlighting the significant impact of jury-related errors.

IP & Innovation

Measuring the Characteristics and Employment Dynamics of U.S. Inventors

Ufuk Akcigit (University of Chicago - Department of Economics; National Bureau of Economic Research (NBER); Center for Economic and Policy Research (CEPR))
Nathan Goldschlag (Center for Economic Studies, U.S. Census Bureau)
University of Chicago, Becker Friedman Institute for Economics Working Paper No. 2023-49
NBER Working Paper No. w31086
https://www.nber.org/papers/w31086

Innovation is a key driver of long run economic growth. Studying innovation requires a clear view of the characteristics and behavior of the individuals that create new ideas. A general lack of rich, large-scale data has constrained such analyses. We address this by introducing a new dataset linking patent inventors to survey, census, and administrative microdata at the U.S. Census Bureau. We use this data to provide a first look at the demographic characteristics, employer characteristics, earnings, and employment dynamics of inventors. These linkages, which will be available to researchers with approved access, dramatically increases the scope of what can be learned about inventors and innovative activity.

Evolution of Co-Patent Network and Patent Citation Network Centering on Chinese Firms

Taro Akiyamma (University of Niigata Prefecture)
Baojun Fang (University of Niigata Prefecture)
Working Paper
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4406012

This study investigates Chinese firms' co-patenting and citation networks and examines their evolution since 1985. We used a comprehensive dataset of Chinese firms' patent filings to analyze these networks changing structure over time. We constructed these networks and analyzed their growth, sparsity, and distribution patterns. The co-patenting network exhibits declining betweenness centrality, indicating a more decentralized innovation ecosystem. By contrast, the citation network's transitivity remains stable owing to the narrowing of the technological gap. Chinese universities hold central positions in the co-patenting network, whereas firms from the US, Japan, Germany, Taiwan, and South

Korea maintain active interactions with China in the citation network. Our partial correlation analysis provides insights into innovation and collaboration, highlighting the importance of central network positions and the need to balance openness and clustering to improve patenting performance. The increasingly interconnected structure of citation networks fosters a collaborative innovation environment, emphasizing the value of impactful innovations and strategic network positioning for enhanced innovation performance. These findings underscore the importance of these networks in fostering innovation and knowledge diffusion in China.

Firm Age, Proximity to the Past R&D, and Innovation: Evidence from JPO

Shotaro Yamaguchi (University of Maryland – Department of Management & Organization)
Hiroshi Shimizu (Waseda University)
Working Paper
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4411636

This study seeks to expand on prior research that used USPTO patent data by utilizing data from the Japanese Patent Office (JPO) to investigate the effects of firm age on innovation. Similar to the previous study, we directly measure the degree of recombination of a firm's R&D portfolio, which we refer to as the firm's R&D proximity. Our analysis shows that higher R&D proximity, indicating smaller changes in R&D portfolios, is associated with a greater number of inventions but with lower invention quality. Furthermore, our findings support the mediating role of firm age on innovation, consistent with previous studies based on the US context.

IP Law & Policy

Cheap Creativity and What It Will Do

Dan L. Burk (University of California, Irvine School of Law)
Georgia Law Review, Vol. 57, 2023
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4397423

Artificial intelligence, in the form of machine learning systems, is becoming widely deployed across many industries to facilitate the production of new technical or expressive works. Among other applications, these technologies promise rapid product design and creation, often exceeding the capacity of human creators. Commentators and policy makers have responded to these developments with a flood of literature analyzing the ways in which AI systems might challenge our existing regimes of intellectual property. But such discussions have thus far focused on entirely the wrong questions, misunderstanding the nature of the changes that AI brings to creative development.

The history of intellectual property law is in some sense the history of falling technological costs; advances in manufacturing, communications, and transportation have successively lowered barriers to access and distribution of creative goods. Falling costs of appropriability mean diminished opportunity for profit, and so diminished incentives to invest in creative goods. Intellectual property law is typically justified today as an answer to the undersupply problems created by falling costs of marginal distribution; patent and copyright laws provide legal exclusion where physical exclusion is not feasible. The promise of legal exclusivity offers investors the opportunity to recoup investments in creative goods.

But this incentive paradigm is upended by current trends in machine learning. Cost savings from AI systems occur at a different point in the production process. Rather than further lowering the cost of distribution, AI systems promise (or threaten) to lower the cost of initial development of creative goods, providing a synthetic substitute for human creativity. Their incorporation into creative production will in effect automate the generative phases of the creative development process, substantially lowering the cost of the initial stage of production. Like other cost-saving industrial automation, this can be expected to displace human labor and redefine human roles in production.

The history of past automated labor displacements teaches us something of what will occur as creativity is automated. Consequently, in this paper I begin to reframe the discussion of intellectual property and artificial intelligence, showing the impact machine learning will have on human creativity and innovation, and the implications these changes for intellectual property doctrine and policy. In particular, I show that cheap substitutes for human creativity will drive a shift toward forms of intellectual property that certify authenticity rather than those that incentivize production and distribution. Armed with this understanding, we can begin to address the question of how to foster human engagement in an age of automated creativity.

Anti-Patents

Roy Baharad (Hebrew University of Jerusalem – Hebrew University)
Stuart Minor Benjamin (Duke University School of Law)
Ehud Guttel (Hebrew University of Jerusalem – Faculty of Law)
University of Chicago Law Review, Vol. 91, 2024
Duke Law School Public Law & Legal Theory Series No. 2023-24
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4388807

Conventional wisdom has long perceived the patent and tort systems as separate legal entities, each tasked with a starkly different mission. Patent law rewards novel ideas; tort law deters harmful conduct. Against this backdrop, this Essay uncovers the opposing effects of patent and tort law on innovation, introducing the "injurer-innovator problem." Patent law incentivizes injurers—often uniquely positioned to make technological breakthroughs—by allowing them to profit from licensing their inventions to competitors. Yet tort law, by imposing liability for failures to invest in care, forces injurers to incur the cost of implementing their own inventions. When the cost of self-implementation exceeds the revenues that may be reaped from patenting new technologies, injurers are better off refraining from developing socially desirable inventions. The injurer-innovator problem remarkably persists under both negligence and strict liability regimes, and in the face of different victim types. Multiple real-world examples demonstrate the extent and pervasiveness of this phenomenon.

To realign the incentives provided by the patent and tort systems, this Essay proposes a new legal construct: Anti-patents. While a standard patent grants an inventor the exclusive right to use her invention, an anti-patent creates the converse exclusivity regime: the inventor, and only her, is not required to use the invention. Importantly, anti-patents retain the existing patent protection, allowing injurer-innovators to charge monopolistic prices from competitors but simultaneously eliminating the obstacle created by tort law. An injurer-innovator who owns an anti-patent will enjoy immunity from the enhanced standard of care to which the rest of the industry would now be subject. The Essay further shows that the anti-patent mechanism not only succeeds at harmonizing patent and tort law towards the advancement of technological progress, but also outperforms alternative schemes employed to stimulate innovation (i.e., prizes, grants, and tax benefits). Finally, it ties the logic that underlies anti-patents to existing doctrines designed to elicit the disclosure of private information.

Potential and Limits of Patent Law to Address Climate Change

Reto Hilty (Max Planck Institute for Innovation and Competition; University of Zurich; Ludwig Maximilian University of Munich (LMU))
Pedro Henrique D. Batista (Max Planck Institute for Innovation and Competition)
Max Planck Institute for Innovation & Competition Research Paper No. 23-10
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4424243

The challenges imposed by climate change urgently require new technologies to reduce environmental damage and make more efficient use of natural resources. Patent law is generally considered an important tool to promote innovation. The question therefore arises as to its role with regard to sustainable inventions, in particular whether there is a need for adjustments to increase its efficiency, but also concerning the interaction with other regulatory measures. This article offers a critical overview of the range of options for state intervention and distinguishes different types of market failure that need to be prevented in different ways.

Copyright Law

On Copyright Utilitarianism

Patrick Russell Goold (City University London, The City Law School)
David A. Simon (Harvard Law School)
99 Indiana Law Journal, Forthcoming
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4408039

The state should grant copyright to authors only when doing so promotes utility; so goes the utilitarian argument for copyright law. In recent years, however, this argument has faced three criticisms. As a normative matter, critics argue that a utilitarian copyright system is neither just nor attractive. As an epistemological matter, critics argue that society cannot ever know whether copyright promotes utility. And as an interpretive matter, critics argue that utilitarianism fails to appreciate what copyright is really all about: progress of the sciences and useful arts. And so, an increasing number of scholars conclude that copyright should be awarded, not when doing so aids utility, but when doing so secures natural rights or promotes democratic norms.

This Article refines and defends the utilitarian argument for copyright law. The Article departs the company of prior utilitarians, however, in its conceptualization of "utility." Taking inspiration from John Stuart Mill's defense of utilitarianism, the Article argues that utility in copyright cannot be understood in purely quantitative terms. Of course, the overall amount of creative work that the copyright system generates matters a great deal; but it is not the only thing that matters. The type of creative work incentivized by the system also matters: creative work that feeds the mind, sparks feelings and imagination, and promotes moral sentiments provide copyright's "higher pleasures." A truly utilitarian copyright system is, therefore, one that produces more and better creative work. A utilitarian copyright of this kind is normatively attractive, epistemologically realistic, and interpretively consistent with the constitutional structure of American copyright law.

Batman forever? The economics of overlapping rights

Alexander Cuntz (World Intellectual Property Organization (WIPO))
Franziska Kaiser (World Intellectual Property Organization (WIPO))
World Intellectual Property Organization (WIPO) Economic Research Working Paper Series No. 61
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4422436

When copyrighted comic characters are also protected under trademark laws, intellectual property (IP) rights can be overlapping. Arguably, registering a trademark can increase transaction costs for cross-media uses of characters, or it can help advertise across multiple sales channels. In an application to book, movie and video game publishing industries, we thus ask how creative reuse (innovation in uses) is affected in situations of overlapping rights, and whether 'fuzzy boundaries' of right frameworks are in fact enhancing or decreasing content sales.

Foundation Models and Fair Use

Peter Henderson (Stanford University)
Xuechen Li (Stanford University)
Dan Jurafsky (Stanford University)
Tatsunori Hashimoto (Stanford University)
Mark A. Lemley (Stanford Law School)
Percy Liang (Stanford University – Department of Computer Science)
Working Paper
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4404340

Existing foundation models are trained on copyrighted material. Deploying these models can pose both legal and ethical risks when data creators fail to receive appropriate attribution or compensation. In the

United States and several other countries, copyrighted content may be used to build foundation models without incurring liability due to the fair use doctrine. However, there is a caveat: If the model produces output that is similar to copyrighted data, particularly in scenarios that affect the market of that data, fair use may no longer apply to the output of the model. In this work, we emphasize that fair use is not guaranteed, and additional work may be necessary to keep model development and deployment squarely in the realm of fair use. First, we survey the potential risks of developing and deploying foundation models based on copyrighted content. We review relevant U.S. case law, drawing parallels to existing and potential applications for generating text, source code, and visual art. Experiments confirm that popular foundation models can generate content considerably similar to copyrighted material. Second, we discuss technical mitigations that can help foundation models stay in line with fair use. We argue that more research is needed to align mitigation strategies with the current state of the law. Lastly, we suggest that the law and technical mitigations should co-evolve. For example, coupled with other policy mechanisms, the law could more explicitly consider safe harbors when strong technical tools are used to mitigate infringement harms. This co-evolution may help strike a balance between intellectual property and innovation, which speaks to the original goal of fair use. But we emphasize that the strategies we describe here are not a panacea and more work is needed to develop policies that address the potential harms of foundation models.

All Roads Lead to Tokens – The Impact of NFTs on Galleries and Museums

Péter Mezei (University of Szeged, Institute of Comparative Law and Legal Theory)
Ioanna Lapatoura (University of Nottingham)
Working Paper
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4400918

Non-fungible tokens were a buzzword throughout 2021 and continue to thrive. NFTs are uniquely identifiable digital representations of structured metadata referring to physical or digital items. They are predominantly used to transfer certain interests and rights (including intellectual property) over the fandom, profile pictures or born-digital artworks. While NFTs might be primarily used in for-profit settings, with numerous artists and brands reaping the benefits of marketing their creations on NFT platforms, they have profound relevance for organizations active in the field of the digital preservation and dissemination of cultural heritage. This paper discusses how NFTs might be approached by the GLAM sector. It especially focuses on the possible changes to the financing and the professional role of galleries and museums, the potential of NFTs to revolutionize access to digitized or born-digital artworks from a much wider audience, the fate of ownership of “real-world” artworks, the possible collaborations of cultural organizations and NFT platforms, and whether NFTs can serve as an optimal solution for the preservation and dissemination of cultural heritage hosted by cultural organizations. It also presents the findings of a survey-based empirical analysis of the perceptions of people interested in NFTs related to the relevance of NFTs in the galleries and museums sector.

IP & Trade

The Changing Chemistry Between Intellectual Property and Investment Law

Peter K. Yu (Texas A&M University School of Law)
IMPROVING INTELLECTUAL PROPERTY: A GLOBAL PROJECT, Susy Frankel, Margaret Chon, Graeme B. Dinwoodie, Barbara Lauriat and Jens Schovsbo, eds., Edward Elgar Publishing, pp. 405-15, 2023
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4400784

Written as part of the festschrift in honor of Professor Rochelle Dreyfuss, this tribute focuses on developments emerging from the use of investor-state dispute settlement in the intellectual property area. It explores the changing chemistry between intellectual property and investment law. Specifically, the chapter discusses future developments in four areas: (1) international trade and investment agreements; (2) investor-state disputes involving intellectual property claims; (3) new developments in

intellectual property law; and (4) external considerations outside the intellectual property and investment domains.

Is an 'Open Innovation' Policy Viable in Southeast Asia? – A Legal Perspective

Robert Brian Smith (University of New England (Australia) – School of Law)
Mark Perry (University of New England – School of Law; University of Western Ontario – Faculty of Law; the University of Western ONtario; The University of Auckland; University of New England)
Robert Smith & Mark Perry (2023). "Is an 'Open Innovation' Policy Viable in Southeast Asia? – A Legal Perspective", Athens Journal of Law 9(2), 187-209. DOI: 10.30958/ajl_v9i2
https://www.athensjournals.gr/law/2023-9-2-2-Smith.pdf
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4406790

In recent years, particularly in Europe, increasing attention is being paid to managing Intellectual Property (IP) competitive effects. Europe achieves greater innovation output with IP overall whilst also implementing the globally harmonized IP laws. The performance differences in innovation output are due to many variables. However, the EU has focused on three policy goals: "open innovation", "open science", and "open to the world", aiming to foster access to knowledge for advancement as well as overcoming innovation barriers while retaining alignment with harmonized international IP frameworks. Whilst it is still premature to draw conclusions about the effectiveness of the EU approach, it is possible to hypothesize whether such an approach is a viable option in Asia. In this case, the focus will be on the eleven countries of the Southeast Asia region with their various levels of development, from least developed (Cambodia, Laos, Myanmar and Timor-Leste) to highly developed (Singapore).

The paper describes the concept of the EU "open innovation" policy, its drivers and its legal basis. From these examples, a framework will be developed against which to test its viability in Southeast Asia. Analysis shows that each of the ten ASEAN member states, including Singapore, is a net importer of patents rather than a developer. Nonetheless, it is considered that the IP ecosystems in Malaysia, Singapore, Thailand and Vietnam are sufficiently robust to at least consider a trial of the Open Innovation, Open Science and Open to the World concepts as being tested in the European Union.

WIPO ALERT – A Reason to Be Alerted?

Alexander Peukert (Goethe University Frankfurt - Faculty of Law)
Susy Frankel/Margaret Chon/Graeme B. Dinwoodie/Barbara Lauriat/Jens Schovsbo (eds.), Improving Intellectual Property. A Global Project, 2023, 450-462
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4405971

This article provides an overview and critical assessment of WIPO ALERT. It locates this initiative in the broader context of transnational IP enforcement schemes on the Internet. These initiatives are classified into two categories according to their point of attachment and geographical effect. Whereas source-related measures (e.g. website takedowns) tend to have a transnational and possibly even a global effect, recipient-related measures (e.g. website and ad blockings) typically mirror the territorially fragmented IPR landscape. This fragmentation is where WIPO ALERT comes into play. It can be understood as a matching service which interconnects holders of information about copyright infringing websites ("Authorized Contributors") and actors of the online ad industry who want to avoid these outlets ("Authorized Users"). The critical assessment of WIPO ALERT calls for more transparency and the establishment of uniform substantive and procedural standards that have to be met if a new "site of concern" is added to the global ad blacklist.

Other Topics

Military Spending and Innovation: Learning from 19th Century World Fair Exhibition Data

Alexander Danzer (Catholic University of Eichstaett-Ingolstadt)
Natalia Danzer (Free University of Berlin (FUB) – School of Business & Economics; CESifo (Center for Economic Studies and Ifo Institute) – Ifo Institute)
Carsten Feuerbaum (KU Eichstaett-Ingolstadt)
CESifo Working Paper No. 10347
IZA Discussion Paper No. 16034
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4410249

We provide quantitative evidence on the relationship between military spending and innovation in the 19th century. Combining innovation data from world fairs and historical military data across Europe, we show that national military spending is associated with national innovation towards war logistics such as food processing, but less towards war technology such as guns. This pattern reflects differences in the historical markets for war supplies. European patent data of 1990-2015 suggest a long-term correlation between historical and contemporaneous innovation patterns.

Linking Chinese Census Firms to Patent Databases: A New Methodology

Baojun Fang (University of Niigata Prefecture)
Shuaixiong Fu (Peking University)
Taro Akiyamma (University of Niigata Prefecture)
Working Paper
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4403049

In this study, we address the challenges in linking the Annual Survey of Industrial Enterprise (ASIE) data with patent data for micro-level empirical research in the Chinese manufacturing industry. We identify limitations in the existing longitudinal linkage methods within the ASIE and propose a methodology that combines fuzzy matching algorithms, supplementary ancillary information, web scraping, and external databases to enhance the linkage within the ASIE data and between ASIE and patent data. The linked patents filed in the China National Intellectual Property Administration provide a more comprehensive view of research and development activities in Chinese industrial firms, and the parsed-out citations can inspire further research in this area. The linkage methodology and cumulated firm identity data also facilitate future linkage processes between ASIE and other micro-level databases.

Role of IPR in Sustainable Development in India

Divya Samriti (Sidharth Law College)
Working Paper
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4397580

India is an emerging economy that has a vast potential for innovation, creativity, and growth due to which IPR (intellectual property rights) plays a critical role in sustainable development. Moreover, the sustainable development refers to a way of meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. It involves the pursuit of economic, social, and environmental goals in a balanced and integrated manner. However, the IPR may limit the free flow of technology that is necessary to promote sustainable development in India. Although, the IPR plays a major role for economic as well as technological growth in India. Therefore, is necessary to understand and analyze the role of IPR in the sustainable development in India.

The purpose of this research paper is to analyze the role of IPR in sustainable development in India. The research paper aims to provide insights into the existing IPR regime in India, its effectiveness, and its impact on sustainable development. It highlights the importance of IPR in promoting innovation, technological advancements, and knowledge creation. The research paper also examines the

challenges and opportunities in the implementation of IPR in India and provides recommendations to improve the IPR regime in the country.

Contact

For more information about this issue of *IP Literature Watch*, please contact the editor:

Tolga Bilgicer
Principal
Chicago
+1-312-377-9285
TBilgicer@crai.com

*The editor would like to acknowledge the contributions of **Arun Maganti**.*

When **antitrust and IP** issues converge, the interplay between the two areas will significantly impact your liability and damages arguments. In addition to our consulting in **competition** and **intellectual property**, experts across the firm frequently advise on IP-related matters, including in **auctions and competitive bidding**, **e-discovery**, **energy**, **forensics**, **life sciences**, and **transfer pricing**. For more information, visit **crai.com**.