

THE PROTECTION OF INTELLECTUAL PROPERTY IN GLOBALIZATION

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Global competition requires firms to implement strategies to protect physical and intangible capital. In an open economy shaped by the intensive use of information technology, the patent is it the most effective means of protecting the firm's assets? What is the relationship between continuous innovation and patentability? How do firms meet the challenges of counterfeiting and piracy? Is the legal instrument sufficient to counter the new contenders? How national and supra-national public institutions act and react? Using industrial history, Blandine Laperche (Littoral University) showed the coordination role played by patents in strengthening collaborations (pooling of patents and cross-licensing). However, the latter may be at the root of patent wars around the world (patent trolls), the oligopolization of knowledge and barriers to entry for new inventors. For Béatrice Dumont (Paris 13), the intellectual property (IP) strategy becomes a major declination of the competitive strategy of the large company. The patent is considered as an investment that contributes to the sustainability, the growth and the strengthening of the firm's power in the market. The approach by patent family lights the international strategy: innovation creates value, it is valued by the market and increases the company's value. The covetousness for patents is illustrated by counterfeiting. For Zeting Liu (IFSTTAR), China is regarded as the first country in the field of counterfeiting; its IP protection system is inefficient because of the asymmetry of rules between international rules and their national application. The country is, however, in the process of complying with international law in order to pursue its strategy of absorbing and disseminating its own technologies. In addition to the trends towards misappropriation of patents, the international system of IP protection suffers, according to Julien Pénin (University of Strasbourg), the poor quality of information on patents; Which is the cause and consequence of the proliferation of patents trolls, the poor drafting of patents, the lack of a mapping of registered patents, long delays, etc. This chaotic evolution of IP protection is reinforced by open source that violates standards and patents. Emmanuel Darmois (engineer) has posed two key questions: does open-source tend to devalue "essential patents"? Will free access become, at least in the field of communication and information technologies, the only approach to intellectual property?