



Mapping Prevailing Ideas on Intellectual Property



Preliminary Findings from a Survey

By Jean-Frédéric Morin
Université libre de Bruxelles



International Centre for Trade
and Sustainable Development

Issue Paper No. 38

Mapping Prevailing Ideas on Intellectual Property

Preliminary Findings from a Survey

By **Jean-Frédéric Morin**
Université libre de Bruxelles



Published by

International Centre for Trade and Sustainable Development (ICTSD)
 International Environment House 2
 7 Chemin de Balexert, 1219 Geneva, Switzerland
 Tel: +41 22 917 8492 Fax: +41 22 917 8093
 E-mail: ictsd@ictsd.ch Internet: www.ictsd.org

Chief Executive: Ricardo Meléndez-Ortiz
 Core Team:
 Christophe Bellmann: Programmes Director
 Pedro Roffe: Senior Associate, Innovation, Technology and Intellectual Property
 Ahmed Abdel Latif: Senior Programme Manager, Innovation, Technology and Intellectual Property
 Daniella Allam: Junior Programme Officer, Innovation, Technology and Intellectual Property

Acknowledgments

The author would like to thank Milla Cieszkowsky and James Duffy for their invaluable research assistance, Sélim Louafi, Jeremy de Beer, Ahmed Abdel Latif, Pedro Roffe and Sara Bannerman for useful comments and suggestions, and the 1679 anonymous respondents to the survey.

The data collection and analysis was funded by the FER program of the Université libre de Bruxelles and undertaken with the support of ICTSD.

ICTSD wishes gratefully to acknowledge the support of its core and thematic donors, including: the UK Department for International Development (DFID), the Swedish International Development Co-operation Agency (SIDA); the Netherlands Directorate-General of Development Cooperation (DGIS); the Ministry of Foreign Affairs of Denmark, Danida; the Ministry for Foreign Affairs of Finland; and the Ministry of Foreign Affairs of Norway.

Jean-Frédéric Morin is Professor of international relations in the Political Science Department of the Université libre de Bruxelles (Belgium).

The views expressed in this publication are the author's personal views and do not necessarily reflect the views of any institution with which he is affiliated or of ICTSD's funding institutions.

For more information about ICTSD's Programme on Innovation, Technology and Intellectual Property visit our website at <http://ictsd.org/programmes/ip/>

ICTSD welcomes feedback and comments to this document. These can be sent to Ahmed Abdel Latif (aabdellatif@ictsd.ch).

Citation:

Morin, Jean-Frédéric; (2013); *Mapping Prevailing Ideas on Intellectual Property: Preliminary Findings from a Survey*; ICTSD Programme on Innovation, Technology and Intellectual Property; Issue Paper No. 38; International Centre for Trade and Sustainable Development, Geneva, Switzerland.

Copyright © ICTSD, 2013. Readers are encouraged to quote this material for educational and non-profit purposes, provided the source is acknowledged. This work is licensed under the Creative Commons Attribution-Non-commercial-No-Derivative Works 3.0 License. To view a copy of this license, visit <http://creativecommons.org/licenses/bync-nd/3.0/> or send a letter to Creative Commons, 171 Second Street, Suite 300, San Francisco, California, 94105, US.

TABLE OF CONTENTS

| | |
|--|----|
| LIST OF TABLES AND FIGURES | iv |
| LIST OF ABBREVIATIONS AND ACRONYMS | v |
| FOREWORD | vi |
| EXECUTIVE SUMMARY | 1 |
| 1. TAKING IDEAS SERIOUSLY IN IP POLICYMAKING | 2 |
| 2. METHODS | 4 |
| 3. OVERVIEW OF THE SAMPLE | 6 |
| 4. THE PARADIGM INDEX | 10 |
| 5. DOES WHERE YOU STAND DEPEND ON WHERE YOU SIT? | 12 |
| 6. A NORTH/SOUTH DIVIDE, REALLY? | 16 |
| 7. ACADEMIC DIPLOMAS OR BIRTH CERTIFICATES? | 18 |
| 8. WHO PROVIDES CAPACITY-BUILDING TO WHOM? | 21 |
| 9. WHO MIGHT BE MORE RECEPTIVE TO CAPACITY-BUILDING? | 25 |
| 10. WHAT MAKES AN ARGUMENT CONVINCING? | 27 |
| 11. CONCLUSION | 31 |
| ENDNOTES | 32 |
| REFERENCES | 34 |
| APPENDIX: REGRESSION ANALYSIS | 36 |

LIST OF TABLES AND FIGURES

- Table 1. Variables description
- Table 2. Explaining variations on the paradigm index
- Table 3. Explaining stability, confidence and certainty
- Table 4. IP-related training organized by various groups
-
- Figure 1. Primary professional activity (n=2125)
- Figure 2. Primary expertise on IPR (n=1647)
- Figure 3. Primary IP activity (n=1647)
- Figure 4. Country of birth (n=1647)
- Figure 5. Years of full-time study at the university level (n=1647)
- Figure 6. Percentage of professional activities related to IP (n=2295)
- Figure 7. Years of professional experience in IP (n=1647)
- Figure 8. Distribution of the paradigm index's indicators (n=1669)
- Figure 9. Paradigm index by profession (n=1669)
- Figure 10. Change in views by profession (n=1450)
- Figure 11. Paradigm index by primary IP activity (n= 1647)
- Figure 12. Paradigm index by percentage of work on IP issues (n=1669)
- Figure 13. Paradigm index by years of experience (n=1647)
- Figure 14. "IP treaties should provide relaxed standards for developing countries" by country of birth (n=1633)
- Figure 15. Paradigm index by country of birth (n=1647)
- Figure 16. Paradigm index by country of education, for respondents born in developing countries (n=597)
- Figure 17. Paradigm index by years of study, for respondent educated in a developed country (n=1260)
- Figure 18. Paradigm index by country of residence for academics only (n=431)
- Figure 19. Paradigm index by country of education for government officials only (n=111)
- Figure 20. Exposure of government officials to capacity-building providers (n=217)
- Figure 21. Exposure of government officials to capacity-building providers by country of birth (n=217)
- Figure 22. Officials exposed to NGOs' and businesses' capacity-building training (n=288)
- Figure 23. Paradigm index by capacity-building providers (n=288)
- Figure 24. Exposure of government officials to capacity-building by experience as delegates (n=228)
- Figure 25. Percentage of respondents who have changed their views in the last 10 years (n=1668)
- Figure 26. Extreme views by confidence in own views (n=1668)
- Figure 27. Highly confident rate of various sub-samples
- Figure 28. What makes an argument convincing (n=1662)
- Figure 29. What makes an argument convincing to government officials
- Figure 30. What makes an argument convincing by country of birth (n=1641)
- Figure 31. Percentage of policymakers who primarily value experience in the industry (n=78)

LIST OF ABBREVIATIONS AND ACRONYMS

| | |
|-------|--|
| ACTA | Anti-Counterfeiting Trade Agreement |
| EPO | European Patent Office |
| ICTSD | International Centre for Trade and Sustainable Development |
| IMF | International Monetary Fund |
| IP | Intellectual Property |
| IPRs | Intellectual Property Rights |
| NGO | Nongovernmental Organization |
| OECD | Organisation for Economic Co-operation and Development |
| PIPA | Protect IP Act |
| R&D | Research and Development |
| SOPA | Stop Online Piracy Act |
| SPLT | Substantive Patent Law Treaty |
| TRIPS | Agreement on Trade-Related Aspects of Intellectual Property Rights |
| US | United States |
| WIPO | World Intellectual Property Organization |
| WTO | World Trade Organization |

FOREWORD

It is ideas and beliefs – about how negotiations work, what are suitable policies and regulations and what is the most relevant evidence – that form the underpinnings of policymaking at the international and local levels. This is particularly the case in the area of intellectual property (IP), where for a long time a ‘faith-based’ approach, equating stronger intellectual property rights (IPRs) with greater innovation and economic growth, has shaped global norm setting and national legislation. However, since the conclusion of the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the level and reach of IP protection have become more contested and complex issues. As a result, current debates tend to be entangled in simplistic dichotomies between minimalists who favour weaker IP standards and maximalists who support higher standards. The reality is undoubtedly more complex, and this paper hopes to contribute towards achieving a better understanding of these issues.

For more than a decade, the International Centre for Trade and Sustainable Development (ICTSD) has strived to better inform IP policy discussions at the international level by bringing a greater diversity of views and greater reliance on empirical evidence. From this perspective, an empirically based exercise that would look at how ideas and beliefs on IP are formed and transmitted seemed appealing and useful, as it could potentially provide a more nuanced and dynamic mapping of such notions in this fast-changing area of global regulation with important implications for policymaking and most notably education and capacity building.

In this context, this paper by Professor Jean-Frédéric Morin, of the Université libre de Bruxelles, presents the findings of a survey completed by more than 1600 IP professionals. It is the first empirical study of its kind that seeks not only to identify the current trends in IP thinking, but also more importantly to map their origins and transmission mechanisms. Its primary objective is to gain a better understanding of communities of ideas in this area in order to generate thought-provoking and policy-relevant hypotheses.

Some of the questions addressed in the paper include: What are the prevailing IP-related ideas and where do they originate? Who holds minimalist and maximalist views on IP? Who is most likely to be persuaded by new arguments and change beliefs? What is the most effective way to communicate new ideas to IP professionals?

To provide answers to these questions, the survey inquired about the main sources of information of the respondents, their level of confidence in their beliefs and the type of IP rationale they tended to find most convincing.

Some of the survey’s key results confirm what a number of academic studies have already suggested. This is the case, for instance, in what concerns the transnational – rather than the national – dimension of IP-related ideas. Within a single country, attorneys, civil servants, NGO advocates, industry lobbyists and academics hold different views about the scope and reach of IP protection. Rather than sharing these ideas with their fellow citizens, they appear loosely organized in transnational professional networks. As a result, an individual’s profession is a more important predictor of his or her ideas on IP than his or her country of birth.

In terms of the mechanisms for the transmission of ideas and beliefs, the paper emphasizes the important role of higher education. However, it finds that university education in a developed country is more likely to result in stronger support for more balanced policies and access to

knowledge. This finding raises important questions about current approaches to IP teaching and education in developing countries, an issue that has been addressed in the past by ICTSD.*

Finally, the paper examines capacity-building programmes as another key mechanism for the transmission of ideas in this field. Although, the survey's results do not provide conclusive evidence that these programmes have a significant impact on government officials, the paper provides some directions to improve their effectiveness. It suggests, in particular, that such activities are likely to be more effective if trainers have practical experience and if their arguments are supported by empirical and statistical evidence.

Despite these interesting preliminary findings, there are several questions raised in the paper that merit further examination. In addition, although the survey sample is quite large, it is not necessarily representative of the entire community of IP professionals. Ultimately, more research is needed to confirm the paper's findings, eventually build upon them and fine-tune them in order to draw relevant policy recommendations.

Beyond the findings of the survey itself, the paper has the merit of drawing our attention to an overlooked yet critical dimension of global IP governance: where do IP ideas and beliefs originate and how are they transmitted?

I hope you find this paper a useful contribution to efforts aimed at achieving a better understanding of the dynamics shaping the current rich and complex global IP regime, through greater reliance on empirical evidence.



Ricardo Meléndez-Ortiz
Chief Executive, ICTSD

* Jeremy De Beer, and Chidi Oguamanam, *Intellectual Property Training and Education: A Development Perspective*. ICTSD's Programme on IPRs and Sustainable Development, Issue Paper No.31, International Centre for Trade and Sustainable Development, Geneva, Switzerland, 2010.

EXECUTIVE SUMMARY

What are the prevailing IP-related ideas and where do they originate? Some studies suggest that we are witnessing a paradigm shift in favour of weaker IP standards, as illustrated by the demise of the Stop Online Piracy Act (SOPA) and the Protect IP Act (PIPA) in the United States (US) Congress and the refusal of the European Parliament to approve the Anti-Counterfeiting Trade Agreement (ACTA). Other studies, however, point to the persistence of relatively high standards of protection in developing countries and conclude that the prevailing ideas remain favourable to strong IP protection.

The purpose of this paper is not only to identify current trends in IP thinking, but also to map their origins and transmission mechanisms. Who holds minimalist and maximalist views on IP? Who is most likely to be persuaded by new arguments and change his or her beliefs? What is the most effective way to communicate new ideas to influential and open-minded IP professionals?

In order to answer these questions, a survey was conducted among IP professionals, including attorneys, scholars, policymakers and lobbyists. The survey asked about their main sources of information, their levels of confidence in their beliefs on IP, and the type of arguments about IP they tended to find most convincing. Although the sample is not necessarily representative of the entire community of IP professionals, more than 1600 respondents completed the survey.

Results from the survey highlight the transnational – rather than national – dimension of IP-related ideas. Within a single country, attorneys, civil servants, nongovernmental organization (NGO) advocates, industry lobbyists and academics hold different views about what the ideal IP standards should be. Rather than sharing these ideas with their fellow citizens, they appear to be loosely organized in transnational professional networks. As a result, an individual's profession is a more important predictor of his or her ideas on IP than the level of economic development of his or her country of birth.

In terms of the mechanisms of ideas transmission, this study suggests that those with a university education in a developed country are likely to favour stronger support for policy flexibility and access to knowledge. Among government officials, the number of years spent as university students in developed countries has the opposite effect of the number of years of experience; it decreases rather than increases support for strong IP protection.

Capacity-building programmes are likely to be another mechanism for ideas transmission. Results from the survey, however, do not provide conclusive evidence that capacity-building programmes have significant impacts on government officials. Officials who received capacity-building training from intergovernmental organizations in the last five years tended to favour greater policy flexibility. However, government officials without experience in or an interest in international negotiations were significantly less likely to have received capacity-building training from an intergovernmental organization.

Although the impact of capacity-building programmes remains uncertain, this study provides some directions to increase their impact. It suggests that providers of capacity-building training can reach new and receptive publics by targeting governmental officials with little international exposure and less than 10 years of experience. Moreover, it seems that capacity-building is likely to be more effective if the trainer has practical experience and if his or her arguments are supported by statistical evidence.

As this study is only preliminary and the sample survey is not fully representative, further qualitative and quantitative research is required to confirm these results.

1. TAKING IDEAS SERIOUSLY IN IP POLICYMAKING

This study sheds new light on our understanding of global IP norms. Instead of looking directly at legal norms, as is often the case, this paper focuses on socially shared ideas. Although still overlooked, ideas on IP powerfully structure the behaviour of policymakers and stakeholders alike. They define what is socially possible, appropriate and legitimate.

Socially constructed ideas, broadly defined, cover at least three components.¹ First, ideas include world views, such as the scientific rationality that governs modern bureaucracy. Second, ideas can take the form of social norms, like the norm prescribing developed countries to provide developing countries with the capacity to foster their own development. Finally, ideas can be found in causal beliefs, including the idea that IP protection increases consumer prices.

The constraining power of ideas is such that it can make legal norms ineffective. For example, if a patent act authorizes the government to grant a compulsory license to address the need of countries without sufficient pharmaceutical manufacturing capacity, but government officials believe that compulsory licenses should be limited to situations of extreme emergency, the legal scheme probably would not be used frequently. Likewise, if a piece of legislation prohibits the circumvention of technological barriers for using copyrighted material, but a prevailing social norm considers that buying a work of art automatically provides the buyers with the right to freely distribute copies for non-commercial purposes, authorities facing widespread infringement likely would not be able to effectively enforce the anti-circumvention measure.

Most of the time, law and ideas operate in synergy, reinforcing one another. Lawmakers are generally unwilling to adopt rules that contradict their constituents' ideas. New pieces of legislation must reflect prevailing social standards, notably on the appropriate balance between short and long-term objectives, private and collective interests, social

and economic objectives or local and international solidarity. In 2012, the demise of the SOPA and the PIPA in the US Congress and the refusal of the European Parliament to approve the ACTA provide good illustrations of the crucial role of social ideas in law-making.

In turn, existing IP laws shape and refine social ideas. The law provides ideational entrepreneurs with symbolic resources that can be mobilized. For example, the legal protection of certain geographical indications significantly enhanced consumers' awareness that some designations are exclusively linked to products originating from specific regions. If few Americans in the 1980s selected wine based on variety or individual trademark rather than their terroir, this has been less the case since the 1994 TRIPS agreement and the bilateral 2006 US-EU Wine Trade Agreement entered into force.

This intimate connection between law and ideas is especially pronounced in policy areas, such as IP, characterized by a high level of scientific uncertainty. Indeed, the economics of IP remains particularly complex and uncertain. Methodological constraints make the modelling of innovation far more challenging than the modelling of trade or tax policies. These constraints are so inescapable they prevent policymakers from relying on economic modelling to identify the optimal level of IP protection. Although the assumption that IP protection fosters innovation but increases consumer prices is well established, the specific optimal balance for a given economy remains unknown. As a consequence, the current depth and breadth of IP systems are neither supported nor contested by clear empirical evidence. The patent term of 20 years for all inventions, for example, is arbitrary.² No one knows with certainty what the social and economic impacts would be if it increases to 25 years or decreased to 15 years. Like most legal standards in IP, the term of protection is based on what seems to be appropriate – i.e. on socially constructed ideas rather than economic modelling.

It remains unclear, however, which ideas are currently prevalent. A number of studies suggest that we are witnessing a paradigm shift in favour of weaker IP standards, as illustrated by the collapse of Substantive Patent Law Treaty (SPLT) negotiations, the adoption of the WTO 2003 decision on access to medicines, the introduction of the Development Agenda at the World Intellectual Property Organization (WIPO) and the European Parliament's refusal to approve ACTA.³ Other studies point to the persistence of relatively high standards of protection in developing countries and conclude that the prevailing idea is still that strong IP protection is an appropriate policy tool to enhance innovation and attract investment.⁴

This paper engages with this emerging literature and assumes that socially constructed ideas are a crucial – but often overlooked – dimension of IP global governance. Moreover, it argues that several competing ideas can operate simultaneously at various points of the global IP regime. In doing so, it moves beyond the simplistic dichotomies facing developed and developing countries. The reality is more complex, and this paper contributes to disentangling how and to what extent socially constructed ideas are at play.

2. METHODS

Studying prevalent ideas in various transnational networks is methodologically challenging. One of the most common strategies consists of analysing discourses found in written documents or collected during interviews. Using this method, a researcher must carefully interpret and infer ideas that often remain implicit.⁵ A second methodological strategy is to look at practice. What officials do, especially beyond or despite legal standards, can partly reveal socially constructed ideas.⁶

This study relies on a less commonly used method: a survey directly asking respondents about their ideas. Instead of gathering a maximum of information from a few key informants, surveys are designed to obtain limited information from a maximum number of informants. This method undoubtedly has its own limitations, but it is a useful complement to other methods.

Surveys are less well suited for inductive analysis than for discourse analysis, interviews or observation. A specific framework of close-ended questions must be posed to respondents, precluding the identification of new ideas that were not anticipated by the survey designer.

However, once inductive studies have already explored prevailing ideas, as is the case with the international IP regime, it is possible to build a survey on previous findings with the objective of mapping more precisely the diffusion of ideas. This was the method used and the objective pursued by the survey discussed here.

In order to map the diffusion of prevailing ideas on IP, the targeted population of the survey was particularly large. It was intended for all professionals – including attorneys, scholars, policymakers and lobbyists – that devote at least 5 percent of their working time to IP issues.

After a pre-survey question, confirming their qualification to participate, respondents were invited to answer three sets of questions. The

first set collected demographic data, notably their countries of birth, their education levels, and their professions. The second set of questions looked at respondents' sources of information on IP matters, such as their participation in training activities, their reading sources, and the epistemological criteria they use to assess new information. Finally, the third set of questions probed respondents on their IP-related beliefs, including with respect to ethical justifications for IP, social and economic impacts of IP and the current state of the global IP regime.

Given the professional status of the targeted population and its geographical distribution, the survey was available exclusively on the Internet. Presumably, the vast majority of IP professionals are frequent Internet users, although respondents from developing and least-developed countries with unstable Internet connections might have been under-represented as a result of this technique.

E-mail invitations to fill out the survey were sent to 10,135 potential respondents. Their names and e-mail addresses were collected from various partner organizations, including major conference organizers, professional associations, intergovernmental organizations and electronic news providers. Invitations to fill out the survey were also posted on various websites consulted by the targeted population, such as *IP-Watch* and *Patently-O*. All responses were collected from 1 March to 21 March 2012.

To maximize the geographical coverage and response rate, the survey was available in English, French and Spanish. As an incentive, respondents were promised access to aggregate results if they completed the survey. However, to minimize the risk that one respondent could strategically influence the results, only one respondent was allowed per Internet protocol address.

The response rate was substantial. Of the 2299 persons who started the survey, 1679

completed it to the end. If the sample was representative of the overall population, 1679 respondents with a worst-case response distribution of 50 percent and a reasonable confidence level of 95 percent would yield a margin of error of 2.4 percent, which is significantly better than most surveys widely discussed in the media.

There is, however, an uncertainty regarding the representativeness of the sample. As described above, respondents were not selected randomly. In fact, as the characteristics and the boundaries of the targeted population are unknown, it is impossible to establish the extent to which the sample can be seen as truly representative. This is by far the most serious flaw of the method used, and results must be interpreted with great caution. Generalization from the sample surveyed to the overall population of IP professionals is as problematic as in the case of most qualitative analyses.

Despite this serious limitation, regression analysis was conducted to identify variables that are related in a statistically significant manner to five independent variables: 1) support for strong IP protection; 2) receipt of IP capacity-building training by a governmental, intergovernmental, nongovernmental, business or academic organization; 3) change in IP-related beliefs over the last decade; 4) confidence in own views; and 5) certainty of the social and economic impact of IP. Regression tables are provided in the appendix.

It is important to note that, given the uncertainty in the representativeness of the sample, having statistically significant relations in the sample does not mean that they are representative of the population of IP professionals as a whole. The survey results should be considered only as a first cut, useful to generate hypotheses to be confirmed later by additional data.

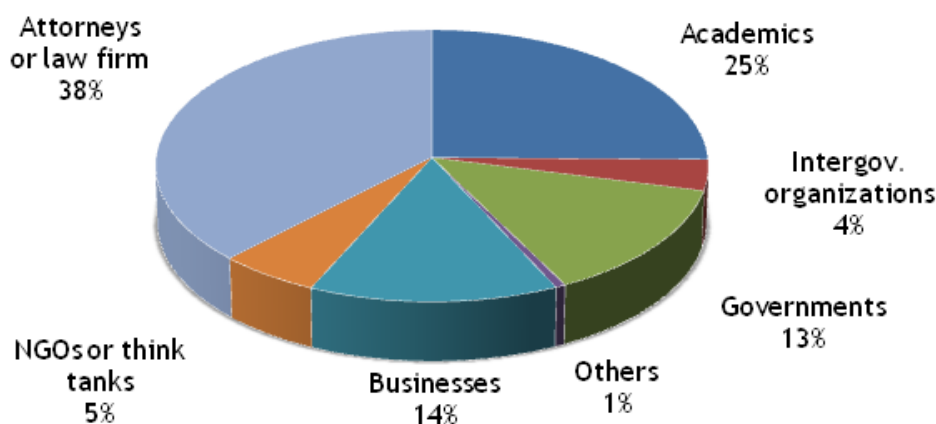
3. OVERVIEW OF THE SAMPLE

One of the first questions of the survey asked respondents to categorize their primary professional activity. As Figure 1 shows, a substantial share of respondents are attorneys (38 percent); followed by academics (25 percent); professionals working for a business or an industry association (14 percent); officials working for a governmental organization (13 percent); employees of a public interest NGO or a think tank (5 percent); and international civil servants working for an intergovernmental

organization, such as the WIPO, the WTO or the European Patent Office (EPO) (4 percent). Other professions, representing together 1 percent of the sample, include journalists, bankers and artists.

This distribution of professions likely over-represents the share of academics. One reason for this discrepancy may be the fact that academics are arguably easier to reach and more willing to contribute to an academic research project.

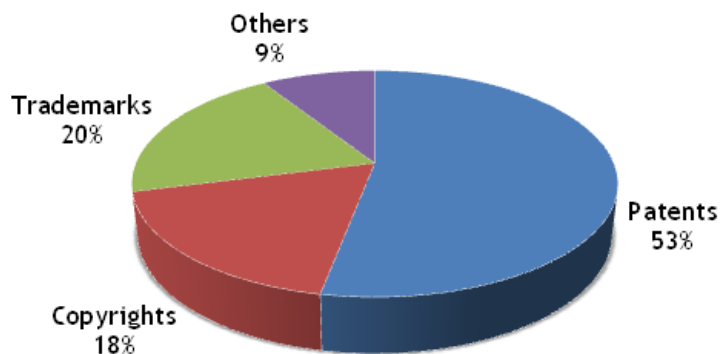
Figure 1. Primary professional activity (n=2125)



Among government officials, 60 percent declared working for a patent, trademark or copyright office. Other civil servants worked in various ministries, including ministries of agriculture, justice, trade and foreign affairs.

Another survey question asked respondents about the specific IP area that best describes their primary area of expertise. As Figure 2 illustrates, a majority of respondents reported that their expertise was mainly on patents (53 percent); followed by trademarks (20 percent), and copyrights (18 percent).

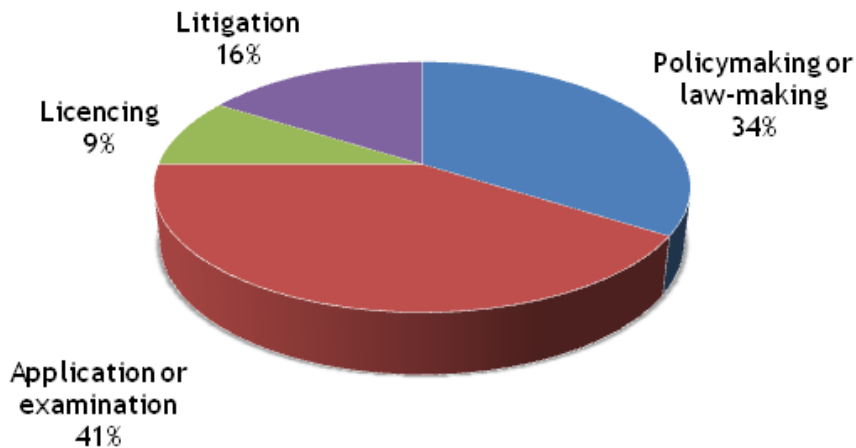
Figure 2. Primary expertise on IPR (n=1647)



This share of filing and examination procedures on human capital appeared clearly in Figure 3. When respondents were asked which activity best described their professional interest in IP, a majority answered “application or examination” (41 percent); followed by “policymaking or law-making” (34 percent);

“litigation or dispute resolution” (16 percent); and “contracting or licensing” (9 percent). It should be noted, however, that respondents were asked to select only one primary activity. Presumably, many of them perform several activities and cultivate an expertise on several IP rights.

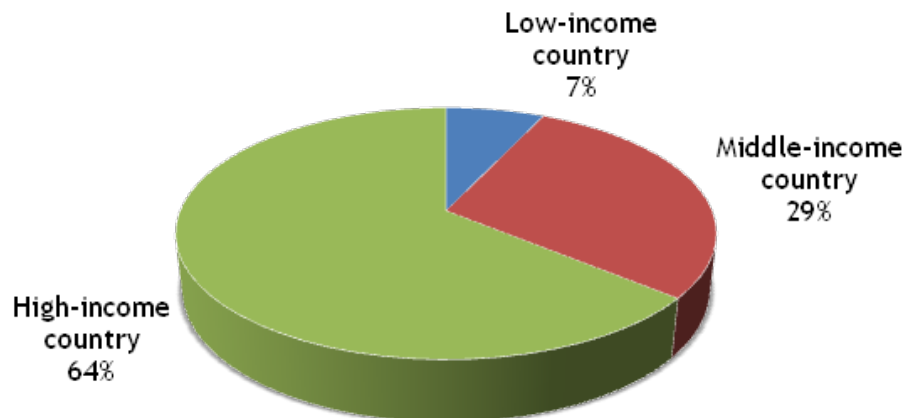
Figure 3. Primary IP activity (n=1647)



The distribution of countries of birth also follows a sequence that matches expectations. The targeted population was expected to be found mainly in developed countries, which are IP-intensive economies. Using the World Bank terminology of country groupings, a majority of respondents were born in high-income per

capita countries, such as Canada, Italy or Japan (64 percent); a significant number were born in middle-income per capita countries, like Brazil, Jordan or Thailand (29 percent); and a relatively small share were born in low-income per-capita countries, like Niger, Haiti or Bangladesh (7 percent). These results appear in Figure 4 below.

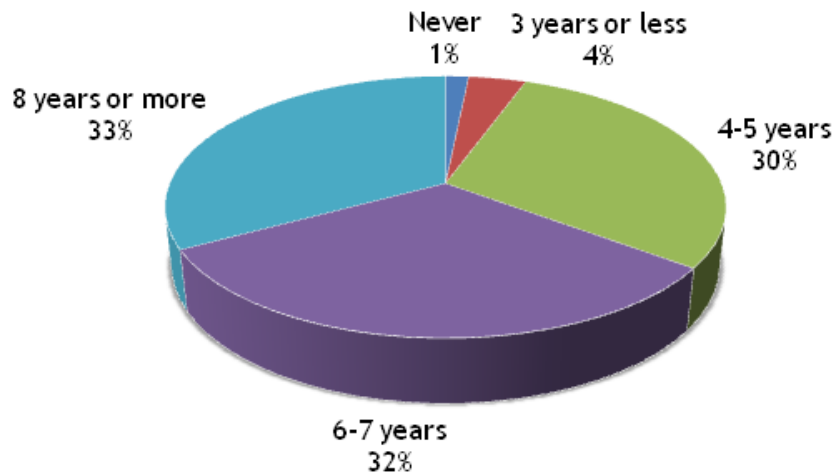
Figure 4. Country of birth (n=1647)



Another expected characteristic of the sample is the high degree of specialization of IP professionals. Since IP is a technical field, a majority of professionals are highly trained and educated. Figure 5 shows that more than the majority of respondents spent at least 6 years as full-time university students

(65 percent). The previously noted over-representation of academics in the sample partly, but not completely, explains this impressive level of education. Even when we subtract all academics from the sample, 58 percent of respondents claim to have spent at least 6 years as full-time university students.

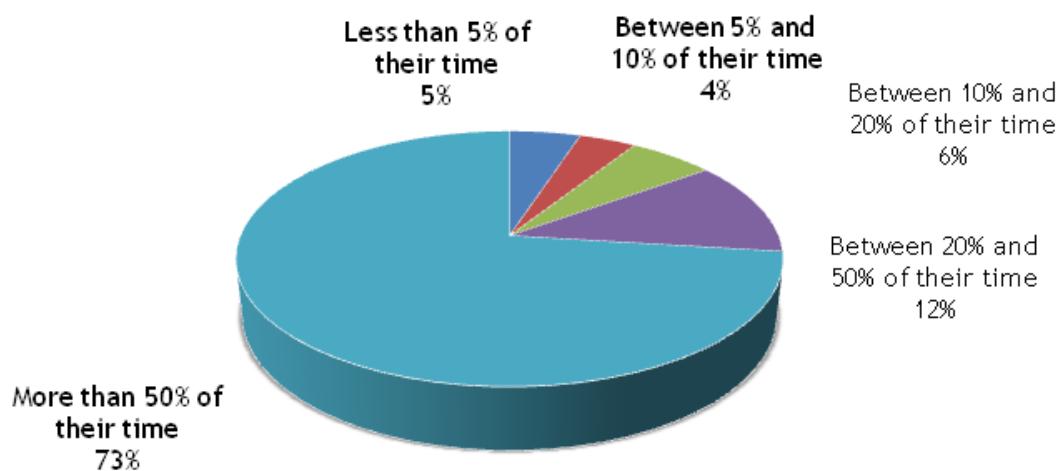
Figure 5. Years of full-time study at the university level (n=1647)



The high degree of specialization among IP experts is also apparent in the concentration of their professional activities. Responses to the qualification question, presented in Figure 6, indicate that a majority of respondents devote more than 50 percent of their working

time to IP issues (73 percent). However, this might be because respondents who devote more than 50 percent of their time to IP issues were easier to reach and more motivated to complete the survey.

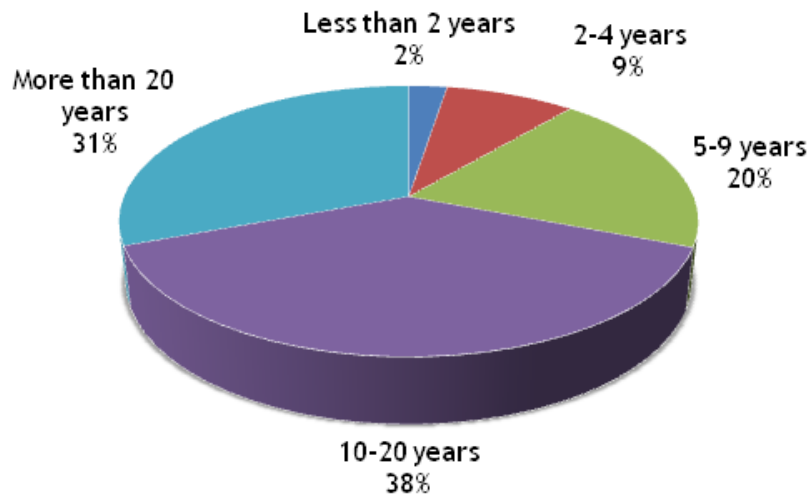
Figure 6. Percentage of professional activities related to IP (n=2295)



The specialization of IP professionals is further corroborated by their years of professional experience devoted to IP issues. As presented in Figure 7, a significant share of respondents worked on IP issues for at least 20 years. Again, it might be that respondents with more

experience were easier to reach and more motivated to participate. Nevertheless, it is reasonable to assume, given the long training that IP professions require, that there is a low turnover rate in the field as a whole.

Figure 7. Years of professional experience in IP (n=1647)



The fact that respondents are highly educated, specialized and experienced may have an impact on their norms and beliefs regarding IP. Several studies in cognitive psychology show that expertise is often associated with cognitive rigidity.⁷ Experts are typically more confident in their own views, have difficulty

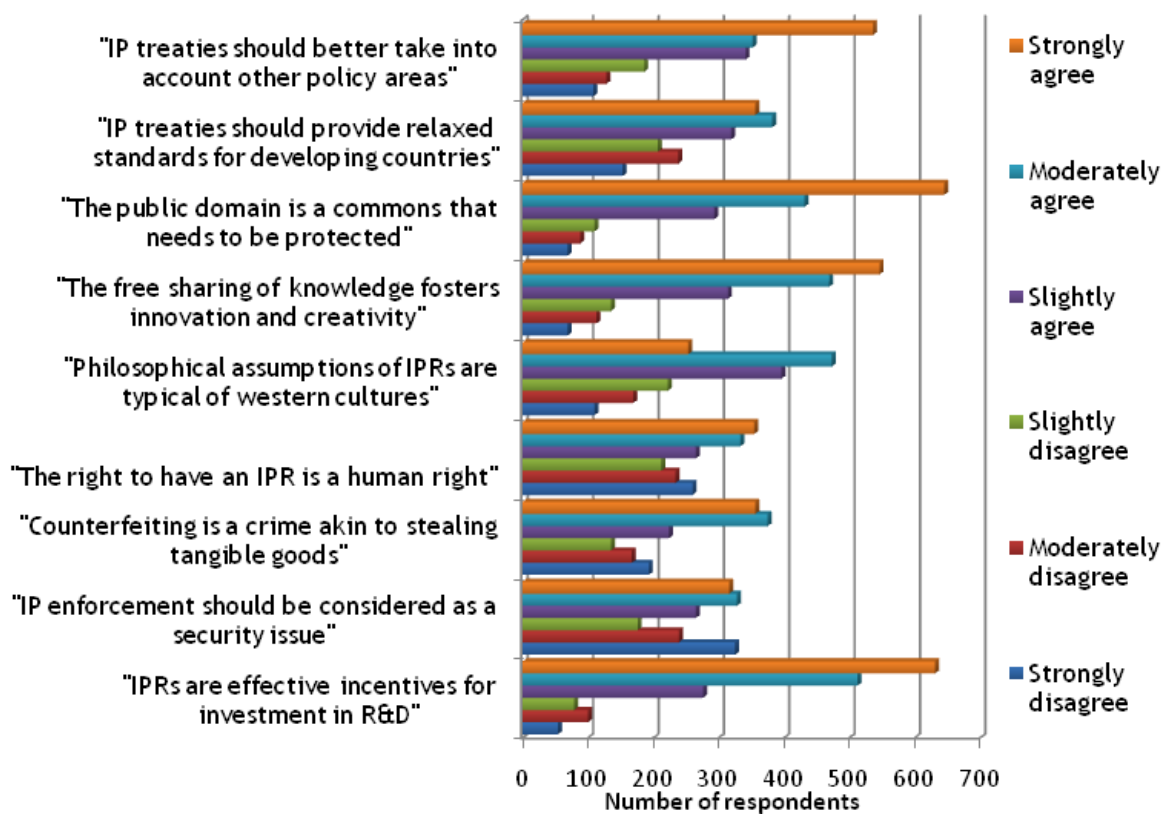
adapting to new normative environments and tend to discard information that contradicts their established beliefs. However, as the following sections suggest, neither years of experience nor years of education seem to be the best predictors of views on IP.

4. THE PARADIGM INDEX

To facilitate the analysis, a ‘paradigm index’ was built based on responses to the survey. This index locates a respondent’s general views on a unidimensional continuum, with the advocates of strong IP protection at one end and the supporters of access and policy flexibility on the other. Its discrete scale, ranging from 0 to 45, is made up of 9 equality-weighted indicators, ranging from 0 to 5. Each indicator corresponds to a different survey question and appears in Figure 8. To minimize the “acquiescence bias” effect, the survey

includes positive and negative indicators. Strongly agreeing with the first five assertions below is considered as denoting a relatively minimalist view on IP, i.e. favouring more than the average IP expert’s policy flexibility and free access to knowledge, while strongly agreeing with the last four suggests a relatively maximalist view, i.e. favouring more than the average IP expert an upward harmonization of IP. When respondents filled out the survey, these assertions appeared in a randomized order.

Figure 8. Distribution of the paradigm index’s indicators (n=1669)



As Figure 8 reveals, not all assertions used to create the paradigm index are equally controversial. Interestingly, there seems to be a general consensus among respondents that “the public domain is a commons that needs to be protected” almost as much as there is a consensus that “IPRs are effective incentives for investments in research and development (R&D).” This broad recognition of the public domain, among all professions surveyed, is remarkable, given the modest legal norms

specifically aimed at protecting it. In contrast, there seems to be strong disagreement about the assertion that “IP enforcement should be considered as a security issue as piracy and counterfeiting can fund organized crime and terrorist groups.” The distribution of answers to this question takes a clear U form, with more respondents strongly agreeing or strongly disagreeing than slightly agreeing or slightly disagreeing. The security discourse on IP has fervent supporters and opponents.

Of course, merging these nine indicators to build a single unidimensional scale, showing the range of IP views from the most minimalist to the most maximalist provides a rough simplification. The reality of political debates is more complex than simplistic dichotomies. One can advocate for stronger protection in some contexts, but for weaker protection in others.

Moreover, the analysis of the paradigm index is based on relative, rather than absolute, positions. A group of respondents could be considered as more or less ‘maximalist’ than the average of respondents. It does not imply that this group of respondents advocates

higher or lower levels of IP protection based on a given reference point, such as the TRIPS. Since the average respondent does not necessarily consider that the TRIPS provides the optimal level of protection, it might be the case that ‘minimalists’ consider the level of protection provided in the TRIPS insufficient, or that ‘maximalists’ consider it overly high.

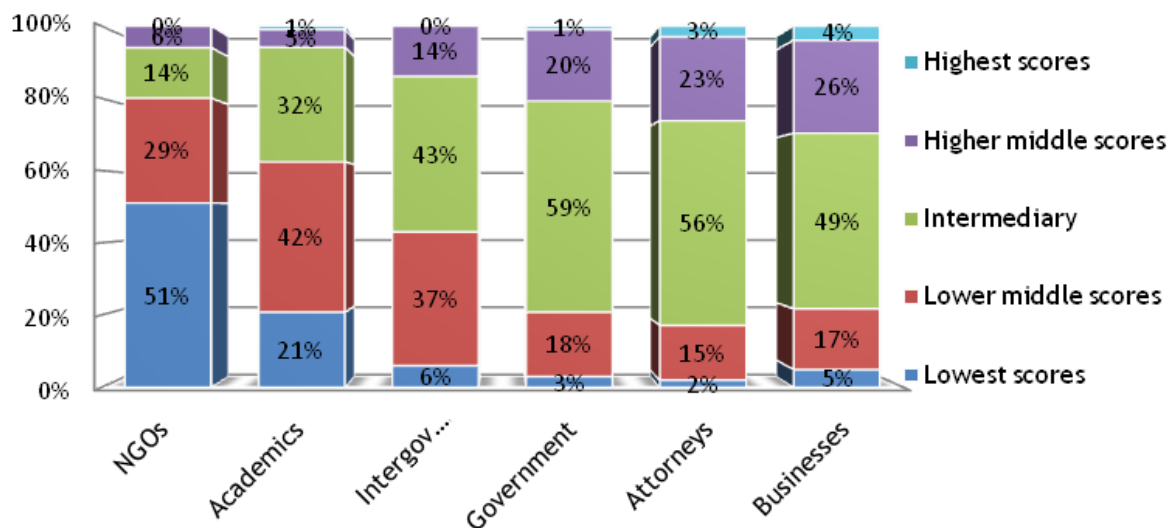
For analytical purposes, however, relative positioning on a unidimensional scale could be a useful heuristic device to apprehend empirical realities. As the next section shows, the paradigm index enables us to identify relevant variables that are related to IP views.

5. DOES WHERE YOU STAND DEPEND ON WHERE YOU SIT?

Graham Allison famously argued that “where you stand depends on where you sit.”⁸ More specifically, Allison noticed that the policy preferences of governmental officials match the interests of their specific organizations within the state apparatus. Because individuals tend to align their beliefs with their interests, working environments operate as powerful socialization sites, and job application and recruitment processes favour congruence of views. According to the survey’s results, such a pattern appears in IP: profession appears to be one of the most important predictors of respondents’ IP views.

The relationship between professions and the paradigm index is statistically significant, even when controlled for a set of demographic variables (See Table 2 in the appendix). The profession that is most strongly associated with a low score on the paradigm index is “advocates in public interest NGOs.” As Figure 9 shows, 80 percent of respondents working in NGOs had a low or a very low score on the paradigm index when the results of the index were grouped in five categories. NGO professionals are followed by academics (63 percent of which had a relatively low paradigm score) and international civil servants (43 percent of which had a relatively low paradigm score).

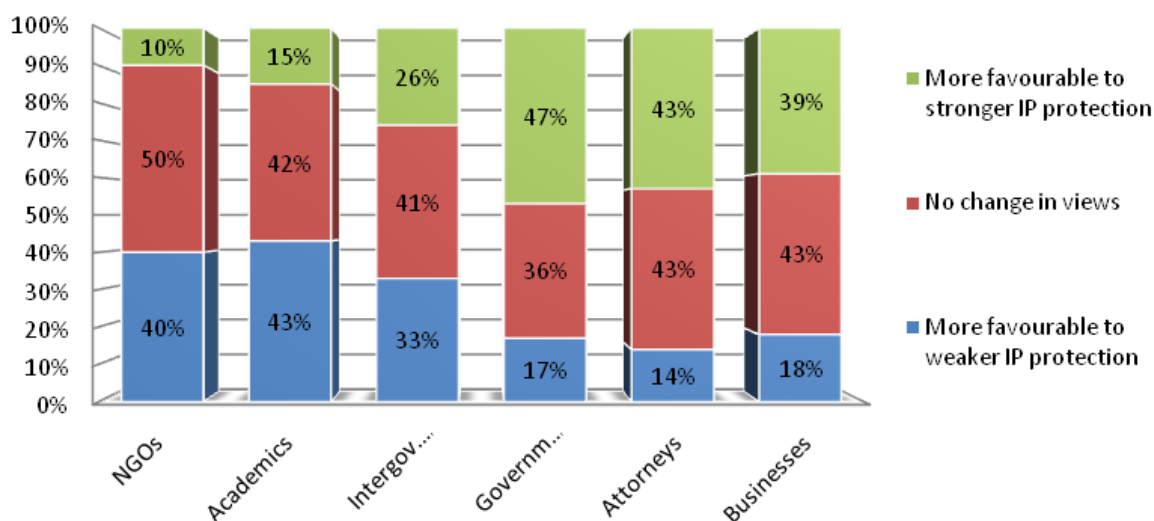
Figure 9. Paradigm index by profession (n=1669)



Apparently these trends are being reinforced. A survey question asked respondents whether they had changed their views on the appropriate level of IP protection in the last 10 years. Among those who answered positively, a majority of public interest advocates, academics and international civil servants said they had become generally more favourable to weaker IP protection. On the other hand, a majority of professionals working for national governments, law firms

and businesses answered that they had become more favourable to stronger IP protection. Moreover, the more a respondent expressed an extreme view, either in one direction or the other, the more likely he or she was to have changed his/her view in the last decade toward an even more extreme position (see Table 3 in appendix for the statistical analysis of this relationship). As suggested by Figure 10, it seems that IP debates are becoming increasingly polarized.

Figure 10. Change in views by profession (n=1450)



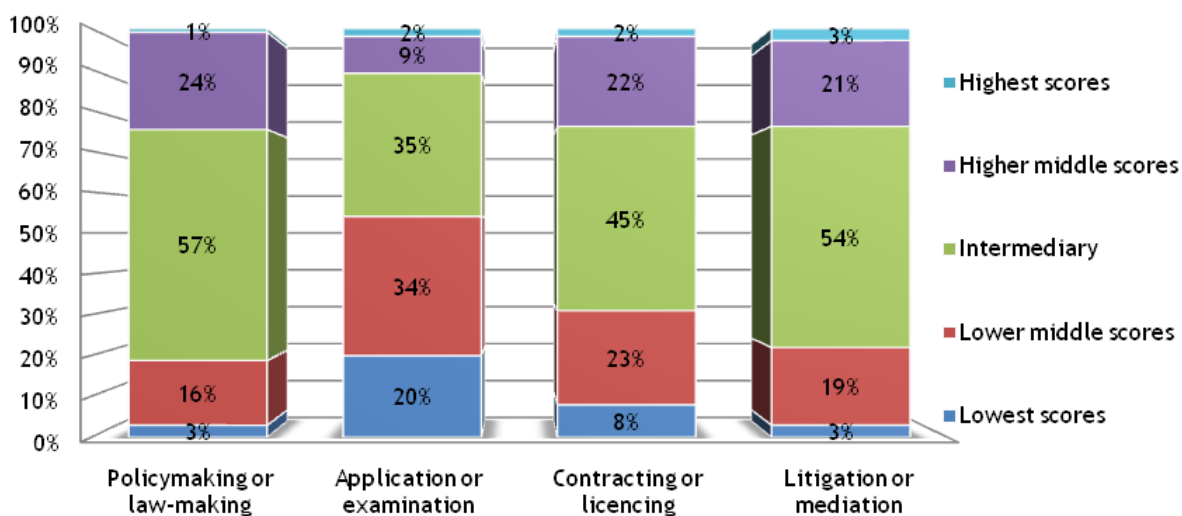
It is also interesting to note that the respondents working for intergovernmental organizations expressed quite different views than respondents working in national administrations. Judging from the sample surveyed, intergovernmental organizations do not appear to be an extension of national bureaucracies. On the paradigm index, international civil servants are located midway between academics and government officials. On some accounts, their views are closer to NGO advocates than to government officials, including officials of developing countries. For example, 90 percent of them agree with the assertion that “IP treaties should provide relaxed standards for developing countries,” which is more than the 81 percent of government officials from developing countries, and close to the 91 percent of NGO advocates. One could suspect that there are wide variations between intergovernmental organizations, or even between divisions within a given intergovernmental organization, but the survey does not allow exploration of these variations, owing to the need to protect the anonymity of respondents.

It is also striking that the distribution of views of government officials is similar to those of respondents working in law firms or private businesses. Like them, they expressed

on average relatively high scores on the paradigm index and became more favourable to stronger IP protection over the last decade. Differences between government officials, attorneys and business representatives are not statistically significant when controlling for a number of other variables, both in developed and developing countries (see Table 2 in the appendix). However, more than any other professional group, government officials appear to shy away from the extremes. They frequently expressed moderate positions—i.e. “slightly agree” or “slightly disagree” with each assertion—rather than “strongly agree” or “strongly disagree” with any statements.

Variation on the paradigm index is also a function of primary IP activity, as illustrated by Figure 11 (see also Table 2 in the appendix). “Application and examination” are the activities with the lowest average score. Overall, 54 percent of respondents involved in application and examination have very low scores, compared with 19 percent of those interested in policymaking and law-making. This distribution suggests that the professionals working upstream, on the design of laws and policies, have greater faith in the capacity of strong IP protection to generate social and economic benefits than professionals working downstream, effectively applying and using the IP system.

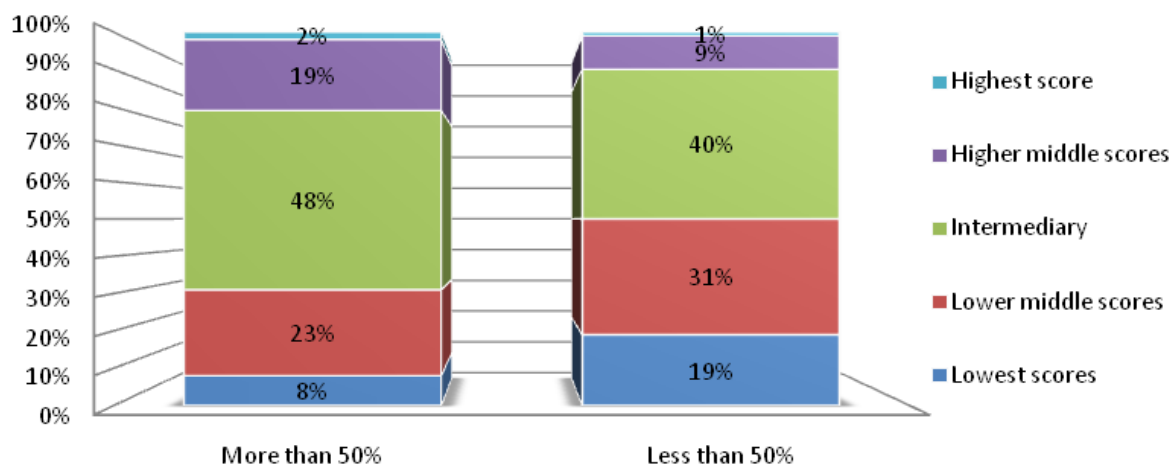
Figure 11. Paradigm index by primary IP activity (n= 1647)



Another variable related to the paradigm index is the percentage of time devoted to IP issues. As presented in Figure 12, professionals devoting less than 50 percent of their working time to IP issues appear to have lower scores on the paradigm index than professionals devoting at least 50 percent of their time to working on this subject. Although the per-

centage of working time varies greatly among professions, with attorneys highly specialized on IP and NGO advocates dispersed among several issue areas, the relationship between percentage of work time devoted to IP and the paradigm index remains statistically significant after controlling for profession and other variables (see Table 2 in the appendix).

Figure 12. Paradigm index by percentage of work on IP issues (n=1669)



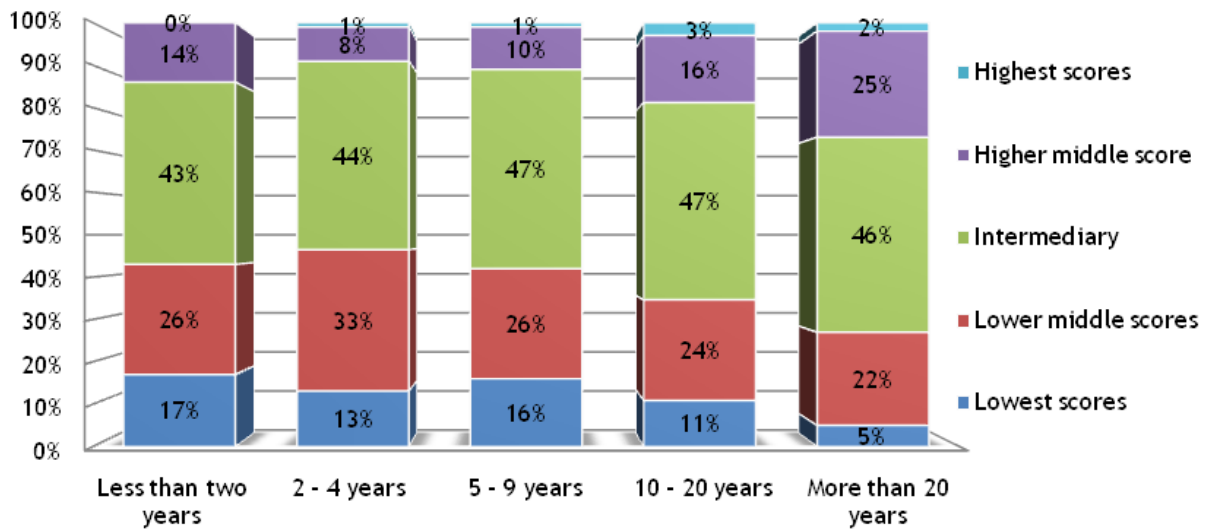
The relationship between professional expertise in IP and support for strong IP protection is further established by Figure 13 (see also Table 2 in the appendix). It indicates that more experienced respondents tend to have on average higher scores on the paradigm index than their junior colleagues. Of professionals with more than 20 years of experience, 27 percent obtained relatively high scores on the

paradigm index, while this figure dropped to 15 percent for professionals with less than 20 years of experience. Another way of putting this finding is that 38 percent of respondents with the highest scores had more than 20 years of experience, while 84 percent of respondents with the lowest scores had less than 20 years of experience. It is difficult to say, however, if this variation is the result of

experience per se, the result of increased economic incentives for strengthening the

IP system for seasoned professionals or the manifestation of a generational effect.

Figure 13. Paradigm index by years of experience (n=1647)



Overall, it seems that Allison's point that "where you stand depends on where you sit" is valid among communities of professionals working on IP issues. Professional affiliation appears to be a particularly strong predictor of one's preferences and beliefs regarding IP. Moreover, the more specialized and experienced professionals are on IP, the more

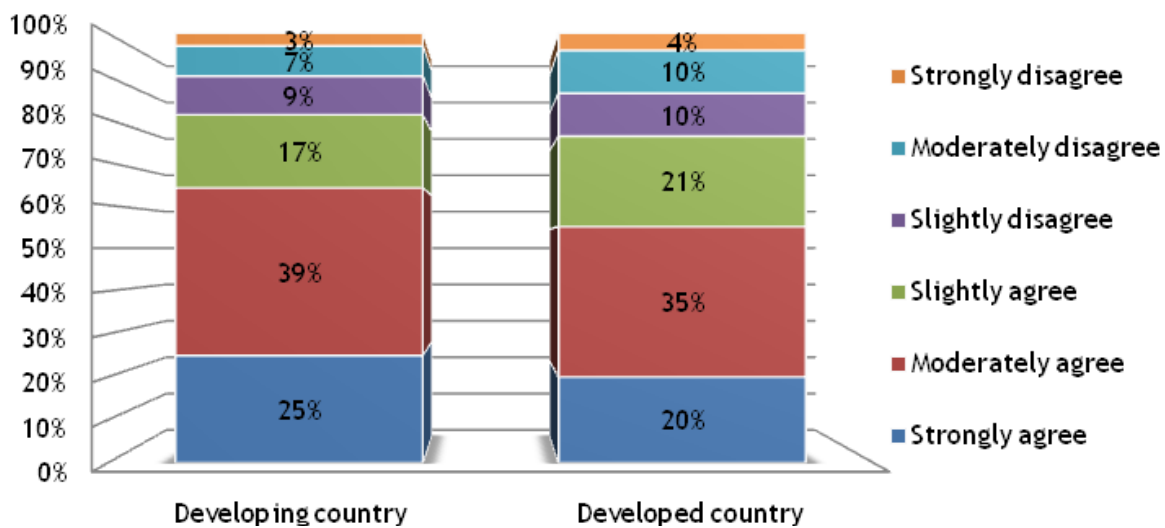
likely they are to support the "traditional paradigm" on upward harmonization of IP law. The next section suggests, however, that the country of birth has less impact on the paradigm index than one could have anticipated. To paraphrase Allison's aphorism, where you stand does not simply depend on where you were born.

6. A NORTH/SOUTH DIVIDE, REALLY?

Global debates on IP are often presented as a conflict, pitting IP-intensive economies against importers of technologies and creative products. The assumption that there is an asymmetry of interest between developing and developed countries is widespread. The survey confirms

that this belief is well established, both in developed and developing countries. As shown in Figure 14, the vast majority of respondents from developed and developing countries agreed with the assertion that “IP treaties should provide relaxed standards for developing countries.”

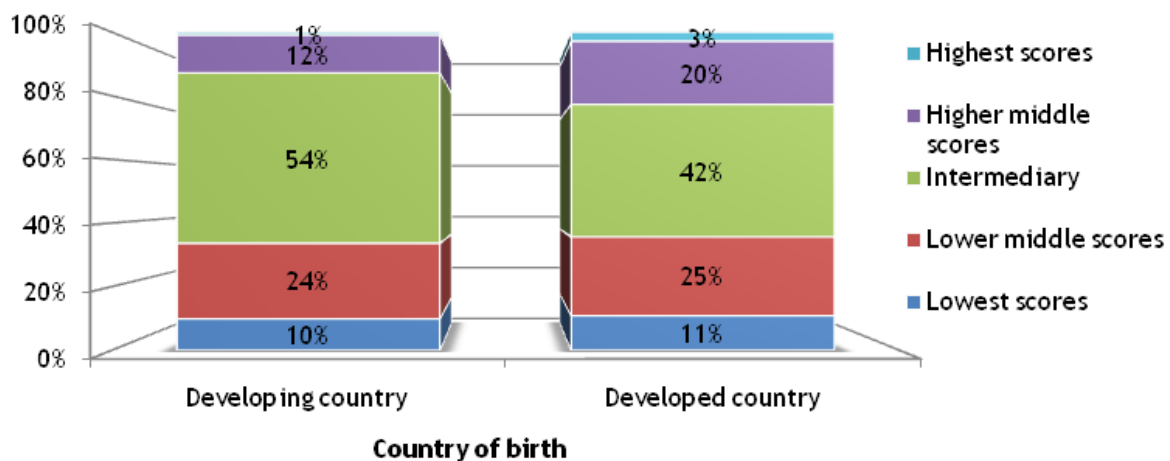
Figure 14. “IP treaties should provide relaxed standards for developing countries” by country of birth (n=1633)



In this context, it is surprising that the level of economic development of respondents' countries of birth is not associated with sharp differences on the paradigm index. Variations in country of birth are statistically significant, but the magnitude of the variation is much less than for the profession of respondents once key demographic variables are included in the model (see Table 2 in the appendix).

While respondents from high-income countries are more likely to have higher scores, the share of respondents holding relatively low scores is distributed evenly in developed and developing countries. As a result, one of the main differences between developed and developing countries, as illustrated by Figure 15, is that the IP debate is more polarized in the former.

Figure 15. Paradigm index by country of birth (n=1647)



This relative similarity between the respondents from developed and developing countries cannot be explained simply by differences in the distribution of professionals. In fact, NGO advocates in developed countries have on average lower scores on the index than NGO advocates in developing countries, and attorneys in developed countries have on average higher scores than business representatives in developing countries.

Overall, it seems that views on IP are structured around transnational – rather than

national – lines. There are more variations on the IP paradigm index within each country, especially in developed countries, than across them. Several explanations could be provided for these counter-intuitive results. The next section suggests that education might provide part of the answer. When appointing an expert to an advisory committee or hiring a consultant, officials should not use nationality as the only predictor of that individual's position. A quick look at academic degrees can actually reveal more than birth certificates.

7. ACADEMIC DIPLOMAS OR BIRTH CERTIFICATES?

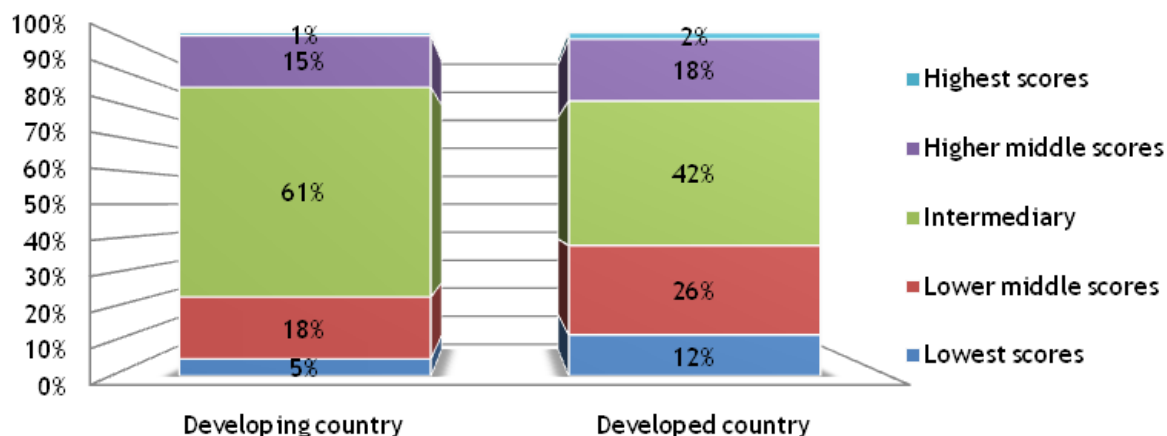
Several authors argue that foreign education is a powerful transnational carrier of social ideas.⁹ Students are immersed in foreign cultures when they engage in studies abroad. During their stays, they likely acquire not only the causal beliefs, but also the world views and normative principles prevalent in the countries where they receive their education. Upon returning to their home countries, they integrate into the local elite, thereby introducing exogenous ideas regarding IP. In this context, one could anticipate that professionals from developing countries who have been educated in a developed country would be more likely to hold maximalist views, reflecting the interests of his or her country of education. The survey results suggest otherwise.

University education has several different and intertwined effects on the paradigm index. In the overall sample survey, the effect of having attended university at least one year tends to reduce extremism, and the direction varies according to the profession. For example, NGO professionals with a university degree had on average higher scores than their colleagues who did not attend university, and business workers with university degrees had on average lower scores than their colleagues who did not attend university.

The discipline of the degree also matters. Holding a degree in law or economics tended to increase scores on the paradigm index, especially among respondents born in developed countries. The effect of holding a degree in economics was slightly more pronounced than the impact of holding a degree in law, when controlled for profession, country of birth and other variables (see Table 2 in the appendix).

Yet, what seems to matter even more than having attended university or the discipline of the degree is the country where the respondent obtained his or her degree. According to results generated by the survey, the countries where respondents received their highest academic degrees had as much effect on their paradigm index score as their countries of birth (see Table 2 in the appendix). The relationship, however, is in the opposite direction from what some might have expected. Education in a developed country tends to increase rather than decrease the scores. As a consequence, a government official born and educated in a developing country is more likely to favour strong IP protection than a fellow citizen holding a PhD granted by a university in a developed country. This relationship is illustrated in Figure 16 below.

Figure 16. Paradigm index by country of education, for respondents born in developing countries (n=597)



Moreover, the number of years spent in university in a developed country accentuates the effect. As shown in Figure 17, more educated respondents are more likely to have lower scores than less-educated respondents. This trend remains valid even when academics, a group both highly educated and with relatively low scores, are removed from the

sample. In almost every group of professions, the number of years spent as a university student, irrespective of the specific discipline, is correlated with lower scores. Thus, for the sample as a whole, the variable for years of education seems to have the opposite effect of years of experience on the paradigm index (see Table 2 in the appendix).

Figure 17. Paradigm index by years of study, for respondent educated in a developed country (n=1260)

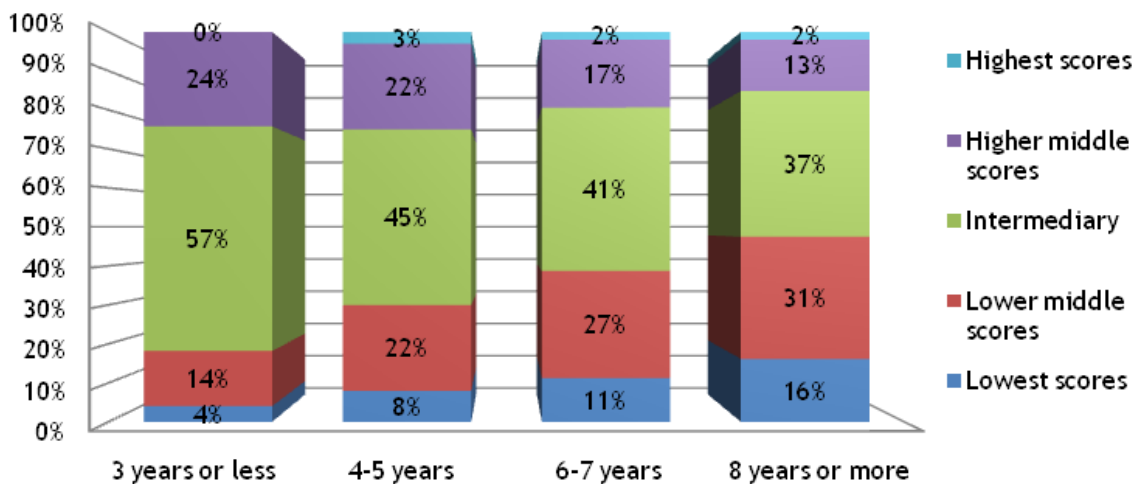


Figure 18 partly explains the effect of university education in a developed country. As previously discussed, academics, on average, have relatively low scores on the paradigm index. This trend, however, is more pronounced among academics

residing in developed countries. According to results generated by the survey, academics residing in developed countries are more likely to have lower scores on the paradigm index than their colleagues working in developing countries.

Figure 18. Paradigm index by country of residence for academics only (n=431)

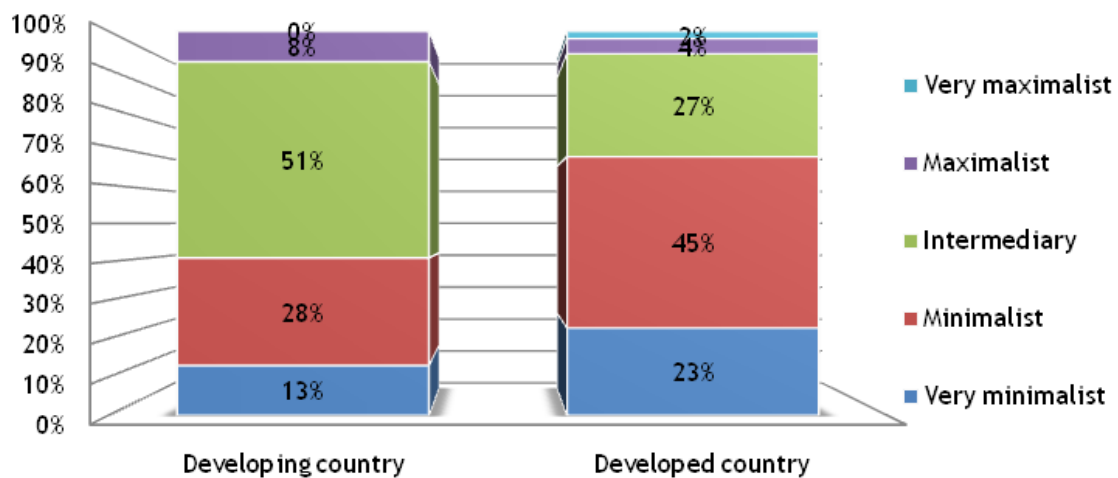
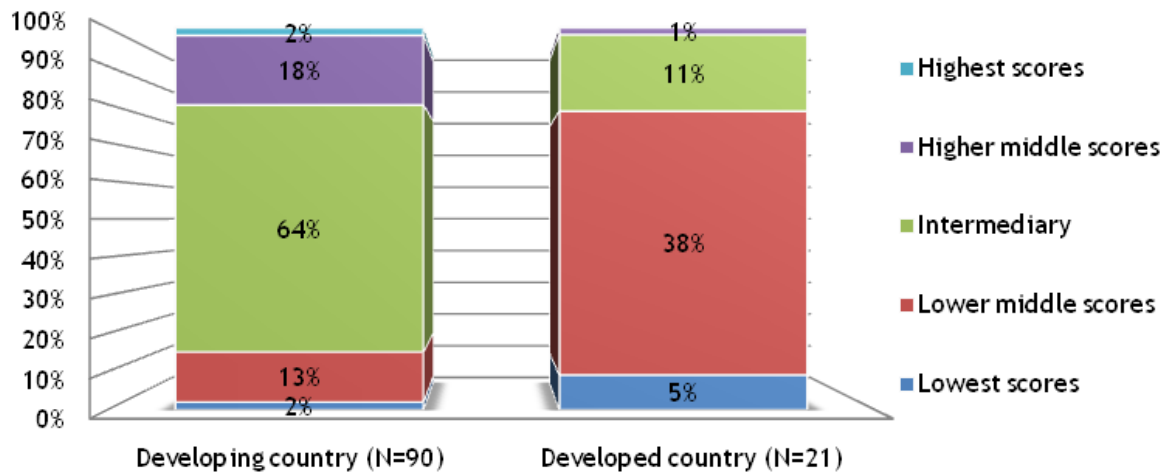


Figure 19 indicates that, among the group of government officials working for developing countries, the country of education is strongly related to higher scores on the paradigm index. Officials born in developing countries, but educated in developed countries have

on average lower scores on the paradigm index than their colleagues educated in their home countries. Given the relatively small sub-sample of government officials born in developing countries, further investigation would be required to confirm this finding.

Figure 19. Paradigm index by country of education for government officials only (n=111)



If these preliminary findings are confirmed by further research, they could have major implications for IP governance. For example, if one wants to caution developing countries' officials about the consequence of a maximalist approach to IP, a good place to start would be the academics in the developing countries

who train future policymakers¹⁰. That being said, university education is not the end of the road and does not fix beliefs permanently. As the following sections discuss, the survey also carries interesting findings regarding capacity-building training offered to government officials.

8. WHO PROVIDES CAPACITY-BUILDING TO WHOM?

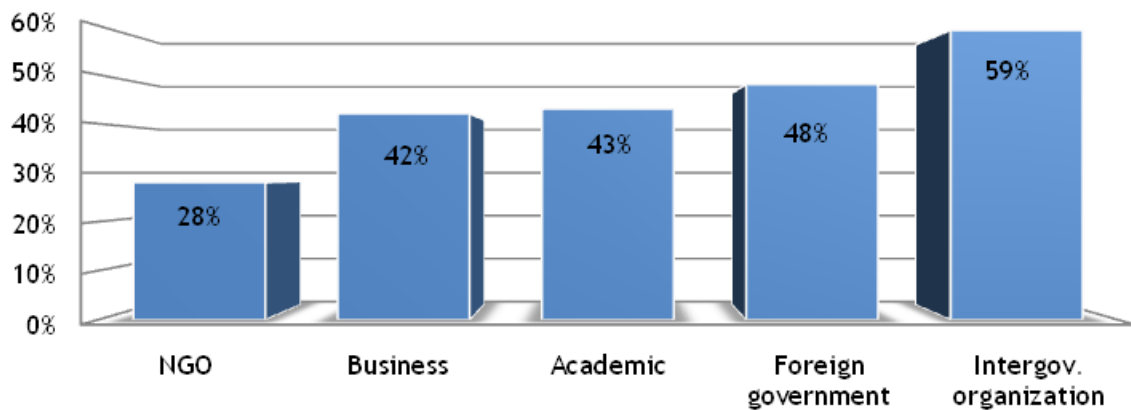
Capacity-building and technical assistance provided to developing countries have become the objects of much controversy in the international IP debate. Some consider these training activities as the ultimate mechanism to “level the playing field” among different countries, while others warn against a one-size-fits-all approach.¹¹ All sides, however, believe that direct contacts between officials from various countries, especially in the informal, confidential, insulated and technical settings of capacity-building training, is likely to favour the transfer of norms and beliefs. The socialization process is generally assumed to be unidirectional, from officials from developed countries providing training to those in

developing countries. The survey results provide a more complex picture.

In response to the question “In the last five years, have you participated in a workshop, training session, or seminar on IP issues,” 87 percent of government officials answered affirmatively. Most officials from developing countries, and to a lesser extent from developed countries, had received some training.

Respondents were also asked to identify the organizers of the training activities in which they had participated. As illustrated in Figure 20, there is a wide diversity of actors providing training activities, including NGOs, businesses, academic institutions, foreign governments and intergovernmental organizations.

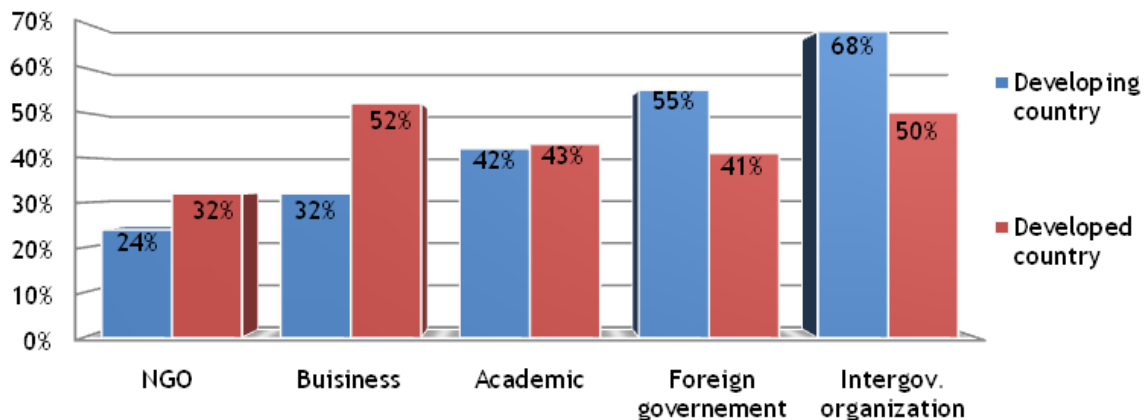
Figure 20. Exposure of government officials to capacity-building providers (n=217)



According to the results presented in Figure 21, officials from developing countries have a higher degree of exposure to training offered by intergovernmental organizations.

Conversely, these officials are less exposed than their developed country counterparts to training organized by business organizations (see also Table 4 in the appendix).

Figure 21. Exposure of government officials to capacity-building providers by country of birth (n=217)

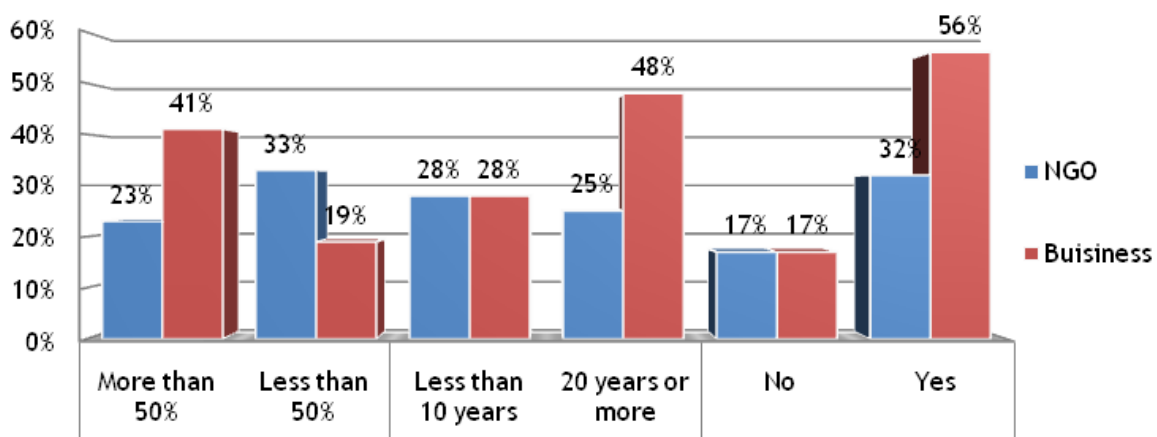


The various training providers also seem to reach different types of government officials. For example, As Figure 22 suggests, officials devoting more than 50 percent of their working time to IP and officials working in governmental agencies specialized in IP are more likely to have received training from businesses than from NGOs (See Table 4 in the appendix). One might conclude from these trends that training provided by NGOs is mostly offered at the periphery of IP decision-making, while businesses reach its core, though it is unclear if these differences result from different strategies or different opportunities.

One side-effect of these different audiences is that fewer NGO trainees are themselves

providers of IP-related training. A majority of government officials who identified themselves as trainers devoted more than 50 percent of their time to IP (86 percent); were based in national IP offices (80 percent), and focused on application and examination processes (53 percent). Many of them received training from academic institutions (52 percent); businesses (56 percent); foreign governments (64 percent), and intergovernmental organizations (72 percent), but fewer received any training from NGOs (32 percent). In other words, it seems that NGOs do not train the trainers, or at least to the same extent as other providers of capacity-building training (See Table 4 in the appendix).

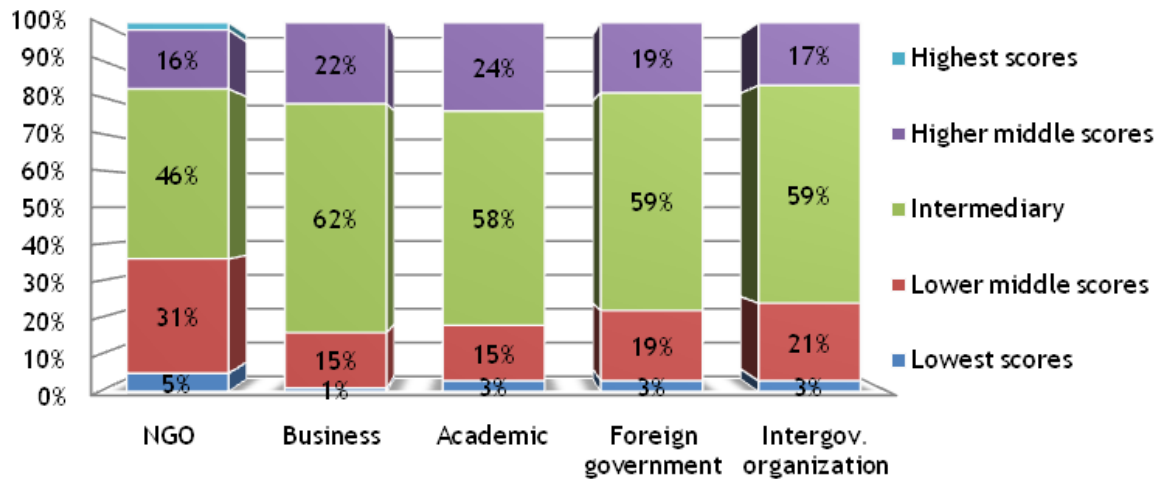
Figure 22. Officials exposed to NGOs' and businesses' capacity-building training (n=288)



These differences in the trainees of various capacity-building training providers should be taken into account when assessing the impact of capacity-building programmes. For example, it might seem, at first, that there is a correlation between the positions taken by NGOs and their trainees on the paradigm

index. As discussed in the previous section, NGOs have the lowest score on the paradigm index among all types of organizations, and Figure 23 shows that officials exposed to NGO training also have relatively lower scores on the paradigm index than their colleagues.

Figure 23. Paradigm index by capacity-building providers (n=288)

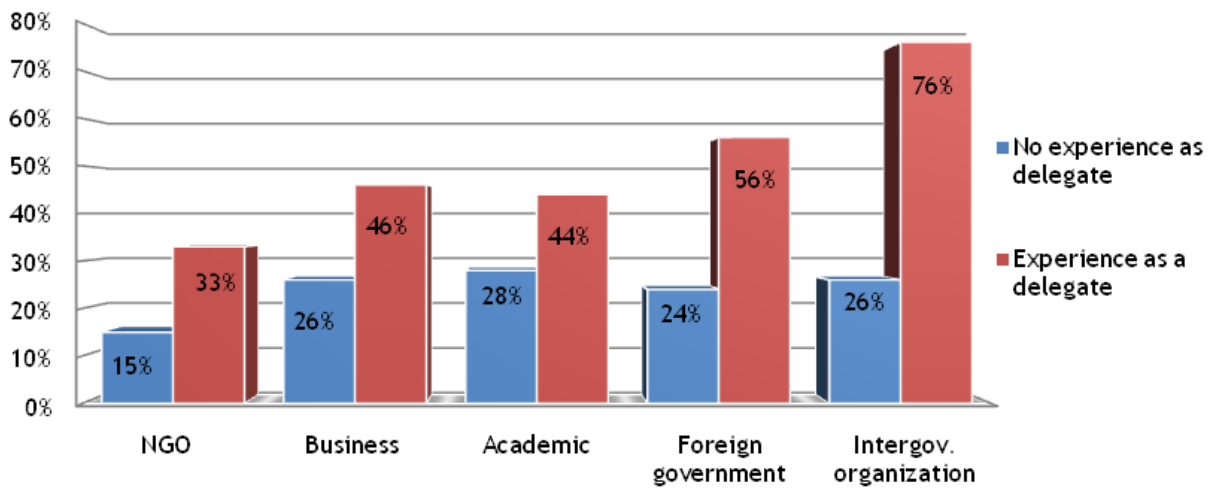


This exceptional correlation, however, should not be interpreted as an indication that NGOs are more convincing than other capacity-building training providers.¹² Rather, it seems that NGOs offer their training to officials who already share their normative preferences. This interpretation seems more likely given that the primary group of NGO trainees is officials working outside of IP offices, and this group of officials tends to have lower scores on the paradigm index than their colleagues, irrespective of whether or not they receive NGO training. Thus, the relationship between training provided by an NGO and scores on the paradigm index lost its statistical significance when trainees' governmental organizations are controlled for (see Tables 2 and 4 in the appendix).

In fact, the only trainings that seem to have an impact on the paradigm index, controlling for all relevant variables, are those provided by intergovernmental organizations. The more government officials received training from intergovernmental organizations, the more likely they were to have lower scores on the paradigm index.

That said, trainings offered by intergovernmental organizations do not reach all governmental officials evenly. Government officials working primarily on international rather than domestic issues and those with experience as delegates to an intergovernmental conference received more training than their colleagues (see Tables 2 and 4 in the appendix).

Figure 24. Exposure of government officials to capacity-building by experience as delegates (n=228)



Likewise, trainings offered by academics tend to decrease the level of certainty on the social and economic impact of IP of government officials receiving these trainings. But again, academics do not evenly reach all sub-populations of government officials. Unsurprisingly, they tend to offer training to more educated officials and to officials with a degree from a developed country university (see Tables 2 and 4 in the appendix)

One could argue that socializing those who are already socialized is not the most cost-

effective investment. Intergovernmental organizations and academics seem to have an impact on views held by government officials, but they tend to offer training to those with whom they already have contact.

Yet, it could well be the case that government officials who are the most in need of capacity-building training are precisely those who least frequently receive training opportunities – namely, officials based in their respective capitals, without education in developed countries and focusing on domestic issues.

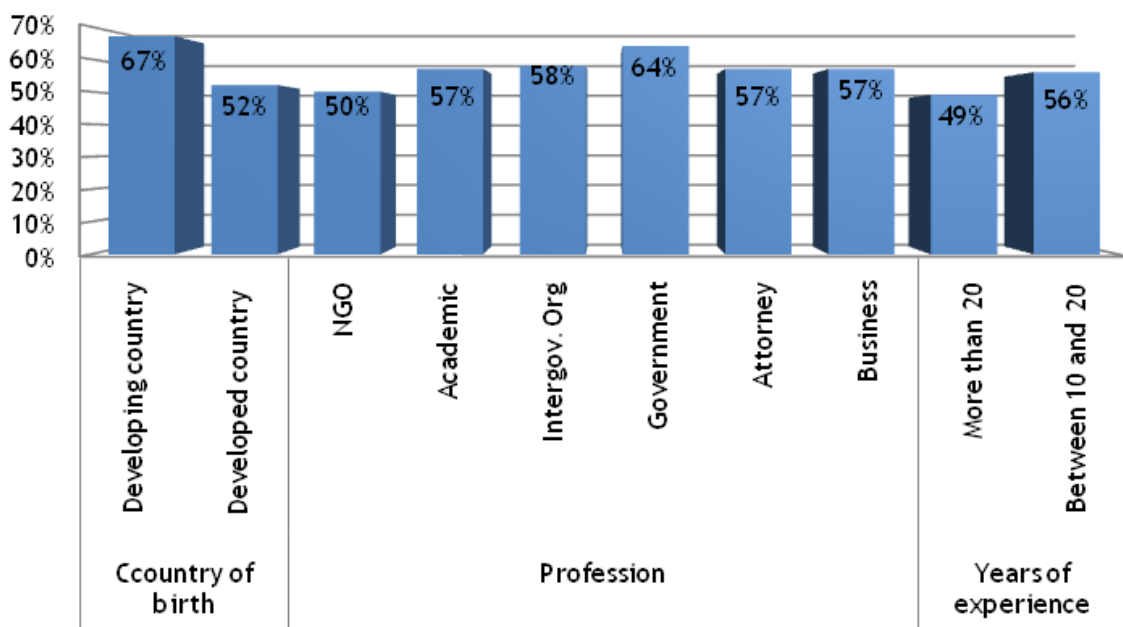
9. WHO MIGHT BE MORE RECEPTIVE TO CAPACITY-BUILDING?

Targeting officials occupying influential positions within the state apparatus or left aside by previous capacity-building programmes is one thing, but finding receptive officials willing to learn is quite another. Having little international experience, limited university education or few financial resources does not automatically make government officials receptive to new ideas proposed by capacity-building training providers.

One way to investigate cognitive flexibility is to look at responses to the question “In the last 10 years, have you changed your views on the appropriate level of IP protection?” One can reasonably assume that those who have recently changed their views are willing to learn and are more likely to change them again in the future. If this is the case, there seem to be plenty of professionals willing to change their mind: 57 percent of respondents said they had changed their views in the last decade.

In the entire sample surveyed, as indicated by Figure 25, there are more respondents with fluctuating views among people educated in developing countries, among professionals working on domestic IP issues rather than international IP issues, among professionals with less than 20 years of experience, and among government officials based in their home countries rather than in an embassy or mission. When combined, these four variables can have a cumulative effect. The rate of fluctuating views, 57 percent for the overall sample, rises to 65 percent for government officials ($n=217$); reaches 75 percent among officials educated in developing countries ($n=67$); and jumps to 79 percent among developing countries’ junior officials working on policymaking or law-making in their home countries ($n=29$) (see also Table 3 in the appendix).

Figure 25. Percentage of respondents who have changed their views in the last 10 years ($n=1668$)



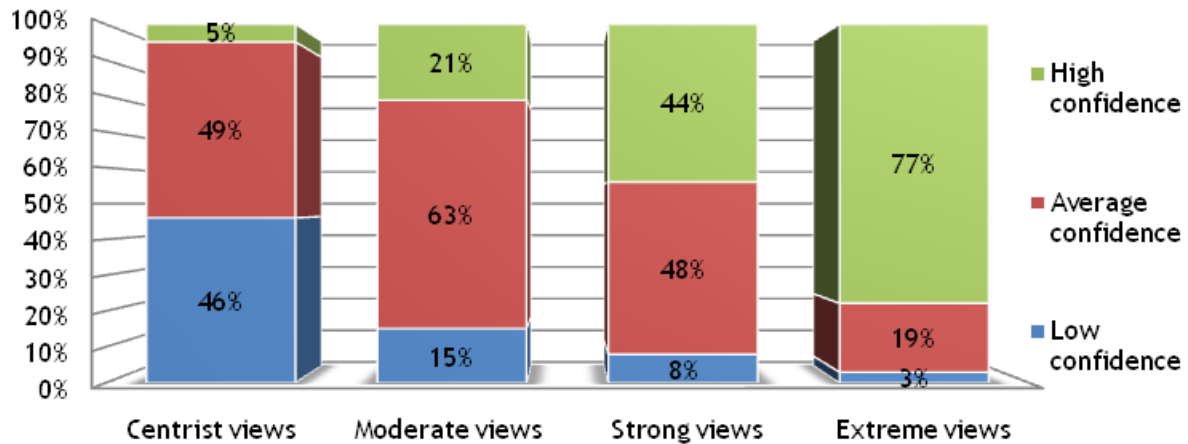
Another indicator of responsiveness to capacity-building training is low confidence in one’s own views. Respondents were asked to rate from 1 to 10 their overall level of

confidence in their responses to questions informing the paradigm index. As indicated by Figure 26, their confidence was significantly correlated with extreme views on the

paradigm index. Respondents who indicated extreme views, at one end or the other, were

also more likely to be highly confident in their views (see also Table 3 in the appendix).

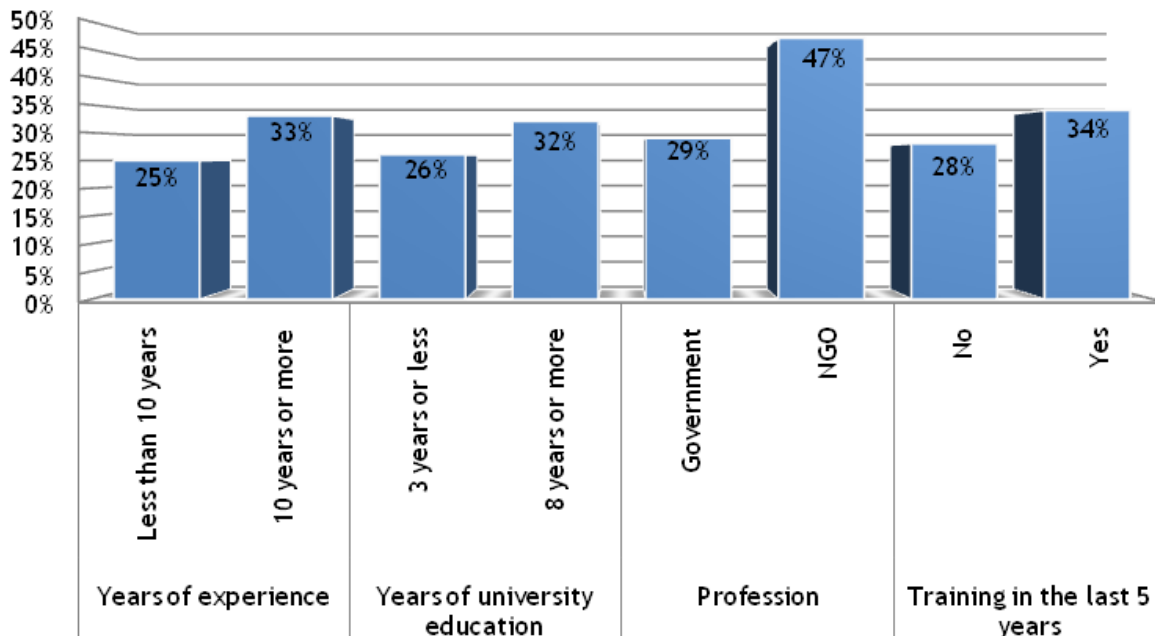
Figure 26. Extreme views by confidence in own views (n=1668)



As indicated in Figure 27, in the overall population, the level of confidence increases with years of education and education in developed countries. This suggests that more educated officials might be less inclined to change their views as a result of training. These

relationships hold true even when controlled for several other variables. However, the effect of education on confidence level loses its statistical significance when the regression is run only for the sub-group of government officials (see Table 3 in the appendix).

Figure 27. Highly confident rate of various sub-samples



Interestingly, confidence rates of government officials are significantly higher among those who have received training by a foreign government or an academic institution in the

last five years (see Table 3 in the appendix). While it is not clear whether training can change the views of officials, it might reinforce their pre-existing beliefs.

10. WHAT MAKES AN ARGUMENT CONVINCING?

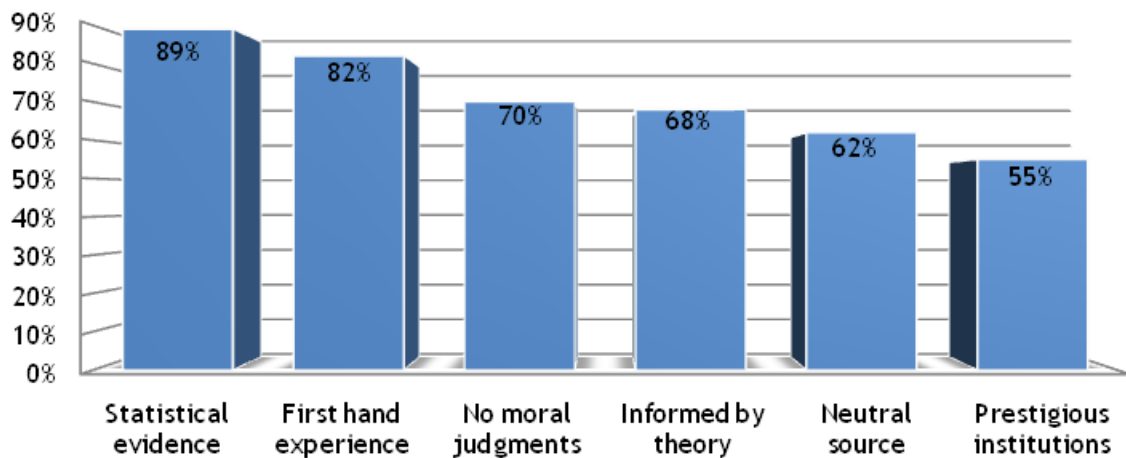
A capacity-building programme might target the right beneficiaries - those in need of enhanced capacity, influential in their organization, and receptive to new ideas - but still be unable to communicate effectively with them. It is frequently argued, for example, that communication between academics and policymakers is impeded by their epistemological differences: what one perceives as valid, interesting and legitimate knowledge often leaves the other unresponsive.¹³ If they remain unaware of these differences, and do not actively bridge them, they can talk to each other for hours without really communicating.

An important question the survey investigated was the respondents' epistemological criteria. It asked if they were more likely to find an argument on the appropriate level of IP protection convincing if: A) it was supported by statistical

evidence; B) it was informed by theory; C) if it refrained from making moral judgments; D) it came from someone with first-hand experience; or E) it came from a prestigious institution. For each criterion, respondents had to position themselves on a four-level scale, from strongly disagreeing to strongly agreeing. To minimize bias in the survey design, the criteria appeared in a different order for each respondent.

A majority of respondents agreed that the six criteria contribute to making an argument convincing. This result should be interpreted with caution, because survey respondents seem to have been subject to an "acquiescence bias," as they were generally more inclined to agree with a given assertion than to disagree with it. What is more significant is the variation of support among criteria, as illustrated by Figure 28 below.

Figure 28. What makes an argument convincing (n=1662)



Statistical evidence appears as the primary criterion that makes an argument convincing. It remains the first criterion, irrespective of the country of birth, level of experience, years of education, area of expertise or profession.

The importance IP professionals attach to statistics contrasts with the shortage of reliable quantitative data on the social and economic impacts of IP. Few databases allow for international comparison of IP laws and

policies. Among the most reliable databases are those provided by WIPO and the International Monetary Fund (IMF) on IP filings and balance of payment for royalties and licences fees, respectively. Most indexes generated by academics on the level of IP protection in various countries are either not up to date or limited in scope. The Organisation for Economic Co-Operation and Development (OECD) publishes a trade-related index of physical counterfeiting and piracy, but its figures are estimated based

on seized physical goods and must be used with caution, as they do not truly reflect actual rates of counterfeiting.

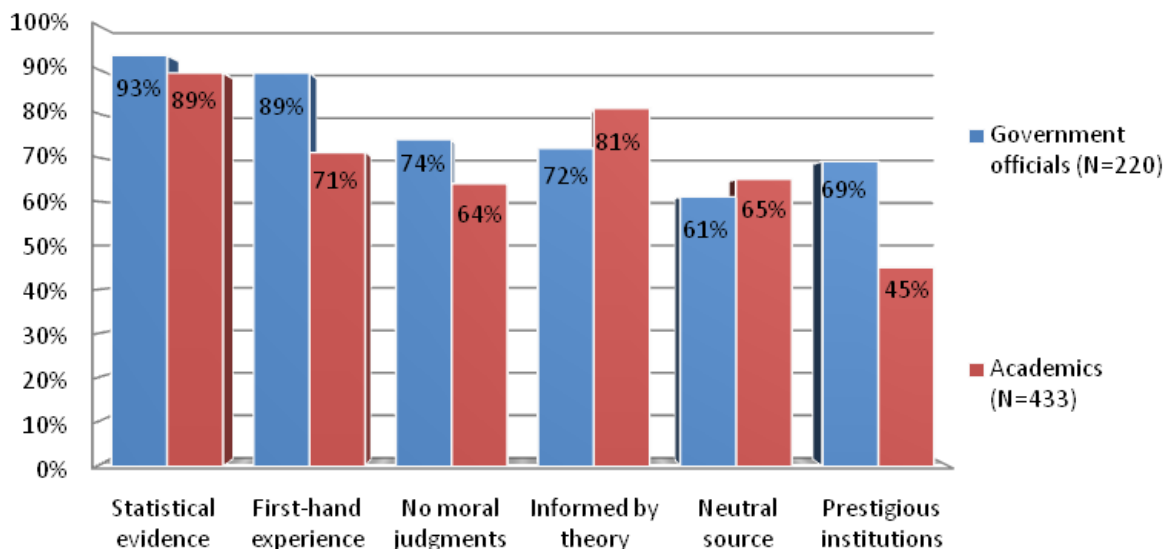
In their advocacy publications, stakeholders often mention estimates of the economic costs of piracy and counterfeiting activities, expressed in jobs, trade balance, foreign investment or R&D losses. Some of these estimates result from biased sources and debatable methodologies. A counterfeit product is sometimes considered as the equivalent of a sale lost, which is known to be a flawed assumption. Nevertheless, the importance government officials attach to hard numbers might provide a powerful incentive to generate quantitative data, even if it is sometimes flawed.

It should be noted that, according to the survey's results, 76 percent of government

officials active in policymaking or law-making do not have university degrees in economics. Presumably, not all government officials have a high degree of statistical literacy, enabling them to carefully interpret the data provided by stakeholders from all sides of IP debates.

The vulnerability of government officials to flawed statistics communicated by stakeholders is especially worrying, considering that, according to the survey results, most of them value information coming from a source with first-hand experience over information from a neutral source. In fact, importance of first-hand experience is stronger among government officials, both in developed and in developing countries, than among any other professional group, as the comparison with academics in Figure 29 illustrates.

Figure 29. What makes an argument convincing to government officials

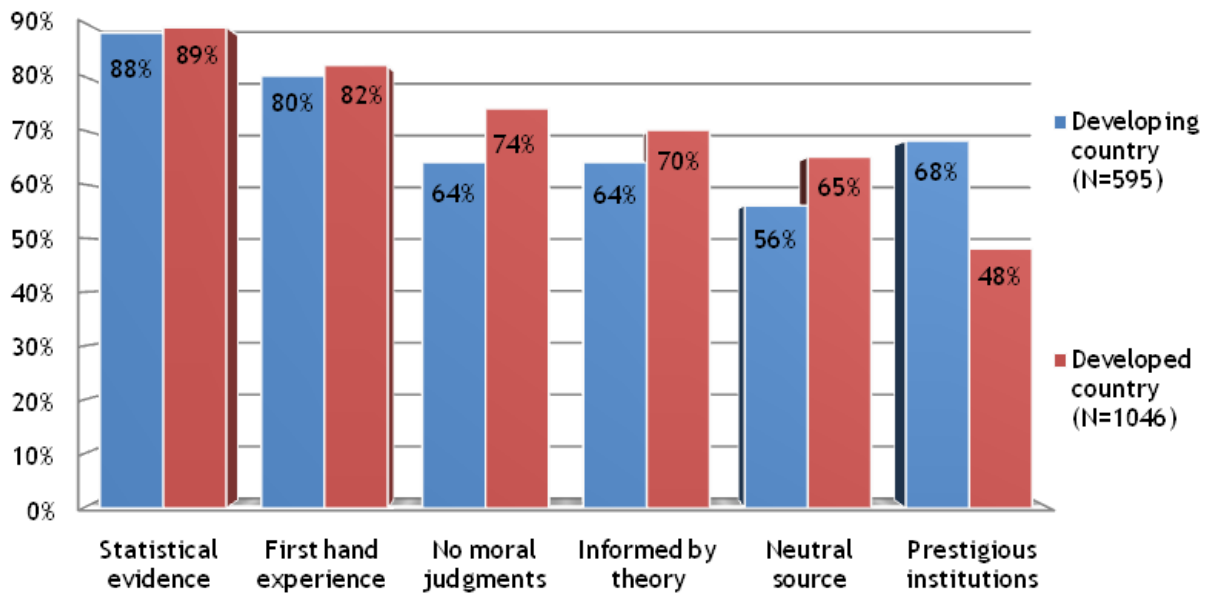


Another marked difference between government officials and academics is the different values they place on the prestige of information sources. Among all professions surveyed, civil servants value the prestige of the source the most and university professors value it the least.

As below shows, respondents from developing countries are more inclined to use prestige as

a heuristic to assess information. This trend is even more pronounced among government officials. Among government officials in developing countries 79 percent agree that information coming from a prestigious institution is likely to be more convincing. Only 55 percent of them, however, consider that information coming from someone without major interests at stake makes it more convincing.

Figure 30. What makes an argument convincing by country of birth (n=1641)

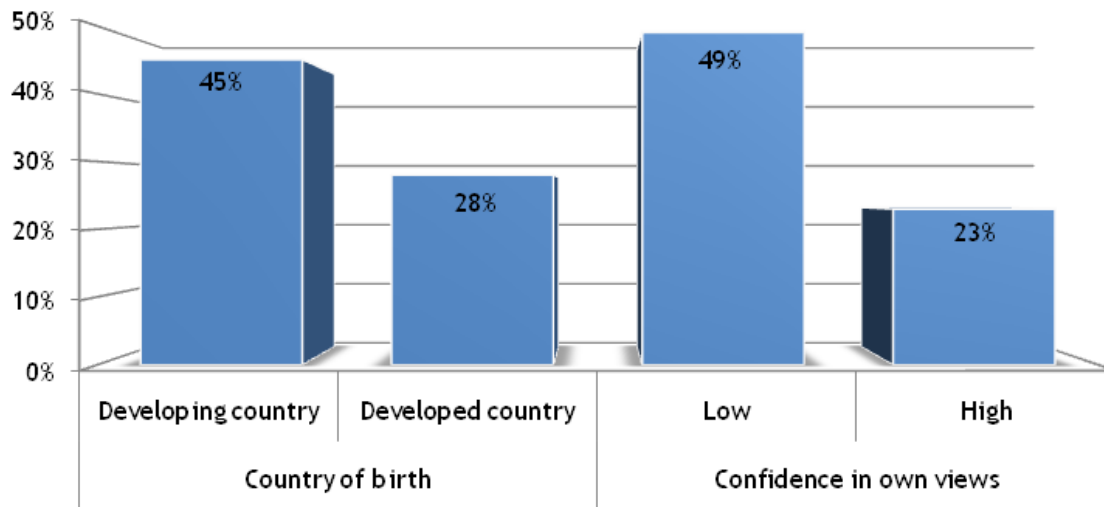


The moderate concern of government officials for the neutrality of information sources combined with the enhanced credibility ascribe to first-hand experience is further supported by another question on the survey. This question asked government officials: “If you are hiring a consultant to work on IP issues, which of these would you value the most? A) a law firm; B) an academic research center; C) consultants with experience in the industry; D) consultants with experience in the government; E) consultants with experience in NGOs or think tanks?”

For this question, a majority of government officials answered that they would primarily value consultants with experience in the industry (41 percent); followed by a law firm (20 percent); academic research center (18 percent), and consultants with experience in

the government (17 percent). NGO and think-tank affiliation obtained a modest 3 percent of responses. This order of preference remains roughly the same for all of the subgroups of government officials. The only exception is officials with more than 20 years of experience, who indicated that they preferred consultants with experience in the government.

Interestingly, trust for consultants with practical experience in the industry appears to be especially pronounced among government officials who are most in need of and most receptive to capacity-building training. As shown in Figure 31, government officials focusing their work on policymaking or law-making seem more likely to look for experience in the industry when hiring a consultant if they are from a developing country and if they have low confidence in their own views on IP.

Figure 31. Percentage of policymakers who primarily value experience in the industry (n=78)

However, the number of respondents surveyed who work as government officials and primarily work on policymaking and law-making is so small that it prevents any definitive conclusions. Even if the sample was representative, further research would be needed to confirm these findings.

If these figures are confirmed, however, they would have at least two major implications for providers of capacity-building training. First, trainers with practical experience and working for prestigious institutions are likely to be more convincing when providing

capacity-building training to governmental officials.

Second, government officials might need enhanced statistical literacy. Many of them highly value hard numbers, but several flawed statistics on IP are being circulated and few policymakers have an appropriate degree (for example, in economics) that might help them interpret raw data. It is important that government officials not only be informed about consensual knowledge among economists, but also about what remains unknown and the degrees of uncertainty.

11. CONCLUSION

This preliminary study does not lead to definitive conclusions because of the uncertainties regarding the representativeness of the sample as well as the relatively small size of some sub-samples. This study is exploratory. Its primary objective is to gain a better picture of communities of ideas in order to generate thought-provoking and policy-relevant hypotheses concerning the variation of beliefs and socialization among actors.

One of the main preliminary findings of this study is that views on IP are organized along transnational dimensions, mainly around professions, rather than being nationally based. There is more variation within countries than across them. Legal IP regimes, however, remain nationally based, generating significant friction between transnational ideas and national legal norms.

In exploring transnational mechanisms for the diffusion of ideas, this study finds those who receive their education from universities in developed countries are more likely to favour lower levels of IP protection. As a result, among government officials, the number of years spent as university students in developed countries has the opposite effect of the number of years of experience; it decreases rather than increases support for strong IP protection. Conversely, if one wants to caution developing country officials about the consequence of a maximalist approach to IP, a good place to start would be the academics in developing countries who train future policymakers.

This study does not provide conclusive evidence that capacity-building programmes have a

similar effect as university education. However, it provides some directions to increase the impact of capacity-building programmes. It suggests that providers of capacity-building training can reach new and receptive publics by targeting government officials from developed countries with little international experience, focusing on domestic issues and with less than 10 years of experience. Moreover, it seems that capacity-building training is likely to be more effective if the trainer has first-hand experience, comes from a prestigious institution, and if his or her arguments are supported by statistical evidence.

That said, government officials might need enhanced statistical literacy. Many of them highly value hard numbers, but flawed statistics on IP are often being circulated. It is important for government officials to be not only informed about the consensus of knowledge among economists, but also about what remains unknown and the degrees of uncertainty.

Results generated by this preliminary study must be confirmed by further research. Follow-up surveys could target specific sub-samples, such as academics in developed countries or capital-based policymakers, which can be randomly selected. Qualitative methods, including direct observation, semi-structured interviews, and content analysis, could also be used to confirm some hypotheses. For example, a systematic analysis of IP syllabi used in developing countries' universities or the careful examination of résumés of top IP decision-makers could be instrumental in exploring many hypotheses this study has generated on the transmission of IP-related ideas.

ENDNOTES

- 1 Goldstein, Judith and Robert O. Keohane (1993), "Ideas and Foreign Policy: An Analytical Framework," in Goldstein, J. and Keohane, R.O. (eds.), *Ideas and Foreign Policy: Beliefs, Institutions and Political Change*, Ithaca: Cornell University Press, p. 3-29.
- 2 E. R. Gold et al. (2004), "The Unexamined Assumptions of Intellectual Property: Adopting an Evaluative Approach to Patenting Biotechnological Innovation," *Public Affairs Quarterly*, vol. 18, p. 299-336.
- 3 Helfer, Laurence R. (2004), "Regime Shifting: The TRIPS Agreement and New Dynamics of International Intellectual Property Lawmaking," *Yale Journal of International Law*, vol. 29(1), p. 1-83; Sell, Susan K. and Aseem Prakash, (2004), "Using Ideas Strategically: The Contest between Business and NGO Networks in Intellectual Property Rights," *International Studies Quarterly*, vol. 48, p. 143-175; Halbert, Debora. J. (2005), *Resisting Intellectual Property*. London: Routledge; Kapczynski, Amy (2008), "The Access to Knowledge Mobilization and the New Politics of Intellectual Property," *The Yale Law Journal*, vol. 117, p. 804-885; Morin, Jean-Frédéric and E. Richard Gold (2010), "Consensus-Seeking, Distrust, and Rhetorical Action," *European Journal of International Relations*, vol. 16(4), p. 563-587; Muzaka, Valbona (2011), "Linkages, Contests and Overlaps in the Global Intellectual Property Rights Regime," *European Journal of International Relations*, vol. 17(4), p. 755-776.
- 4 Deere, Carolyn (2009), *The Implementation Game: The TRIPS Agreement and the Global Politics of Intellectual Property Reform in Developing Countries*. Oxford: Oxford University Press; de Beer, Jeremy and Chidi Oguamanam (2010), *Intellectual Property Training and Education: A Development Perspective*, Geneva: ICTSD; Drahos, Peter (2010), *The Global Governance of Knowledge: Patent Offices and their Clients*, Cambridge: Cambridge University Press; Morin, Jean-Frédéric, E. Richard Gold and Kevin Daley (2011), "Having Faith in IP: Empirical Evidence of IP Conversion," *WIPO Journal*, vol. 3(2), p. 93-102.
- 5 For example, see S. Sell and A. Prakash (2004), *op. cit.*
- 6 For example, see P. Drahos (2010), *op. cit.*
- 7 Tetlock, Philip E. (2005), *Expert Political Judgment: How Good Is It? How Can We Know?* Princeton: Princeton University Press.
- 8 Allison, Graham and Philip Zelikow (1999), *Essence of Decision: Explaining the Cuban Missile Crisis*, New York: Addison Wesley Longman.
- 9 Brand, Ronard and Wes Rist (2009), *The Export of Legal Education: Its Promise and Impact in Transition Countries*, Aldershot: Ashgate. C. Atkinson (2010), "Does Soft Power Matter? A Comparative Analysis of Student Exchange Programs 1980-2006", *Foreign Policy Analysis* 6(1), p. 1-22; J. Chwieroth (2007), "Neoliberal Economists and Capital Account Liberalization in Emerging Markets", *International Organization*, vol. 61(2), p. 443-463.
- 10 J. de Beer and C. Ogyamanam (2010), *op. cit.*
- 11 Matthews, Duncan (2005), "TRIPS Flexibilities and Access to Medicines in Developing Countries: The Problem with Technical Assistance and Free Trade Agreement," *European Intellectual Property Review*, p. 420-427; S. Villanueva (2005), *Intellectual Property-Related Technical Assistance: The Philippine Experience*, Geneva: ICTSD; Matthews, Duncan and Viviana Munoz-Tellez (2006), "Bilateral Technical Assistance and TRIPS: The United States, Japan, and the European Communities in Comparative Perspective," *Journal of World Intellectual Property* 9(6), p. 629-653; Kosteki, Michel (2006), *Intellectual Property and Economic Development:*

What Technical Assistance to Redress the Balance of Favour of Developing Nations?, Geneva: ICTSD; May, Christopher (2006), “Learning to Love Patents: Capacity Building, Intellectual Property and the (Re)production of Governance Norms in the Developing World,” in E. Amann (ed), *Regulating Development: Evidence from Africa and Latin America*, Cheltenham: Edward Elgar, p. 65-98; Leesti, Mart and Tom Pengelly (2007), *Assessing Technical Assistance Needs for Implementing the TRIPS Agreement in LDCs: A Diagnostic Toolkit*, Geneva: ICTSD; Drahos, Peter (2008), “Trust Me: Patent Offices in Developing Countries,” *American Journal of Law and Medicine* 32(2-3), p. 151-174; Deere-Birkbeck, Carolyn and Ron Marchant (2010), *The Technical Assistance Principles of the WIPO Development Agenda and their Practical Implementation*, Geneva: ICTSD; J. de Beer and C. Ogyamanam (2010), op. cit.

- 12 The survey was not designed to assess the impact of the capacity-building training. In fact, it is doubtful that any survey could reach this objective. For a methodological discussion and an alternative method to assess the impact of capacity building, see J-F Morin, E.R. Gold and K. Daley (2011) op. cit.
- 13 Walt, Stephen M. (2005) “The Relationship between Theory and Policy in International Relations,” *Annual Review of Political Science*, vol. 8(1), p. 23-48; Lepgold, Joseph (1998), “Is Anyone Listening? International Relations Theory and the Problem of Policy Relevance,” *Political Science Quarterly*, vol. 113(1), p. 43-62; Hill, Christopher and Pamela Beshoff (1994), *Two Worlds of International Relations: Academics, Practitioners and the Trade in Ideas*, London: Routledge; George, Alexander (1994), “The Two Cultures of Academia and Policy-Making: Bridging the Gap,” *Political Psychology*, vol. 15(1), p. 143-172.

REFERENCES

- Allison, Graham T. and Philip Zelikow (1999), *Essence of Decision: Explaining the Cuban Missile Crisis*, New York: Addison Wesley Longman.
- Atkinson, Carol (2010), "Does Soft Power Matter? A Comparative Analysis of Student Exchange Programs 1980-2006," *Foreign Policy Analysis* 6(1): p. 1-22.
- Brand, Ronard and Wes Rist (2009), *The Export of Legal Education: Its Promise and Impact in Transition Countries*, Aldershot: Ashgate.
- Chwieroth, Jeffrey (2007), "Neoliberal Economists and Capital Account Liberalization in Emerging Markets," *International Organization*, vol. 61(2), p. 443-463.
- De Beer, Jeremy and Chidi Oguamanam (2010), *Intellectual Property Training and Education: A Development Perspective*, Geneva: ICTSD.
- Deere, Carolyn (2009), *The Implementation Game: The TRIPs Agreement and the Global Politics of Intellectual Property Reform in Developing Countries*, Oxford: Oxford University Press.
- Deere-Birkbeck, Carolyn and Ron Marchant (2010), *The Technical Assistance Principles of the WIPO Development Agenda and their Practical Implementation*, Geneva: ICTSD.
- Drahos, Peter (2008), "Trust Me: Patent Offices in Developing Countries," *American Journal of Law and Medicine* 32(2-3), p. 151-174.
- Drahos, Peter (2010), *The Global Governance of Knowledge: Patent Offices and their Clients*, Cambridge: Cambridge University Press.
- George, Alexander L. (1994), "The Two Cultures of Academia and Policy-Making: Bridging the Gap," *Political Psychology*, vol. 15(1), p. 143-172.
- Gold, E. Richard et al., (2004), "The Unexamined Assumptions of Intellectual Property: Adopting an Evaluative Approach to Patenting Biotechnological Innovation," *Public Affairs Quarterly*, vol. 18, p. 299-336.
- Goldstein, Judith and Robert O. Keohane (1993), "Ideas and Foreign Policy: An Analytical Framework," In Goldstein, J. and Keohane, R.O. (eds.), *Ideas and Foreign Policy: Beliefs, Institutions and Political Change*, Ithaca: Cornell University Press, p. 3-29.
- Halbert, Debora. J. (2005), *Resisting Intellectual Property*, London: Routledge.
- Helfer, Laurence R. (2004), "Regime Shifting: The TRIPs Agreement and New Dynamics of International Intellectual Property Lawmaking," *Yale Journal of International Law*, vol. 29(1), p. 1-83.
- Hill, Christopher and Pamela Beshoff (1994), *Two Worlds of International Relations: Academics, Practitioners and the Trade in Ideas*, London: Routledge.
- Kapczynski, Amy (2008), "The Access to Knowledge Mobilization and the New Politics of Intellectual Property," *The Yale Law Journal*, vol. 117, p. 804-885.
- Kostecki, Michel (2006), *Intellectual Property and Economic Development: What Technical Assistance to Redress the Balance of Favour of Developing Nations?*, Geneva: ICTSD.
- Leesti, Mart and Tom Pengelly (2007), *Assessing Technical Assistance Needs for Implementing the TRIPs Agreement in LDCs: A Diagnostic Toolkit*, Geneva: ICTSD.
- Lepgold, Joseph (1998), "Is Anyone Listening? International Relations Theory and the Problem of Policy Relevance," *Political Science Quarterly*, vol. 113(1), p. 43-62.

- Matthews, Duncan (2005), “TRIPS Flexibilities and Access to Medicines in Developing Countries: The Problem with Technical Assistance and Free Trade Agreement,” *European Intellectual Property Review*, p. 420-427.
- Matthews, Duncan and Viviana Munoz-Tellez (2006), “Bilateral Technical Assistance and TRIPS: The United States, Japan, and the European Communities in Comparative Perspective,” *Journal of World Intellectual Property* 9(6), p. 629-653.
- May, Christopher (2006), “Learning to Love Patents: Capacity Building, Intellectual Property and the (Re)production of Governance Norms in the Developing World,” in E. Amann (ed), *Regulating development: evidence from Africa and Latin America*, Cheltenham: Edward Elgar, p. 65-98.
- Morin, Jean-Frédéric (2011), “The Life-Cycle of Transnational Issues: Lessons from the Access to Medicines Controversy,” *Global Society*, vol. 25(2), p. 227-247.
- Morin, Jean-Frédéric and E. Richard Gold (2010), “Consensus-Seeking, Distrust, and Rhetorical Action,” *European Journal of International Relations*, vol. 16(4), p. 563-587.
- Morin, Jean-Frédéric (2008), “Rhetorical Discourses in International Patent Lawmaking: Property, Fairness, and Well-Being,” *Asian Journal of WTO and International Health Law and Policy*, vol. 3(2), p. 505-537.
- Morin, Jean-Frédéric, E. Richard Gold and Kevin Daley (2011), “Having Faith in IP: Empirical Evidence of IP Conversion,” *WIPO Journal*, vol. 3(2), p. 93-102.
- Muzaka, Valbona (2011), “Linkages, Contests and Overlaps in the Global Intellectual Property Rights Regime,” *European Journal of International Relations*, vol. 17(4), p. 755-776.
- Sell, Susan K. and Aseem Prakash (2004), “Using Ideas Strategically: The Contest between Business and NGO Networks in Intellectual Property Rights,” *International Studies Quarterly*, vol. 48, p. 143-175.
- Tetlock, Philip E. (2005), *Expert Political Judgment: How Good Is It? How Can We Know?* Princeton: Princeton University Press.
- Villanueva, Susan (2005), *Intellectual Property-Related Technical Assistance: The Philippine Experience*, Geneva: ICTSD.
- Walt, Stephen M. (2005) “The Relationship between Theory and Policy in International Relations,” *Annual Review of Political Science*, vol. 8(1), p. 23-48.

APPENDIX: REGRESSION ANALYSIS

Table 1. Variables description

| Name | Description | Coding | Statistics |
|----------------|---|--|----------------------------|
| Law | Hold a law degree. | 0-No 1-Yes | No =1448 Yes = 847 |
| Eco | Hold a degree in economics, management or business. | 0-No 1-Yes | No =2073 Yes = 222 |
| Law + Eco | Hold both a law degree and an economics degree. | 0-No 1-Yes | No = 2174 Yes =121 |
| Birth | Born in a developed country. | 0-No 1-Yes | No = 597 Yes = 1050 |
| Education | Highest academic degree obtained in a developed country. | 0-No 1-Yes | No =386 Yes = 1260 |
| Policymaking | Policymaking or law-making is the primary area of interest on IP, as opposed to application, examination, contracting or litigation. | 0-No 1-Yes | No = 552 Yes = 1095 |
| Patent | Set of dichotomous but mutually exclusive variables for primary area of expertise on IP with patent as the constant value. | 0-No 1-Yes | No =777 Yes = 870 |
| Copyright | | 0-No 1-Yes | No =1349 Yes = 298 |
| Trademark | | 0-No 1-Yes | No = 1319 Yes = 328 |
| Other IPR | | 0-No 1-Yes | No = 1496 Yes = 151 |
| Paradigm index | | Index made of 9 indicators (see Figure 8) assessing the relative support for strong IP protection. | From 0 to 45 |
| Extremism | Extremism (in one direction or another) on the paradigm index. | From 0 to 18 | Mean= 13,62 Median = 14 |
| Percentage | Work more than 50% of professional time on IP issues. | 0-No 1-Yes | No = 492 Yes = 1671 |
| Academic | Set of dichotomous but mutually exclusive variables for main professional activity with government (including IP office) as the constant value. | 0-No 1-Yes | No =1589 Yes = 536 |
| Intergov | | 0-No 1-Yes | No =2047 Yes = 78 |
| Government | | 0-No 1-Yes | No =1837 Yes = 288 |
| Attorney | | 0-No 1-Yes | No =1325 Yes = 800 |
| Business | | 0-No 1-Yes | No =1832 Yes = 293 |
| NGO | | 0-No 1-Yes | No =2007 Yes = 118 |
| Other | | 0-No 1-Yes | No = 2113 Yes = 12 |

Table 1. *Continued*

| Name | Description | Coding | Statistics |
|--------------|---|---|---------------------------|
| Years edu | Number of years as full time university student. | zero ≤ 3 years 2-5 years 6-7 years 5- ≥ 8 years | Mean= 3,91 Median = 4 |
| Years exp | Number of years professionally active in IP issues. | < 2 years 2-4 years 5-9 years 10-20 years 5- > 20 years | Mean= 3,86 Median = 4 |
| Policy level | Expertise mainly on domestic issues rather than foreign, regional or multilateral issues. | 0-No 1-Yes | No =900 Yes =747 |
| Training aca | In the last five years, received IP-related training organized by an academic institution. | 0-No 1-Yes | No = 212 Yes = 159 |
| Training IGO | In the last five years, received IP-related training organized by an intergovernmental organization. | 0-No 1-Yes | No = 164 Yes = 207 |
| Training Gov | In the last five years, received IP-related training organized by a foreign government. | 0-No 1-Yes | No = 209 Yes = 162 |
| Training NGO | In the last five years, received IP-related training organized by a public interest NGO or think-tank. | 0-No 1-Yes | No = 259 Yes = 112 |
| TrainingBUS | In the last five years, received IP-related training organized by a business or business association. | 0-No 1-Yes | No = 226 Yes = 145 |
| Gov tea | Organization of IP-related training. | Never To on 3 group To two groups > 2 groups | Mean= 2.44 Median = 2 |
| Gov base | Work abroad (in an embassy, consulate or mission) rather than in home country. | 0-No 1-Yes | No = 226 Yes = 11 |
| Gov org | Work in a patent, trademark or copyright office (as opposed to other governmental ministry or agency). | 0-No 1-Yes | No = 173 Yes = 67 |
| Certainty | Agreement with the assertion that “social and economic impact of IPR are known with a good level of certainty”. | 1 to 5 | Mean= 3,33 Median = 3 |
| Confidence | Overall level of confidence in views expressed to document the paradigm index (see Figure 8). | 1 to 10 | Mean = 7,76 Median = 8 |
| Stability | In the last 10 years, the respondent has not changed his/her views on the appropriate level of IP protection. | 0-No 1-Yes | No =617 Yes = 833 |

Table 2. Explaining variations on the paradigm index

| | Entire sample | | Respondents born in a developing country (n=483) | | Government officials (n=155) | |
|-------------------------|--------------------|-----|--|-----|------------------------------|-----|
| Law | 1,722 | *** | 0,597 | | 1,460 | |
| Economics | 1,828 | ** | 0,976 | | -1,554 | |
| Law+Eco | -1,465 | | -2,591 | | 1,613 | |
| birth | 2,319 | *** | | | 5,520 | *** |
| education | -2,186 | *** | | | -4,855 | ** |
| Polycymaking | 1,192 | *** | 1,311 | ** | 2,514 | * |
| Patent | Reference category | | Reference category | | Reference category | |
| Copyright | -0,530 | | -1,187 | | 1,746 | |
| Trademark | 0,557 | | 1,373 | * | -0,670 | |
| Other IPR | 0,361 | | -0,715 | | 2,264 | |
| Percentage | 1,388 | *** | 0,879 | | 0,510 | |
| Academic | -5,418 | *** | -4,419 | *** | | |
| Intergov | -3,117 | *** | -2,587 | * | | |
| Government | Reference category | | Reference category | | | |
| Attorney | 0,244 | | -0,445 | | | |
| Business | 0,685 | | -1,541 | | | |
| NGO | -9,577 | *** | -9,413 | *** | | |
| Other (including media) | -0,703 | | -0,504 | | | |
| Years edu | -0,481 | ** | -0,189 | | 0,239 | |
| Years exp | 0,625 | *** | -0,200 | | 0,157 | |
| Stability | 0,867 | ** | 0,498 | | -0,545 | |
| confidence | -0,155 | | -0,170 | | -0,366 | |
| Certainty | 1,289 | *** | 0,376 | | 0,761 | |
| Policy level | | | | | 1,124 | |
| Gov tea | | | | | 0,632 | |
| Gov base | | | | | -2,738 | |
| Gov org | | | | | 0,684 | |
| Training aca | | | | | 1,849 | |
| Training IGO | | | | | -2,735 | ** |
| Training Gov | | | | | 0,836 | |
| Trainingbus | | | | | 0,146 | |
| Training NGO | | | | | -1,297 | |
| Constant | 20,036 | *** | 24,401 | *** | 20,605 | *** |

Multiple regressions performed with StataSE12 with robust standard error.

* significant at 0,1; ** significant at 0.05; *** significant at 0.01; **** significant at 0.

Table 3. Explaining stability, confidence and certainty.

| | Stability | | | Confidence | | | Certainty | | |
|----------------|---------------------------|----------------------------|---------------------------|----------------------------|---------------------------|----------------------------|---------------------------|----------------------------|--|
| | Entire sample (n=1414) | Government only (n=155) | Entire sample (n=1414) | Government only (n=155) | Entire sample (n=1414) | Government only (n=155) | Entire sample (n=1414) | Government only (n=155) | |
| | Reference category | Reference category | Reference category | Reference category | Reference category | Reference category | Reference category | Reference category | |
| Law | 0,005 | 0,265 ** | 0,153 | 0,402 | -0,010 | -0,104 | -0,010 | -0,104 | |
| Eco | -0,051 | 0,092 | 0,168 | -0,130 | 0,076 | 0,660 ** | 0,076 | 0,660 ** | |
| Law+Eco | 0,048 | -0,432 ** | -0,032 | 1,158 | -0,100 | -0,489 | -0,100 | -0,489 | |
| Birth | 0,029 | 0,045 | -0,156 | 0,378 | -0,542 *** | -0,727 * | -0,542 *** | -0,727 * | |
| Education | 0,100 ** | 0,041 | 0,270 ** | 0,116 | 0,157 | 0,648 * | 0,157 | 0,648 * | |
| Policymaking | -0,045 | 0,097 | -0,162 * | -0,183 | 0,242 *** | -0,059 | 0,242 *** | -0,059 | |
| Patent | Reference category | Reference category | Reference category | Reference category | Reference category | Reference category | Reference category | Reference category | |
| Copyright | -0,022 | 0,207 | 0,321 *** | -1,003 * | -0,214 ** | -0,380 | -0,214 ** | -0,380 | |
| Trademark | -0,091 *** | -0,052 | -0,070 | -0,720 * | 0,038 | 0,317 | 0,038 | 0,317 | |
| Other IPRS | -0,009 | -0,028 | 0,039 | 0,120 | 0,178 | -0,360 | 0,178 | -0,360 | |
| Paradigm index | 0,002 | -0,003 | 0,007 | -0,013 | 0,047 *** | 0,029 | 0,047 *** | 0,029 | |
| Extremism | -0,008 *** | -0,020 | 0,128 *** | 0,160 *** | 0,013 | 0,037 | 0,013 | 0,037 | |
| Percentage | 0,008 | -0,115 | 0,103 | 0,022 | -0,101 | 0,497 | -0,101 | 0,497 | |
| Academic | 0,058 | | -0,238 | | -0,435 *** | | -0,435 *** | | |
| Intergov | 0,008 | | -0,115 | | -0,081 | | -0,081 | | |
| Government | Reference category | | Reference category | | Reference category | | Reference category | | |
| Attorney | 0,018 | | -0,074 | | -0,188 | | -0,188 | | |
| Business | 0,028 | | -0,152 | | -0,128 | | -0,128 | | |
| NGO | 0,183 ** | | 0,148 | | -0,188 | | -0,188 | | |
| Other | 0,204 | | 0,241 | | -0,316 | | -0,316 | | |
| Years edu | -0,018 | -0,014 | 0,102 ** | -0,108 | -0,049 | -0,055 | -0,049 | -0,055 | |
| Years exp | 0,096 *** | 0,030 | 0,076 | -0,025 | 0,016 | 0,064 | 0,016 | 0,064 | |
| Policy level | -0,044 * | -0,106 | -0,137 * | 0,213 | -0,207 *** | -0,263 | -0,207 *** | -0,263 | |

Table 3. Continued

| | Stability | | Confidence | | Certainty | |
|--------------|---------------------------|----------------------------|---------------------------|----------------------------|---------------------------|----------------------------|
| | Entire sample (n=1414) | Government only (n=155) | Entire sample (n=1414) | Government only (n=155) | Entire sample (n=1414) | Government only (n=155) |
| Training aca | | -0,056 | | 0,647 *** | | -0,677 *** |
| Training IGO | | -0,057 | | -0,076 | | 0,063 |
| TrainingGov | | 0,055 | | 0,584 ** | | 0,289 |
| Training bus | | 0,149 | | 0,207 | | 0,133 |
| Training NGO | | -0,100 | | -0,430 | | -0,025 |
| Gov tea | | -0,064 | | 0,180 | | 0,244 * |
| Gov base | | -0,441 *** | | -0,009 | | 0,500 |
| Gov org | | -0,061 | | -0,009 | | -0,192 |
| Certainty | 0,008 | 0,009 | 0,048 * | 0,047 | | |
| Confidence | 0,003 | 0,038 | | | 0,047 * | 0,039 |
| Stability | | | 0,028 | 0,375 | 0,073 | 0,074 |
| Constant | 0,125 | 0,472 | 5,182 *** | 4,924 *** | 2,307 *** | 1,890 ** |

* significant at 0,1; ** significant at 0,05; *** significant at 0,01; **** significant at 0.

Table 4. IP-related training organized by various groups.

| | Training Any (n=155) | | Training aca (n=155) | | Training IGO (n=155) | | Training Gov (n=155) | | Training bus (n=155) | | Training NGO (n=155) | |
|----------------|-------------------------|-----|-------------------------|-----|-------------------------|-----|-------------------------|-----|-------------------------|-----|-------------------------|----|
| | Reference category | | Reference category | | Reference category | | Reference category | | Reference category | | Reference category | |
| Birth | -0,115 | ** | -0,347 | *** | -0,236 | ** | -0,100 | | 0,125 | | -0,098 | |
| Education | -0,003 | | 0,299 | ** | 0,013 | | -0,080 | | 0,071 | | 0,221 | |
| Policymaking | 0,010 | | -0,215 | ** | 0,009 | | -0,013 | | 0,017 | | -0,077 | |
| Patent | Reference category | | Reference category | | Reference category | | Reference category | | Reference category | | Reference category | |
| Copyright | 0,047 | | -0,358 | ** | -0,128 | | 0,128 | | -0,051 | | -0,057 | |
| Trademark | 0,050 | | -0,010 | | -0,016 | | 0,029 | | 0,035 | | 0,066 | |
| Other IPR | 0,052 | | -0,22 | ** | 0,211 | ** | -0,141 | | 0,121 | | 0,114 | |
| Paradigm index | 0,000 | | 0,006 | | -0,012 | ** | 0,000 | | -0,000 | | -0,006 | |
| Extremism | -0,008 | | -0,016 | ** | -0,002 | | -0,007 | | -0,016 | ** | -0,002 | |
| Percentage | -0,021 | | 0,018 | | 0,048 | | -0,116 | | 0,198 | ** | -0,049 | |
| Years edu | 0,038 | * | 0,089 | * | 0,036 | | 0,022 | | 0,099 | ** | 0,047 | |
| Years exp | 0,044 | | 0,062 | | 0,074 | * | 0,031 | | 0,047 | | 0,023 | |
| Stability | 0,002 | | -0,013 | | -0,039 | | 0,064 | | 0,087 | | -0,063 | |
| Confidence | 0,012 | | 0,054 | ** | 0,000 | | 0,041 | * | 0,024 | | -0,013 | |
| Certainty | 0,002 | | -0,075 | *** | 0,012 | | 0,042 | | -0,002 | | -0,007 | |
| Policy level | 0,001 | | -0,113 | | -0,148 | * | -0,138 | * | -0,118 | | -0,017 | |
| Gov tea | 0,051 | ** | 0,083 | ** | 0,041 | | 0,147 | *** | 0,106 | *** | 0,036 | |
| Gov base | 0,078 | | 0,308 | ** | -0,161 | | 0,074 | | 0,137 | | 0,340 | ** |
| Gov org | -0,087 | | 0,028 | | 0,062 | | -0,00 | | 0,176 | ** | -0,129 | |
| Delegate | -0,242 | *** | 0,066 | | 0,041 | *** | 0,303 | *** | 0,152 | ** | 0,097 | |
| Constant | 0,652 | *** | -0,105 | | 0,686 | ** | -0,198 | | -0,337 | | 0,327 | |

Multiple regressions performed with Stata SE12 with robust standard error.

* significant at 0.1; ** significant at 0.05; *** significant at 0.01; **** significant at 0.

SELECTED ICTSD ISSUE PAPERS

Agriculture Trade and Sustainable Development

US Farm Policy and Risk Assistance: The Competing Senate and House Agriculture Committee Bills of July 2012. By Carl Zulauf and David Orden. Issue Paper No. 44, 2012.

Net Food-Importing Developing Countries: Who They Are, and Policy Options for Global Price Volatility. By Alberto Valdés and William Foster. Issue Paper No. 43, 2012.

Trade Policy Responses to Food Price Volatility in Poor Net Food-Importing Countries. By Panos Konandreas. Issue Paper No. 42, 2012.

Trade Policy Options for Enhancing Food Aid Effectiveness. By Edward Clay. Issue Paper No. 41, 2012.

Possible Effects of Russia's WTO Accession on Agricultural Trade and Production. By Sergey Kiselev and Roman Romashkin. Issue Paper No. 40, 2012.

Competitiveness and Development

Una Evaluación De La Ayuda Para El Comercio En La Práctica. By Ricardo Paredes. Issue Paper No. 24, 2012.

Evaluating Aid for Trade on the Ground: Lessons from Nepal. By Ratnakar Adhikari, Paras Kharel and Chandan Sapkota, Issue Paper No. 23, 2011.

Evaluating Aid for Trade on the Ground: Lessons from Cambodia. By Siphana Sok, Cambodochine Dao, Chandarot Kang and Dannet Liv. Issue Paper No. 22, 2011.

Evaluating Aid for Trade on the Ground: Lessons from Malawi. By Jonathan Said, John McGrath, Catherine Grant and Geoffrey Chapman. Issue Paper No. 21, 2011.

Evaluating Aid for Trade Effectiveness on the Ground: A Methodological Framework. By Ratnakar Adhikari. Issue Paper No. 20, 2011.

EU Climate Policies and Developing Country Trade Vulnerability: An Overview of Carbon Leakage-Sensitive Trade Flows. By ICTSD. Issue Paper No. 19, 2011.

Dispute Settlement and Legal Aspects of International Trade

Conflicting Rules and Clashing Courts. The Case of Multilateral Environmental Agreements, Free Trade Agreements and the WTO. By Pieter Jan Kuijper. Issue Paper No.10, 2010.

Burden of Proof in WTO Dispute Settlement: Contemplating Preponderance of the Evidence. By James Headen Pfitzer and Sheila Sabune. Issue Paper No. 9, 2009.

Suspension of Concessions in the Services Sector: Legal, Technical and Economic Problems. By Arthur E. Appleton. Issue Paper No. 7, 2009.

Fisheries, International Trade and Sustainable Development

The Importance of Sanitary and Phytosanitary Measures to Fisheries Negotiations in Economic Partnership Agreements. By Martin Doherty. Issue Paper No. 7, 2008.

Fisheries, Aspects of ACP-EU Interim Economic Partnership Agreements: Trade and Sustainable Development Implications. By Liam Campling. Issue Paper No. 6, 2008.

Innovation, Technology and Intellectual Property

Fast-tracking Green Patent Applications: An Empirical Analysis. Issue number 37. By Antoine Dechezleprêtre, February 2013.

Unpacking the International Technology Transfer Debate: Fifty Years and Beyond. Issue Paper No. 36 by Padmashree Gehl Sampath and Pedro Roffe, 2012. Realizing the Potential of the UNFCCC Technology Mechanism. Perspectives on the Way Forward. Issue Paper No. 35 by John Barton, Padmashree Gehl Sampath and John Mugabe, 2012.

Bridging the Gap on Intellectual Property and Genetic Resources in WIPO's Intergovernmental Committee (IGC). By David Vivas-Eugui. Issue Paper No. 34, 2012.

The Influence of Preferential Trade Agreements on the Implementation of Intellectual Property Rights in Developing Countries. By Ermias Tekeste Biadgleng and Jean-Christophe Maur. Issue Paper No. 33, 2011.

Intellectual Property Rights and International Technology Transfer to Address Climate Change: Risks, Opportunities and Policy Options. By K. E.

Maskus and R. L. Okediji. Issue Paper No. 32, 2010

Trade in Services and Sustainable Development

Facilitating Temporary Labour Mobility in African Least-Developed Countries: Addressing Mode 4 Supply-Side Constraints. By Sabrina Varma. Issue Paper No.10, 2009.

Advancing Services Export Interests of Least-Developed Countries: Towards GATS Commitments on the Temporary Movement of natural Persons for the Supply of Low-Skilled and Semi-Skilled Services. By Daniel Crosby, Issue Paper No. 9, 2009.

Environmental Goods and Services Programme

Market Access Opportunities for ACP Countries in Environmental Goods. By David Laborde, Csilla Lakatos. Issue Paper No. 17, 2012

Facilitating Trade in Services Complementary to Climate-friendly Technologies. By Joy Aeree Kim. Issue Paper No. 16, 2011.

Deploying Climate-Related Technologies in the Transport Sector: Exploring Trade Links. By Rene Vosenaar. Issue Paper No. 15, 2010

Trade and Sustainable Energy

International Transport, Climate Change and Trade: What are the Options for Regulating Emissions from Aviation and Shipping and what will be their Impact on Trade? By Joachim Monkelbaan. Background Paper, 2010.

Climate Change and Trade on the Road to Copenhagen. Policy Discussion Paper, 2009.

Regionalism and EPAs

Questions Juridiques et Systémiques Dans les Accords de Partenariat économique : Quelle Voie Suivre à Présent ? By Cosmas Milton Obote Ochieng. Issue Paper No. 8, 2010.

Rules of Origin in EU-ACP Economic Partnership Agreements. By Eckart Naumann. Issue Paper No. 7, 2010

SPS and TBT in the EPAs between the EU and the ACP Countries. By Denise Prévost. Issue Paper No. 6, 2010.

Global Economic Policy and Institutions

Multilateral Negotiations at the Intersection of Trade and Climate Change: An overview of Developing Countries' Priorities in UNCSD, UNFCCC and WTO Processes. By Manual A. J. Teehankee, Ingrid Jegou, Rafael Jacques Rodrigues. Issue Paper No. 2, 2012.

ICTSD has been active in the field of intellectual property since 1997, among other things through its programme on Innovation, Technology and Intellectual Property (IP), which since 2001 has been implemented jointly with UNCTAD. One central objective of the programme has been to facilitate the emergence of a critical mass of well-informed stakeholders in developing countries that includes decision-makers and negotiators, as well as representatives from the private sector and civil society, who will be able to define their own sustainable human development objectives in the field of IP and advance these effectively at the national and international level. The programme has generated an issue paper series on Intellectual Property Rights and Sustainable Development with the intention of offering a clear, jargon-free synthesis of the main issues to help policy makers, stakeholders and the public in developing and developed countries to understand the varying perspectives surrounding different IPRs, their known or possible impact on sustainable livelihoods and development, and different policy positions over the TRIPS Agreement and other relevant international intellectual property arrangements. This issue paper series is the consequence of a participatory process involving trade negotiators, national policy makers, as well as eminent experts in the field, the media, NGOs, international organizations, and institutions in the North and the South dealing with IPRs and development.

Previous publications under this Series include:

- Fast-tracking Green Patent Applications: An Empirical Analysis. Issue Paper No. 37 by Antoine Dechezleprêtre, 2013.
- Unpacking the International Technology Transfer Debate: Fifty Years and Beyond. Issue Paper No. 36 by Padmashree Gehl Sampath and Pedro Roffe, 2012.
- Realizing the Potential of the UNFCCC Technology Mechanism. Perspectives on the Way Forward. Issue Paper No. 35 by John Barton, Padmashree Gehl Sampath and John Mugabe, 2012.
- Bridging the Gap on Intellectual Property and Genetic Resources in WIPO's Intergovernmental Committee (IGC). Issue Paper No.34 by David Vivas-Eugui, 2012.
- The Influence of Preferential Trade Agreements on the Implementation of Intellectual Property Rights in Developing Countries. Issue Paper No. 33 by Ermias Tekeste Biadgleng and Jean-Christophe Maur, 2011.
- Intellectual Property Rights and International Technology Transfer to Address Climate Change: Risks, Opportunities and Policy Options. Issue Paper No. 32 by Keith E. Maskus and Ruth L. Okediji, 2010.
- Intellectual Property Training and Education: A Development Perspective. Issue Paper No. 31 by Jeremy de Beer and Chidi Oguamanam, 2010.
- An International Legal Framework for the Sharing of Pathogens: Issues and Challenges. Issue Paper No. 30 by Frederick M. Abbott, 2010.
- Sustainable Development in International Intellectual Property Law – New Approaches From EU Economic Partnership Agreements? Issue Paper No. 29 by Henning Grosse Ruse – Khan, 2010.
- The Technical Assistance Principles of the WIPO Development Agenda and their Practical Implementation. Issue Paper No. 28 by C. Deere-Birkbeck and R. Marchant, 2010.
- Free Trade of Pharmaceutical Products: The Limits of Intellectual Property Enforcement at the Border. Issue Paper No. 27 by Xavier Seuba, 2010.

For further information, visit www.ictsd.org

About the International Centre for Trade and Sustainable Development

Founded in 1996, the International Centre for Trade and Sustainable Development (ICTSD) is an independent think-and-do-tank based in Geneva, Switzerland and with operations throughout the world. Out-posted staff in Brazil, Mexico, Costa Rica, Senegal, Canada, Russia, and China. By enabling stakeholders in trade policy through information, networking, dialogue, well-targeted research and capacity-building, ICTSD aims to influence the international trade system so that it advances the goal of sustainable development. ICTSD co-implements all of its programme through partners and a global network of hundreds of scholars, researchers, NGOs, policymakers and think-tanks around the world.