

Advance Praise for *The Cambridge Handbook of Public-Private Partnerships, Intellectual Property Governance, and Sustainable Development*

“At a time in which prospects for normative and technical assistance initiatives to address access to public goods have been overwhelmed by new challenges arising from globalization, digitization, and the failure of multilateralism, this book offers a careful study of public-private partnerships (PPPs) in a variety of sectors, using case studies that offer guidance to policymakers, raise new questions for scholars, and, collectively, outline the contours of new pathways in the design and governance of PPPs, with a distinctive path to advancing access to knowledge and access to technology. The book is a should have — and a must read.”

Ruth Okediji,

Harvard Law School and the Berkman Klein Center

“We cannot realistically approach attainment of the Sustainable Development Goals (SDGs) without transformative innovation in public health, energy, and agriculture, and without effective and equitable dissemination of the fruits of this innovation. The SDGs recognize the vital contribution of innovation and of partnership between public and private actors for sustainable development: indeed, the SDGs in a sense epitomise the pressing need for public-private partnership on a grand scale. At another level, each intellectual property (IP) right can be construed in itself as a kind of public-private partnership, devised in principle to harness private capacities and resources to deliver welfare-enhancing public goods. This timely publication explores the complex linkages between the broad policy context defined by the SDGs, and the concrete task of using the intellectual property system to forge practical partnerships that yield tangible results, examined through the lens of how intellectual property rights are managed within a diverse selection of public-private partnerships. In distilling practical and policy insights from this rich vein of experience, and analysing equally diverse approaches to managing intellectual property rights to leverage public benefit, this landmark volume opens up possibilities for a more nuanced, more grounded, and more enabling understanding for policymakers of the complex roles and potential contributions of the intellectual property system in efforts to achieve the SDGs; and it equally provides direct guidance for those engaged in the practical planning and management of knowledge-based programmes for sustainable development. In illuminating and documenting the linkages between the wider policy context and actual programme design and delivery, it marks a substantial advance towards the informed and empirically grounded inquiry that is sorely needed if we are to ensure that the intellectual property system fulfils its potential contribution to the SDGs.”

Antony Taubman,

World Trade Organization

“This timely book covers a very important trio of topics, and is a ‘must-read’ for anyone interested in current issues relating to intellectual property and its broader social and developmental goals.”

Edward Kwakwa,

World Intellectual Property Organization

“The twenty first century will be increasingly driven by the globalization of knowledge goods. How should intellectual property be governed in public-private partnerships if they are to comply with sustainable development goals? This impressive collection brings together concrete experiences to draw lessons for future directions in global governance of knowledge.”

Sakiko Fukuda-Parr,

The New School

“This book makes a long overdue contribution to the understanding of public-private partnerships (PPPs) and their role in global knowledge governance. PPPs are often found on the intersection of private intellectual property and public interest. Their variety is as plentiful as the views expressed in this book which makes it a must read for anyone interested in the question of whether PPPs address intellectual property and development challenges effectively or worsen them.”

Ellen 't Hoen,

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**THE CAMBRIDGE HANDBOOK OF PUBLIC–PRIVATE
PARTNERSHIPS, INTELLECTUAL PROPERTY GOVERNANCE,
AND SUSTAINABLE DEVELOPMENT**

Public–private partnerships (PPPs) play an increasingly prominent role in addressing global development challenges. United Nations agencies and other organizations are relying on PPPs to improve global health, facilitate access to scientific information, and encourage the diffusion of climate change technologies. For this reason, the 2030 Agenda for Sustainable Development highlights their centrality in the implementation of the Sustainable Development Goals (SDGs). At the same time, the intellectual property dimensions and implications of these efforts remain under-examined. Through selective case studies, this illuminating work contributes to a better understanding of the relationships between PPPs and intellectual property considered within a global knowledge governance framework that includes innovation, capacity-building, technological learning, and diffusion. Linking global governance of knowledge via intellectual property to the SDGs, this is the first book to chart the activities of PPPs at this important nexus.

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The Cambridge Handbook of Public–Private Partnerships, Intellectual Property Governance, and Sustainable Development

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Foreword

The book I am pleased to introduce is the first in-depth consideration of the connections between intellectual property (IP) and public–private partnerships (PPPs), which have become an important feature of the global development landscape. The Sustainable Development Goals (SDGs) affirm the unique role of partnerships in the implementation of the 2030 Agenda for Sustainable Development adopted by members of the United Nations in September 2015. In particular, SDG 17 addresses partnerships to achieve the aims of the other SDGs, under the assumption that PPPs have great potential as a means of implementation to contribute to many areas of sustainable development. Nonetheless, despite their growing importance in global governance for sustainable development, PPPs remain under-examined, under-evaluated, and under-researched.

The United Nations' experience with partnerships was acknowledged and endorsed by the Millennium Development Goals (MDGs), in effect from 2000 to 2015, and gained prominence as well from work undertaken in connection with the 2002 World Summit on Sustainable Development. Since then, the role of the private sector in development-oriented activities has expanded enormously. But it is only more recently that IP issues have taken prominence in the PPP discourse. In this context, this book is a pioneering attempt to have a closer look at PPPs and IP operating in different development domains, including public health, education, information and communication technologies (ICTs), agriculture, and climate change.

The book's primary goal is to contribute toward a better understanding of the diversity of partnerships operating at the juncture of IP and sustainable development, and to build a larger picture of their knowledge governance activities through case studies and analysis. In this regard, it examines innovation activities across a variety of development fields, assesses the current landscape of illustrative PPPs, and suggests possible directions for future policy and research. As explored by different experts in this book, various benefits and costs of partnership-driven knowledge governance strategies can already be perceived. The book's final section contains perspectives on institutional design and global knowledge governance. Situated within a larger knowledge governance framework, its concluding chapter synthesizes findings regarding whether and how PPPs encourage innovation, build innovation capacity, engage in technology sharing, or otherwise ensure wide dissemination and diffusion of innovation results across borders toward the advancement of the SDGs.

Taken together, the contributions to this book discern many significant practical, policy, and conceptual dimensions of the relationship between IP, PPPs, and the SDGs. It is deliberately designed to consider and better understand different perspectives,

whether generally supportive or critical, of the nexus between these areas. With this view in mind it brings together authors from different backgrounds, representing a mixture of views on the issues at hand.

The contents of this book build on the initiative taken by the International Centre for Trade and Sustainable Development (ICTSD), in collaboration with Seattle University School of Law, to convene in 2013 and 2016 two dialogues with experts and practitioners to explore emerging issues at the interface of PPPs, knowledge governance, and sustainable development. The initiative is also in line with ongoing work by ICTSD to explore the contributions that both trade and trade policy could make to key objectives of the 2030 Agenda for Sustainable Development.

The collaboration between ICTSD, Seattle University School of Law, and the authors in this volume builds on our long-standing efforts to help achieve progress in various international processes and frameworks at the intersection of trade, IP, and sustainable development. ICTSD has been actively engaged in these areas since its establishment more than twenty years ago. We continue to pursue concrete responses to the challenges and opportunities posed by rapidly advancing technologies and emerging global policy frameworks, through multi-stakeholder dialogues and targeted policy-oriented research.

The backdrop to ICTSD’s work in this area is the conviction that, in a knowledge-driven global economy, a better understanding of IP-related issues is the key to guaranteeing informed policymaking in virtually all areas of development. This is particularly important in an area as underresearched as PPPs. The editorial focus of the book has been on ensuring that international processes take into account a diversity of perspectives and strive toward designing appropriate policies and norms that are supportive of sustainable development objectives and international commitments.

We hope that you find this publication to be a useful contribution – in the well-established tradition of ICTSD – to building bridges between different stakeholders and to advancing mutually acceptable solutions to complex issues.

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Chief Executive Officer, International Centre for Trade
and Sustainable Development (ICTSD)

Acknowledgments

This project would not have been possible without crucial support and input. Two events stand out. In July 2013, the International Centre for Trade and Sustainable Development (ICTSD), together with Seattle University School of Law, cosponsored a Dialogue on Public–Private Partnerships in Intellectual Property Governance, where early discussions of this topic took place among various representatives of public–private partnerships (PPPs), foundations, United Nations agencies, and delegates. In a second workshop held in July 2016, Public–Private Partnerships, Global Intellectual Property Governance, and Sustainable Development, many of the book’s contributors discussed the specific impacts PPPs could have on the promotion of the United Nations Sustainable Development Goals (SDGs). These two dialogues not only shaped the major themes and particular case studies contained in this book but also advanced the sharing of knowledge about this emerging yet underanalyzed area more generally. Both events were undertaken jointly with ICTSD’s Programme on Innovation, Technology and Intellectual Property and supported capably by numerous ICTSD staff members. In addition, Fabrice Lehmann, Emily Bloom, Jimena Sotelo, and Colette Holden were instrumental in making sure that all the important and minute details of book production were completed.

At Seattle University School of Law, we were fortunate to be able to rely on the expert administrative support of Nora Santos, as well as research assistance and cite-checking by law students Mio Asami, Natasha Khanna, Jeanna McClellan, and Lauren Sewell. Reference librarians Kerry Fitz-Gerald and LeighAnne Thompson provided much-needed assistance when needed. Dean Annette Clark and other senior administrative and faculty colleagues provided an environment strongly conducive to sustained research and scholarship.

The book’s contents are the culmination of many other dialogues with supporters too numerous to thank individually but whose genuine interest and generous input have been critical over the last several years. In Seattle, which has become a hub for nonprofit involvement in biomedical research and development, conversations between Margaret Chon and Curt Malloy (then at Infectious Disease Research Institute) about the ways in which intellectual property law can impact global health via PPPs sparked an initial interest in exploring this complex area further. A subsequent residence by Chon as a senior fellow at the Jean Monnet Center for International and Regional Economic Law and Justice at New York University in 2011–2012 provided timely incubation for the concepts and theories underlying the nexus of PPPs, knowledge governance, and sustainable development. During that period, many kind colleagues at NYU and elsewhere shared their thoughts about the project. Since then, various international conferences

supplied additional opportunities for exploring this intersection, including those sponsored by the Congress of the Association for the Teaching and Research of Intellectual Property, the International Intellectual Property Roundtable, and the Global Congress on Intellectual Property and the Public Interest. At one of these Global Congresses, Chon and Ahmed Abdel-Latif (then at ICTSD) concurred that this topic of growing importance merited further inquiry and ultimately pursued this book project together with Pedro Roffe, who has a long and distinguished track record of work and advocacy at the intersection of intellectual property, trade, and development. The book project benefited from the encouragement and support of ICTSD’s senior management team, in particular, Chief Executive Ricardo Meléndez-Ortiz as well as Managing Directors Andrew Crosby and Deborah Vorhies. Our editor at Cambridge University Press, Matt Gallaway, was immediately supportive as well.

It has been an honor and pleasure for the three editors (Chon, Roffe, and Abdel-Latif) to work with the various contributors to this book. Together, these authors have created a substantial collective body of work that advances knowledge in an area that has not been well understood and that bears far greater exploration than has been undertaken to date. Their diligence, expertise, and intellectual and personal generosity – not to mention patience – has resulted in the substantive chapters contained here, which are the primary rewards for their editors (and hopefully also for their readers). Many thanks are due to all who supported this project, but mostly to these expert contributors.

Glossary

2030 Agenda	United Nations 2030 Agenda for Sustainable Development
AAAA	Addis Ababa Action Agenda
AAP	American Association of Publishers
ABC	[WIPO] Accessible Books Consortium
Agenda 21	a nonbinding, voluntarily implemented action plan for sustainable development, adopted by more than 178 governments at the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992
AIPPI	International Association for the Protection of Intellectual Property
ALAI	Association Littéraire et Artistique Internationale
AMR	antimicrobial resistance
ANDI	African Network for Drugs and Diagnostic Innovation
AO	appellation of origin
APCs	advance purchase commitments
API	Angola Partnership Initiative
ARDI	Access to Research for Development and Innovation
BIO	Biotechnology Innovation Organization
BVGH	BIO Ventures for Global Health
CARB-X	Combating Antibiotic Resistant Bacteria Biopharmaceutical Accelerator
CASP	Core Agriculture Support Program
CDA	confidential disclosure agreement
CERC	US–China Clean Energy Research Center
CEWG	[WHO] Consultative Expert Working Group on Research and Development: Financing and Coordination
CGIAR	Consultative Group of International Agricultural Research Centers
CIC	Committee on Institutional Cooperation
CIPIH	[WHO] Commission on Intellectual Property Rights, Innovation and Public Health
COP	[UNFCCC] Conference of the Parties
CPC	Centre Pasteur du Cameroun
CRADA	cooperative R&D agreement
CRMS	Copyright Review Management System
CSR	corporate social responsibility
CTCN	[UNFCCC] Climate Technology Centre and Network

CTR	clinical trials regulation
DfID	Department for International Development
DNDi	Drugs for Neglected Diseases Initiative
DTA	data transfer agreement
EML	[WHO] Essential Medicines List
EST	environmentally sound technology
EU	European Union
FAO	Food and Agriculture Organization
FDI	foreign direct investment
FIND	Foundation for Innovative New Diagnostics
FIT	funds-in-trust
FTA	fair trade agreement
GAVI	GAVI Alliance (previously Global Alliance for Vaccines and Immunisations)
GCF	Green Climate Fund
GEF	Global Environment Facility
GFATM	Global Fund to Fight AIDS, Tuberculosis and Malaria
GHIT	Global Health Innovative Technology Fund
GI	geographical indications
GPS	global positioning satellite
GSK	GlaxoSmithKline
GSPD	Global Sustainability Partnerships Database
GSPOA	[WHO] Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property
HCV	hepatitis C virus
HDL	HathiTrust Digital Library
HHS	[US] Department of Health and Human Services
HINARI	Health InterNetwork Access to Research Information
HIV	human immunodeficiency virus
IAVI	International AIDS Vaccines Initiative
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICI	International Cooperative Initiative
ILO	International Labour Organization
IMI	Innovative Medicines Initiative
INAO	Institut National de l’Origine et de la Qualité (previously Institut National des Appellations d’Origine)
INBio	Instituto Nacional de Biodiversidad
INGO	intergovernmental organization
IP	intellectual property
IPCC	Intergovernmental Panel on Climate Change
IPOS	Intellectual Property Office of Singapore
IPR	intellectual property right
JTI	joint technology initiative
KPI	key performance indicator
L&E	limitations and exception to copyright
LAMP	loop-mediated isothermal amplification

Glossary

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LDCs	least developed countries
LMIC	low- and middle-income country
Marrakesh Treaty	Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (also known as the VIP Treaty)
MDG	Millennium Development Goal
MEA	multilateral environmental agreement
MI	mission innovation
MMV	Medicines for Malaria Venture
MOU	memorandum of understanding
MPP	Medicines Patent Pool
MSF	Médecins Sans Frontières (also known as Doctors without Borders)
MTA	material transfer agreement
NCD	noncommunicable disease
NCE	new chemical entity
NGO	nongovernmental organization
NIH	National Institutes of Health
NII	National Institute of Immunology
NINA	noninstrumented nucleic acid amplification
NMIMR	Noguchi Memorial Institute for Medical Research
NPO	nonprofit organization
NREL	National Renewable Energy Laboratory
NTDs	neglected tropical diseases
Open AIR	Open African Innovation Research
OSF	Open Society Foundations
P3s4HR	PPPs for Human Rights
PACE	United States–India Partnership to Advance Clean Energy
PDO	protected denomination of origin
PDP	product development partnership
PGI	protected geographical indication
POC	proof of concept
POINT	Pool for Open Innovation against Neglected Tropical Diseases
PPP	public–private partnership
PRND	poverty-related neglected disease
R&D	research and development
RMI	rights management information
ROI	return on investment
SALB	South African Library for the Blind
SARS	severe acute respiratory syndrome
SCCR	[WIPO] Standing Committee on Copyright and Related Rights
SDG	Sustainable Development Goal
SME	small- and medium-sized enterprise
STEM	science, technology, engineering, and mathematics
STM	scientific, technical, and medical
TB	tuberculosis
TB Alliance	Global Alliance for TB Drug Development
TEC	[UNFCCC] Technology Executive Committee

TFM	technology facilitation mechanism
TIGAR	Trusted Intermediary Global Accessible Resources
TM	Technology Mechanism
TMP	technology management plan
TNC	transnational corporation
TPM	technological protection measure
TPP	Trans-Pacific Partnership
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property (Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization)
UCSD	University of California, San Diego
UDHR	Universal Declaration of Human Rights
UML	University of Michigan Library
UN	United Nations
UNCED	United Nations Conference on Environment and Development (also known as the Earth Summit or the Rio Summit)
UNCSD	United Nations Commission on Sustainable Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNOP	United Nations Office for Partnerships
USAID	United States Agency for International Development
USPTO	United States Patent and Trademark Office
VIPs	people who are blind, visually impaired, or otherwise print-disabled
WBU	World Blind Union
WCT	WIPO Copyright Treaty
WEMA	Water Efficient Maize for Africa
WHA	World Health Assembly
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization