



Canada



On behalf of



Federal Ministry
for Economic Cooperation
and Development

commons@ip

Open A.I.R.

African Innovation Research and Training: Exploring the Role of Intellectual Property in Open Development



iP Law

Intellectual Property Law
& Policy Research Unit

Intellectual Property Law & Policy Research Unit, University of Cape Town (UCT)
Wilfred & Jules Kramer Law School Building, Stanley Road, Middle Campus
Private Bag X3, Rondebosch 7701, South Africa
Tel: +27 (0)21 650 2064, Fax +27 (0)21 650 5770
<http://uctipunit.wordpress.com>

Call for Case Studies

18 March 2011

A. Introduction

The Open AIR initiative on the role of intellectual property (IP) in open development invites preliminary proposals for research case studies in the area of IP, open innovation and collaborative creativity in Africa. Proposals submitted on or before **1 April 2011** may be presented and discussed at the **Open AIR Launching Workshop, 17-20 May 2011, in Cape Town.**

The overarching goal of Open AIR's case studies, taken cumulatively, is to shed light on the extent to which IP systems, existing and potential, can be harnessed or improved to exploit and grow the African knowledge commons and better enable successful African collaborative peer-production and distribution of knowledge-related goods and services. The case studies will lay the groundwork for the project's follow-on activities, including foresight research into the future of IP in Africa and outreach and capacity-building activities for African policymakers, entrepreneurs, innovators and other stakeholders.

Open AIR's case studies are required to fit within **one** of the **six** project themes, described in more detail in Section F of this call for case studies:

1. Copyrights: Empowering Collaborators in Creative Industries
2. Patents: Open Innovation for Cleaner Energy Technologies
3. Trademarks: Collective Agricultural Branding Strategies
4. Cross-Cutting Theme: Implementing the WIPO Development Agenda
5. Cross-Cutting Theme: The Traditional Knowledge Commons
6. Cross-Cutting Theme: Sharing the Benefits of Publicly Funded Research

Open AIR is a multi-disciplinary project, and thus is 'open' to the use of various and mixed research methods including by not limited to: desk analysis of legal materials or other data; econometric or quantitative analysis; focus groups and/or interviews; or any other suitable approaches for conducting case studies. Open AIR also encourages national and international collaboration within case studies. Also, since Open AIR has three operational imperatives -- research, policy engagement and capacity-building -- its research case studies need to have

clear post-research objectives in relation to engagement with policymakers and engagement with African innovation stakeholders.

Case studies selected for the project will be carried out between July 2011 and April 2012, with draft reports presented at a mid-project workshop in early 2012. Funding is available from the Open AIR project to support the costs of personnel and travel to carry out the case studies and subsequent outreach and capacity-building activities. For the capacity-building work, in order to build sustainability, a degree of co-payment and/or in-kind contribution is expected.

B. Proposal Specifications

Your Case Study Preliminary Proposal should please be brief, between 1000-2000 words, and contain the following eight elements:

1. Title

2. Personnel & Institutions: Provide information on the individuals/institutions to be involved in the case study, including a brief summary of their suitability and qualifications.

3. Problem & Context: State the problem/issue/assumption/theory/phenomenon to be investigated by the study. Provide context and justification for the proposed case study, including a description of its fit within Open AIR's conceptual framework and within one or more of Open AIR's six research themes.

4. Objectives & Research Questions: Outline the objectives of the research in terms of its potential contribution to knowledge, its potential relevance to policymakers, and its potential to support capacity-building of African innovation stakeholders such as innovators, creators and entrepreneurs as well as policy and issue leaders. State the over-arching question and its sub-questions.

5. Stakeholders: Outline the stakeholders: **a)** to be engaged during the study; and **b)** who could potentially be targeted during follow-on Open AIR policy engagement and capacity-building activities emanating from the findings of the study.

6. Methodology & Design: Describe how, where, by whom, and according to which timeline the research would be executed, and why the proposed methods and design are suited to the objectives of the case study and the Open AIR research project.

7. Linkages & Collaborations: Describe possible linkages between your proposed case study and research that is being undertaken (or that could be undertaken) by researchers/institutions in other countries, both within and outside Africa.

8. Tentative Budget: Estimate total costs for personnel and travel, linked to the timeline, in order to successfully complete the case study and subsequent outreach and capacity-building activities.

C. Ideas for Building the Network

In addition to submitting your Case Study Provisional Proposal, we would be grateful if you could please also provide some ideas as to how the Open AIR network should function. For instance, which roles do you see for yourself and/or your organisation in Open AIR's pan-African interdisciplinary network of experts on IP and open innovation? What can you contribute and what would you expect from the network? What should be the network's key functions and activities? Which other experts would you recommend for the network?

D. Queries/Clarifications

Please direct all questions regarding the project parameters and/or the content of your proposal to Open AIR Principal Investigators Dr. Tobias Schonwetter and Prof. Jeremy de Beer at tobiasschonwetter@gmail.com and jeremy.debeer@gmail.com

E. Submission

Please send your completed Case Study Preliminary Proposal, on or before 1 April 2011, to Open AIR Interim Project Manager Chris Armstrong at c.g.armstrong@gmail.com

F. The Six Open AIR Research Themes

1. Copyrights: Empowering Collaborators in Creative Industries: In the digital age, the clear cut distinction between (passive) users and (active) producers of creative works is increasingly blurry. This suggests a need for out-of-the-box solutions that spur innovation and creativity, not solutions based on outdated categorisations of stakeholders or rooted within one size-fits-all copyright laws, policies and licensing practices. Can open licences, for example, help reduce copyright-related access barriers that African creators face, while at the same time providing sufficient inducement for future creative activity?

2. Patents: Open Innovation for Cleaner Energy Technologies: Some African countries are poised to play a global leadership role in the transition from carbon-based to renewable energy. In addition to wind, solar, geothermal, tidal and other sources, bio-energy holds particular promise for the future. Patents have the potential to induce investment in, and facilitate transfer of, innovative bio-fuel technologies, but at the same time could conceivably restrict local research and development in the sector. What opportunities exist for leveraging existing patent laws, policies and practices, or creating new ones, to facilitate more open models of innovation for clean energy technology development and deployment?

3. Trademarks: Collective Agricultural Branding Strategies: New strategies are being developed to help brand African agricultural products with the unique product and production qualities they possess, often using trademarks and related concepts like certification marks and geographic indications. Community-driven branding strategies have been promoted for empowering developing countries, but have not yet been conceptualised within an open-access collective paradigm. In that context, what are the net costs and benefits of existing models for Africans? Are there similarities or differences among communities using branding-related modes of collaboration, and why might various models of collective branding of agricultural products succeed or fail?

4. Cross-Cutting Theme: Implementing the WIPO Development Agenda: Many local, national or regional innovation strategies cannot be implemented without an appropriate international regulatory framework that cuts across all aspects of intellectual property. Several African countries played a key role advocating reforms to the international rules and practices around IP and development, culminating in the “development agenda” formally adopted by WIPO in 2007. The involvement of African countries will be crucial for changing attitudes and approaches towards IP’s role in measuring and facilitating innovation and creativity in Africa. How might Africans, through the WIPO development agenda, seize current or future opportunities for leveraging IP to facilitate more openness and collaboration?

5. Cross-Cutting Theme: The Traditional Knowledge Commons: Appropriately protecting, while at the same time preserving, access to traditional knowledge (TK) is a key part of potential remedies for the current marginalisation of African innovation and creativity in the global knowledge society. Indigenous and local communities (ILCs) have expressed grave concerns over access to their TK within the access and benefit-sharing (ABS) framework that

predominates in existing or currently contemplated international agreements. Can a TK Commons system, akin to (but distinct from) Creative Commons licencing for copyright-protected works, benefit indigenous communities, by, for instance, preserving and extending the ethical rules governing TK, while at the same time enabling ongoing peer production of knowledge based on TK?

6. Cross-Cutting Theme: Sharing the Benefits of Publicly Funded Research: Scientific research resulting in innovation is often highly complex, requiring large data sets, sophisticated and expensive equipment and diverse analytical skills. As a result, collaborations in Africa among research consortia often involve numerous institutions from both developed and developing countries. Meanwhile, new laws are being developed, most recently in South Africa, to mirror the United States' so-called "Bayh-Dole" legislation, which encourages the acquisition of private proprietary rights over the fruits of publicly funded research. Such laws may conflict with strategies for opening up government materials to broader public access, and could hamper the participation of African researchers in international research consortia. What are the potential social and economic impacts of commercialisation laws on the measurement and social return of publicly financed research?

G. About Open AIR

Open AIR is a three-year research and capacity-building initiative, supported by Canada's IDRC and Germany's BMZ, which will invest in pan-African research, networking, capacity-building and policy engagement, building on the success of the earlier African Copyright and Access to Knowledge (ACA2K) project. The Open AIR project's central aim is to investigate how intellectual property regimes can be harnessed in Africa to facilitate innovation through collaboration and through making processes more participatory, making knowledge more accessible, and making benefits shared more widely. Activities clustered in six thematic areas, covering a range of issues related to intellectual property and open innovation, will be carried out throughout the continent. Interconnected, empirical case studies and future-focussed foresight research, along with capacity-building for public and private sector leaders, will be carried out by a pan-African network in order to help increase collaboration, empower communities and reconfigure power structures.

Based at and administered from the University of Cape Town, Open AIR is financed by the IDRC of Canada and Germany's BMZ. The project's capacity-building component is being carried out in cooperation with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), through its initiative entitled 'commons@ip - Harnessing the knowledge commons for open innovation.' The commons@ip initiative focuses on the interaction between intellectual property rights and open innovation, the knowledge commons, open licences and collaborative innovation. It is part of the GIZ programme entitled Train for Trade, <http://www.inwent.org/train4trade>, which aims at strengthening the private sector and its constituent bodies in the SADC region through capacity-building and training in export promotion, quality control, promotion of open innovation, as well as through promotion of local/regional economic development and local/regional trade.

H. About the Implementing and Funding Partners

University of Cape Town IP Law & Policy Research Unit

The UCT Intellectual Property (IP) Law & Policy Research Unit assists in developing IP law and policy in Africa and aims to contribute to the manner in which this topic is treated in the

emerging and developing countries throughout the world. The Unit's work is premised on the belief developing countries must participate in the evolution of intellectual property policy and law in order to ensure that any changes take full account of the needs of emerging economies. The Unit seeks to work through dialogue, research, debate and capacity-building, and to explore the issues faced by society at large, IP holders and consumers/users.

University of Ottawa Centre for Law, Technology and Society

The goal of the Centre is to research, analyse and shed light on the complex and interdependent relationships between law, technology and society. A joint initiative of the Common Law and Civil Law Sections of University of Ottawa's Faculty of Law, this centre for research, student training and knowledge dissemination brings together independent scholars and professors interested in the Centre's strategic areas of research, which include a variety of subjects relating to law and technology, such as information technology; intellectual property; biotechnology; bioethics; science, technology and society; human rights; governance and public policy; enabling technologies and e-transactions; digital media and communications; safety and security; privacy and access to information; and traditional knowledge.

IDRC

The International Development Research Centre (IDRC) is a Crown corporation set up by the Parliament of Canada in 1970 to support developing countries in using science and technology to find solutions to social, economic, and environmental problems. IDRC's support is directed towards creating local research communities whose work can build healthier, more equitable, and more prosperous societies.

BMZ

The German Federal Ministry for Economic Cooperation and Development (BMZ), <http://www.bmz.de/en>, develops the guidelines and the fundamental concepts on which German development policy is based. It devises long-term strategies for cooperation with the various players concerned and defines the rules for implementing that cooperation. These are the foundations for developing shared projects with partner countries and international development organisations. All efforts are informed by the United Nations' Millennium Development Goals, which aim to halve poverty in the world by 2015. The BMZ commissions the German implementing organisations with executing programmes, and monitors the results of their work.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

GIZ supports people and societies in developing, transition and industrialised countries in shaping their own futures and improving living conditions. Established on 1 January 2011, GIZ brings together under one roof the expertise of the Deutscher Entwicklungsdienst (DED) (German development service), the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) (German technical cooperation) and InWEnt – Capacity Building International, Germany. As a federally owned enterprise, GIZ supports the German Government in achieving its objectives in the field of international cooperation for sustainable development. GIZ is also engaged in education work around the world. As part of GIZ's Human Capacity Building work, the OpenIT@giz programmes support partners in Africa and Asia by providing advanced knowledge in open innovation and information and communication technologies (ICTs).