

The role of the patent in the innovation process

'Innovation is only achieved when the innovation hits the market.' These were the words of Thomas Gering, responsible for setting up spin-offs developed in the Fraunhofer Gesellschaft's patent institute, at the Descartes and Archimedes prize giving ceremonies in Munich on 5 December.

Dr Gering was joined by panellists from the European Patent Office (EPO), academia, the Max-Planck Institute and the OECD for a discussion on how to ensure the translation of research results into marketable products.

The time needed to place an innovative discovery on the market is currently six years from the time the result is generated, said Dr Gering. This period has been reduced over the last 10 years, but only by one year, he added.

The answer, according to Dr Gering, is more support for research through state of the art management within both public and private entities. The point was echoed by Jan Balzarini from Leuven University, one of two winners of the 2001 Descartes Prize for the development of new drugs for treating HIV.

'Researchers should have access to an intellectual property department to help judge whether something is worth patenting, to help with filing for a patent and finding partners,' said Professor Balzarini, noting that 'Leuven has a very strong department.'

It is extremely expensive to bring a new drug onto the market, said Professor Balzarini: somewhere between 100 and 200 million euro for one drug. An academic unit cannot meet these costs alone, and must therefore fund a partner in industry. For its part, industry is unwilling to invest in a product which has no protection in terms of patenting.

The relationship between industry and academia is not always smooth, according to Professor Balzarini. While researchers are obliged to publish, industry would much rather keep research results under wraps until a product has been established in the marketplace.

Calls for a Community patent came from Pantelis Kyriadkides, Vice President of the EPO, and Joseph Straus, Director of the Max Planck Institute for intellectual property, competition and tax law. Professor Straus highlighted a paradox: while the EU enjoys a single market, one will soon need to file 23 separate patents to cover all of its territory. 'This is not just realistic, but a must, otherwise there is the fear that the prize winners of today could be developed in another part of the global economy,' said Professor Straus.

Dr Gering too recognised the increased importance of a Community patent in an enlarged Europe. 'The more countries, the more legal systems involved, the more difficult it gets to follow through on individual innovation projects,' he said. 'Unless there is patent protection, we won't be able to attract investment,' he added.