



Spotlight: Grassroots Innovation

Anil K. Gupta's life purpose is to help India become innovative and generate a new model of poverty alleviation relying on innovation based enterprises.

Around the globe, individuals in developing countries are searching for low cost solutions to similar problems. And, while it is beneficial at times to rediscover the wheel—with better communication—lives could be improved and problems could be solved more quickly, if instead of working in a vacuum, people had the ability to see, learn from, and build upon each others' problem-solving ideas. Enabling this communication is one of Anil K. Gupta's life goals.

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Anil Gupta is the Kasturbhai Lalbhai Chair in Entrepreneurship at the Indian Institute of Management, Ahmedabad. He is coordinator of SRISTI and Founder of Honey Bee Network, Editor of the newsletter, and Executive Vice Chair of the National Innovation Foundation.



Global Knowledge Stewardship

M·CAM holds itself accountable to its foundational value of global knowledge stewardship. Toward that end, M·CAM's intent in producing this quarterly publication is to provide information regarding Intellectual Property & Rights (IP&R) and to direct readers to the latest news and research regarding IP&R from our affiliates. Copy the following links into your browser to connect to affiliate news sites.

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[Duke Institute for Genome Sciences & Policy—](http://www.genome.duke.edu/genomelife/current)
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[National Innovation Foundation \(NIF\) in support of grassroots innovation—](http://nifindia.org/nif_in_news.htm)
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[Public Intellectual Property Resource for Agriculture \(PIPRA\)—](http://www.pipra.org)
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[Society for Research and Initiatives for Sustainable Technologies and Institutions \(SRISTI\) and the Honey Bee Network—](http://www.sristi.org/honeybee.html)
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Patently Obvious™

U.S. Supreme Court Pursues Higher Patent Quality — It is not every day that the U.S. Supreme Court renders unanimous 9-0 decisions. On April 30, 2007, the Court did just that, in a case involving the legal standard for the “obviousness” of inventions, in a case known as *KSR v. Teleflex*. While the facts of the case dealt with vehicle gas pedals, the decision is expected to have far-reaching effects across all technologies on how patentability is

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by David J. Pratt

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CEO Commentary

The Letter of Marque - An Intellectual Property Paradox

“Ships plying the trade routes were frequently exposed to piracy - a splendid business in which others bothered to retrieve goods which, with relative swiftness and aided by cannon, musket and sword, could be repatriated for the benefit of the opportunistic and strong.”

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by David E. Martin



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Grassroots Innovation

Anil Gupta is the Kasturbhai Lalbhai Chair in Entrepreneurship at the Indian Institute of Management, Ahmedabad. He is coordinator of the Society for Research and Initiatives for Sustainable Technologies and Institutions (SRISTI) and Founder of Honey Bee Network, Editor of the newsletter, and Executive Vice Chair of the National Innovation Foundation. Dr. Gupta reports, “SRISTI is a developmental voluntary (non-governmental) organization set up to strengthen the creativity of grassroots inventors, innovators, Traditional Knowledge holders, and ecopreneurs engaged in conserving biodiversity and developing eco-friendly solutions to local problems.” Working with this Network, Dr. Gupta’s “mission is to demonstrate the potential of knowledge-rich, economically poor people in taking developing societies out of the morass of mediocrity and lead these on to a path of sustainable progress.”

He believes the world’s current model of globalization needs to be halted, reversed, modified, and made more nature and society friendly. This belief in the need for global change and communication was the impetus for Dr. Gupta working with partners to plan the international workshop: [GLOBAL GIAN \(Grassroots Innovation Augmentation Network\): Building Global Value Chain around Green Grassroots Innovations and Traditional Knowledge](#), held in Tianjin, China on May 31 - June 2, 2007. The workshop, sponsored by SRISTI and hosted by Tianjin University of Finance and Economics, created an opportunity for countries to work together to implement the mantra of Grassroots to Global (G2G) technology exchange. ANPROTEC and STN in Brazil were also partners and InfoDev provided a small support for the project. Colleagues from fifteen countries participated in the workshop supported by empirical experience of the National Innovation Foundation and GIAN Ahmedabad, and members of the Honey Bee Network.

The purpose of the workshop was to develop case studies on successful incubation models, create awareness about the [Honey Bee Network](#), facilitate a common incubation platform, and develop a longer term vision for international cooperation. Participants in the workshop were asked to help build a cross regional platform for incubating Green Grassroots Innovations.

In the age of Intellectual Property and Rights, not all people file patents in each other’s country, not everybody knows about what others have done, and thus similar problems are being addressed by different solutions by individuals all around the world. Workshop participants reviewed simple individual-based innovations in different countries to bring a comparative perspective on creativity at the grassroots. For example, there is a global interest for people who face flooding issues during rainy seasons to have transportation that will run on wet and dry land. And individuals in different countries are tackling this issue in different ways. In the attempt to create an amphibious vehicle, in China a farmer converted a boat into a car. In

India a mechanic named Vinod converted a car into a boat. He said,

“I was traveling in my car in the city when it was raining. I got stuck in the floodwaters in a low-lying area and water entered the car. Then it refused to start. I had a harrowing time. At that time I wished that if I had an amphibious car, I would not have faced such problems.” Vinod...is reluctant to part with the design details of his car, wishing to first patent it.¹

There are similar variations of this type of vehicle in other countries. If the Chinese farmer and the Indian mechanic knew of each other’s work, they could have shared their ideas and perhaps built a better vehicle. It is for this sharing of knowledge that, with the support of InfoDev, SRISTI along with its partners from China and Brazil is developing an online and off-line incubation platform for grassroots innovations aimed at permitting better communication and global cooperation for converting innovations into enterprises. An online incubation platform for grassroots innovations can transform the access of the poor to new grassroots technologies and improve their efficiency. Dr. Gupta says, “The goal is not to discourage people from discovering similar or dissimilar solutions to similar problems. It is to encourage innovation, creativity, and the emergence of low-cost, nature-friendly solutions to global problems which the scientific community often leaves unaddressed.”

¹ NDTV.com, Nandgopal, Wednesday, February 14, 2007



It’s a Maruti car that floats in water.... The amphibious Maruti 800 is the brainchild of a mechanic called Vinod, who successfully designed and modified the vehicle over a period of five years at a cost of Rs 8.5 lakh.²

^{1,2} NDTV.com, Nandgopal, Wednesday, February 14, 2007

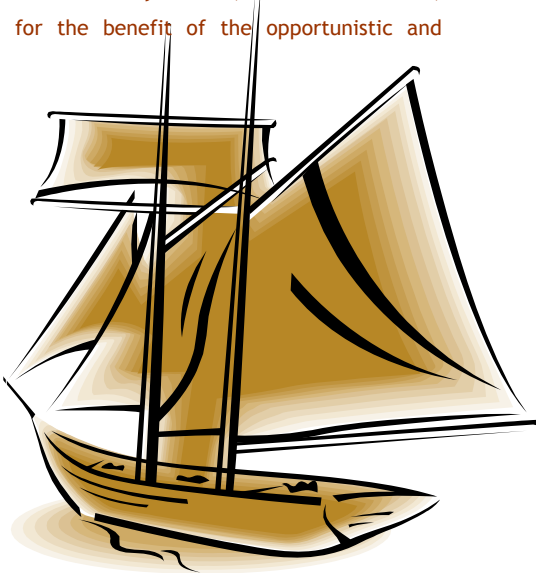
NOTE – The [Tianjin Declaration](#) – the “first declaration on social innovation [was] released” during the workshop.³ See page 6 and 7 for the full text of the Declaration.

³ [Intellectual Property Protection in China, July 5, 2007](#)

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The Letter of Marque— An Intellectual Property Paradox

In the dawn of the 19th century, considerable international commerce fueled the expanding markets of Europe and the newly independent United States of America. Caravans followed centuries old paths overland to bring goods from the East to markets in Europe. However, with growing populations eager for the exotic and with the need to more rapidly move goods from manufacture to market, the seas became the corridors for trade. Ships plying the trade routes were frequently exposed to piracy - a splendid business in which others bothered to retrieve goods which, with relative swiftness and aided by cannon, musket and sword, could be repatriated for the benefit of the opportunistic and strong. Napoleonic fervor fueled the court of Britain to create a class of civilized piracy to undermine the economy of France and its allies creating a designation of ships with the “Letter of Marque”. Thusly empowered, these ships could “take prizes” (a terribly civilized term for piracy) with impunity surprising their quarry under false colors and in disguise. In other words, piracy was what others did - defense of economic interest was what Letter of Marque ships did.



In 2005, former Secretary of Commerce, Don Evans, excoriated the Chinese for their failure to reign in intellectual property piracy. Suggesting that the Chinese should imprison those guilty of violating patent, copyright, and trademark laws, Secretary Evans issued a clarion call for the defense of U.S. sovereign intellectual property rights. By suggesting imprisonment as a remedy for what in the U.S. calls for financial sanctions only when infringed parties have sufficient liquidity to seek remedy in the courts, his suggestions seemed ironic in light of a historical position on human rights and due process criticism

of China. Was Secretary Evans representing a U.S. position which holds all intellectual property rights (IPR) as requiring united national defense or was he, like others, representing a minority of vocal business interests who defend a policy of the Letter of Marque? Namely, when others do it, it's piracy, when the U.S. does it, it's called innovation.

Presaged at the World Trade Organization gatherings in Doha and Cancun, the duplicitous U.S. policy on IPR may be unraveling. We don't want our creative works annexed by others but we fail to address two fundamental inconsistencies. First, we deny the well-established reality that our IPR granting systems are ineffectual in ensuring that only legitimate rights are granted. The same Commerce Department, which oversees the United States Patent & Trademark Office, fails to defend international interests against the expatriation of the one resource that emerging economies have in excess - namely, biodiversity and traditional knowledge regarding its beneficial uses.

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IP F.Y.I.



From MSNBC.com June 20, 2007

Starbucks reaches licensing deal with Ethiopia—Will promote three of country's specialty coffees, but not pay royalties

SEATTLE - “[Starbucks Corp.](#) and the Ethiopian government said . . . they will work together to promote three of the African nation's prized specialty coffees under a deal that supports the country's bid to win trademarks it believes will benefit farmers.

The world's largest coffeehouse chain and Ethiopia's intellectual property office said their licensing, distribution and marketing agreement acknowledges the country's ownership of three coffee names — Yirgacheffe, Harar and Sidamo — regardless of whether they are trademarked.”

For the full MSNBC story see:

<http://www.msnbc.msn.com/id/19338220/from/ET/>

Dan Ravicher is a registered patent attorney and Executive Director of the Public Patent Foundation (“PUBPAT”), a not-for-profit legal services organization whose mission is to represent the public’s interests in the patent system, most particularly the public’s interests against the harms caused by undesired patents and unsound patent policy. More information is available via PUBPAT’s website at www.pubpat.org.



by Dan Ravicher

A Public Interest Perspective

In future installments of this column I intend to comment on substantive patent issues. However, with this inaugural column, I would like to first make a very important point about the way in which patent policy is discussed.

Despite what many people believe, the patent system has extremely far reaching effects on all Americans. Specifically, undesired patents and unsound patent policy harm the public by making products and services more expensive, if not completely unavailable, by preventing scientists from advancing technology, by unfairly prejudicing small businesses, and by restraining civil liberties and individual freedoms. Although the public can indeed benefit from a properly functioning patent system, since patents are nothing short of government sanctioned restraints on freedom and competition, the public can also

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The Letter of Marque

Attributing to malevolence that which is ignorance is unjustified. In meetings with senior Commerce Department officials, we are aware that many of them are unaware of the depth of dysfunction in the IPR granting institutions whose products they wish to defend. Therefore, one can argue that former Secretary Evans was merely guilty of an industry-advocated farsightedness in which the real IPR violations of others can be seen more clearly than the same activity at home. It is ironic that a number of European states are beginning to realize the need for national defense of IPR held by small and large business interests within their borders while in the U.S., enforcement is only available to those with liquidity to access the courts.

Where was former Secretary Evans call for jail time when Columbia University sought to double-patent its co-transformation technology licensed to Amgen, Genentech, Abbott, and others? Who is serving time for applying for, granting, or enforcing patents on indigenous cultivars of China, Brazil, and India?

IPR theft is wrong in any context. Former Secretary Evans’ passion was admirable. However, under the rule of law, precedent serves as a cruel master. Should the U.S. seek global respect for its commercial deployment of IPR, it should insure that it grants only that which is statutorily valid serving the Constitutional social benefit incumbent thereon and, once granted, advocate for equal enforcement regardless of venue. A Letter of Marque IPR policy is unsustainable and one day may be used against us.

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A Public Interest Perspective

be severely harmed by errors within the patent system. For that reason, patent policy should always be crafted with full knowledge of all of the effects, both positive and negative, the patent system has on all people.

Unfortunately, however, it is too often the case that not all of the interests affected by the patent system are adequately represented in patent policy discussions. Specifically, the interests of the non-patent holding public are almost always absent from any meaningful participation in decision making about the patent system, despite the fact that they tend to bear the brunt of its burdens. This lack of representation of the public's interests is due in part to the fact that the patent community culture tends to dismiss and exclude the opinions of those it sees as unsophisticated outsiders, but it is mostly because the general public does not yet realize how much the patent system actually affects them.

Regardless, the result is that discussions relating to patent policy are monopolized by the concentrated group of special interests that benefit from an enlarged patent system, namely patent holders and patent attorneys, while the general public interest in favor of a more balanced patent system is rarely heard. For example, Jonathan Krim of the Washington Post has noted that the current patent reform legislative process has been “effectively hijacked by large companies and powerful patent-lawyer groups.”

As with any body of law that applies to and affects all Americans, patent policy should be guided by consideration of all of the public's interests, not just the specific interests of patent holders, patent practitioners, and large commercial actors. Thus, I am extremely pleased to have been invited to represent those otherwise underrepresented interests in this column through which I look forward to presenting a public interest perspective on patent related issues.



Mark Your Calendars and Tune In!

On July 22, 2007 at 2:00 p.m., WVPT—Virginia's Public Television will televise the MILLER CENTER FORUM: Are Western Leadership Concepts Appropriate in Islamic Cultures? — Implications for Global Business Affairs. The Forum, sponsored by the University of Virginia's Darden School of Business Tayloe Murphy International Center features presentations by M-CAM Board Members Steffen Schubert, Moustapha Ismail Sarhank, and David E. Martin. Schubert is a banker who serves as managing director of Tejoori Limited and was previously CEO of the Dubai International Finance Exchange; Sarhank is a scholar in the interdisciplinary field of leadership, psychology, and religion, and honorary chairman of Sarhank Group for Investments; and David E. Martin is founding CEO of M-CAM, Inc. and a Batten Fellow at The Darden School. A video of the program is available now at <http://www.millercenter.virginia.edu/index.php/scripps/digitalarchive/forumDetail/3667>.

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judged in the future. This is highly material to M•CAM's businesses.

Under Section 103 of the Patent Act, subject matter is not patentable if it, and the prior art, “... are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court found that common sense combinations of existing innovations should not be subjected to artificially rigid tests for obviousness and that “... [i]f a person of ordinary skill can implement a predictable variation, Section 103 likely bars its patentability.”

What does it mean? In general, patents will often be easier to challenge on the basis of obviousness. This is important to our financial businesses as we examine risk and measure the actuarial characteristics of patent portfolios.

I would note that the U.S. Supreme Court has been more aggressive in the past three years in intervening in intellectual property cases and correcting errors emanating from the U.S. Court of Appeals for the Federal Circuit.

³⁵ USC § 103(a).

KSR Int'l Co. v. Teleflex Inc., 550 U.S. ____ (2007).

Tianjin Declaration for Promoting Green Grassroots Innovation for Harmonious Development

On June 2, the first 'International Conference on Social Innovation Management' was concluded in Tianjin, and David Martin was one of the keynote speakers at the Conference. ...Experts and scholars from all over the world formally made the Tianjin Declaration with the theme of 'Promoting social innovation, Building harmonious world'. The Declaration analyzes the social and economic value of social innovation, emphasizes the important role of social innovation in promoting scientific invention and technological progress, developing the regional economy and narrowing the gap between rich and poor, and believes in its contribution to the harmonious world and balanced development.¹

¹[Intellectual Property Protection in China, June 4, 2007](#)

The Tianjin Declaration: Building the bridge between formal and informal science at grassroots level will unfold hitherto unexplored opportunities for socio-economic development of common people excluded from economic growth processes around the world. Creativity and innovation at grassroots and dynamic traditional knowledge systems have in past helped in solving many problems. But many have remained unsolved. Honey Bee network has facilitated over last two decades people-to-people learning to learn from existing solutions and explore collaborative solutions to the ones not solved as yet. These grassroots innovations developed by common people unaided from outside, can extend the frontiers of science in some cases and make new applications apparent which may have been long ignored. Honey Bee network has also insisted that whenever any wealth is generated from value addition in local knowledge, innovations or practices or otherwise, a fair share of benefits should accrue to the knowledge providers. It has thus advocated the need for acknowledging the contributions of grassroots innovators and traditional knowledge holders, protecting their knowledge rights, and ensuring their dignified participation in the global value chain for valorizing their knowledge systems.

The solidarity among academic institutions, civil society organizations, national and international support organizations and eventually of the national governments around the issue of empowerment of grassroots innovators and traditional knowledge holders will unfold their entrepreneurial potential for improving their lives and conserving environment. We have to ensure that grandchildren of our children today, that is at least a hundred years hence will be able to draw upon the knowledge and innovation traditions for solving problems of future. We cannot allow the traditional knowledge developed over centuries to erode and be lost forever. We cannot conserve the resources without conserving associated knowledge systems. Without incentives to valorize their knowledge, young people in our communities may not have incentives to conserve, experiment, and innovate. The grassroots scientists and technologists have to be enabled to articulate their excellence, experimental and conservation ethics and educational pedagogies for achieving equitable, empathetic and efficient allocation of resources and opportunities in society. Incubation of grassroots innovations and outstanding traditional knowledge in a distributed, decentralized and social democratic manner provides an opportunity to address global concern for providing solutions to persistent social problems.

Participants of the International Conference on Global GIAN (Grassroots Innovation Augmentation Network) from Asia, Africa, Latin America, Europe, Canada and America met at Tianjin on May 31–June 2, 2007 to launch an online platform to recognize, respect, and reward green grassroots innovators and traditional knowledge holders.

It was realized that many economies which are growing faster than most parts of the world provide a valuable opportunity for generating market based avenues for social development. However, it was also recognized that process of market led growth is not always inclusive and thus leaves many regions, people and sectors out of the purview of the development process. The Tianjin Declaration stresses that for pursuit of harmonious and balanced social and economic development, Green Grassroots Innovations and traditional knowledge provide a very valuable opportunity. The cooperation between SRISTI (Society for Research and Initiatives for Sustainable Technologies and Institutions) and Tianjin University of Finance and Economics provides a model for international cooperation in support of building a value chain around grassroots innovations and traditional knowledge. India, China and Brazil have come together in this initiative to provide an online platform for incubating green grassroots innovations and traditional knowledge to protect knowledge rights of local communities and individuals, alleviate poverty, generate employment, reduce drudgery, and conservation of environment.

In order to operationalise the Global GIAN (Grassroots Innovation Augmentation Network), the Tianjin Declaration endorses the following recommendations:

- a. To commemorate the international solidarity for harmonious and inclusive development through support to grassroots scientific, technological and institutional innovations and traditional knowledge, May 31 will be celebrated as Grassroots To Global (G2G) day for recognizing, respecting and rewarding creativity and innovation at grassroots all over the world.
- b. To develop an international registry/bank of open source as well as proprietary grassroots innovations and traditional knowledge after taking Prior Informed Consent (PIC) of the knowledge providers so that communities and individuals struggling with similar problems around the world are able to access affordable solutions.
- c. To invigorate the promotion of grassroots innovations and traditional knowledge at least four kinds of gaps have to be filled: (i) creation of mechanism at national and international levels to scout and document the grassroots innovations and traditional knowledge in national and international registry, and to give awards as well as to provide support for value addition through design and technological and product/service

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Tianjin Declaration *continued*

development, (ii) provision of Micro-Venture capital investment to convert grassroots innovations and traditional knowledge into economic and social enterprises, (iii) arrangements for diffusion of social technologies developed by grassroots innovations and traditional knowledge. It may help to create a global innovation commons so that relevant proprietary technologies developed by grassroots innovations and traditional knowledge holders are acquired for licensing these at no, or very low cost to small artisans and farmers, pastoralists and other producers around the world; and (iv) enabling and empowering the grassroots innovators with modern tools of fabrication so as to enhance their capacity to do R and D and innovate through an international network of Fab Labs run and managed by grassroots innovators.

- d. To pursue creation of an international treaty to protect the rights of the grassroots innovators and traditional knowledge holders around the world through new instruments, mechanisms, and by blending the relevant features of existing IPR systems with lessons of open source movement.
- e. To persuade every national government to create a national body dedicated to scout and document, add value, provide risk capital, protect their rights and diffuse these green grassroots unaided solutions developed by people without any outside help through commercial as well as non commercial channels. Honey bee network will facilitate lateral learning among such national foundations so that global pool of affordable green solutions to persistent social problems increases. Grassroots innovations and traditional knowledge should thus become part of the national innovation systems and global guidelines for the purpose should be appropriately modified.
- f. Strengthening multi-language multimedia Online and off-line Incubation Platform for incubation of grassroots innovations and traditional knowledge launched at the conference to reduce the transaction costs of innovators, investors, entrepreneurs, designers, scientists, and mentors from all around the world.
- g. Need to make special efforts to highlight, recognize, and reward the creativity and innovation of Women. The science underlying the knowledge domains in which they excel should be brought within the purview of R and D studies and policies and not be treated with lesser attention and respect as has been the tradition so far.
- h. To persuade science and technology academies to have dedicated sessions in their annual research conferences to explore ways of engaging with local creative communities and individuals to humanize the science and also empower knowledge rich-economically poor people.

The Tianjin Declaration resolves that the cause of grassroots innovators and traditional knowledge holders will be pursued to widen the real options of creative and innovative people at grassroots around the world. These people should not remain poor because they share their traditional knowledge and contemporary innovations generously with the outsiders. Their spirit of sharing and community solidarity must be preserved and universalized through blend between formal and informal knowledge systems, institutions and networks. We have to recognize that such people are not at the bottom of the innovation, ethical, and value pyramid, even if many of them happen to be at the bottom of the economic pyramid. The tip of their creative iceberg has to be recognized, respected, and rewarded through monetary and non-monetary incentives aimed at individuals and communities by involving youth in this global grassroots innovation movement so that future generations continue to care for each other and the environment and share their innovations with others generously.

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M·CAM DOORS™ Version 7, the gold standard intellectual property risk management system, has been re-designed from the ground up for superior performance and reliability. In addition to the world's largest standardized database of patents and patent related information, M·CAM DOORS™ Version 7 now provides access to NASA small business awards, Government Interest information for US innovations, new statistical and geographic visualization features, and enhanced customization capabilities.

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