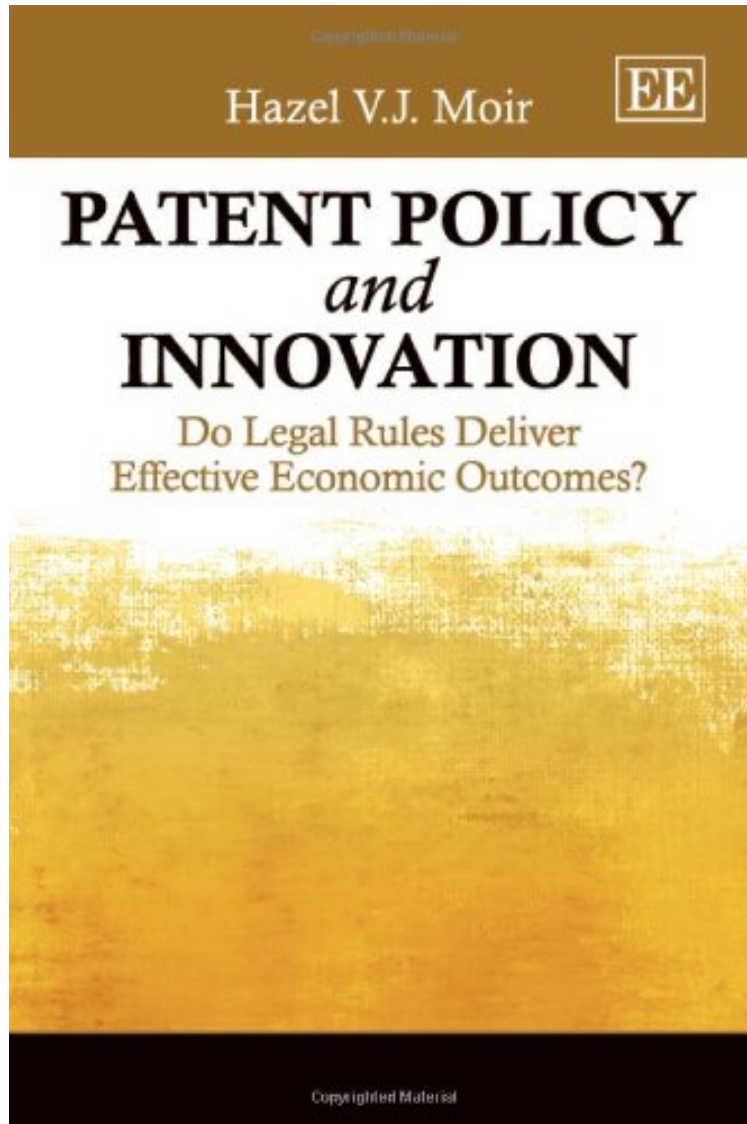


(Read now) Patent Policy and Innovation: Do Legal Rules Deliver Effective Economic Outcomes?

## Patent Policy and Innovation: Do Legal Rules Deliver Effective Economic Outcomes?

*Hazel V. J. Moir*

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2 of 2 people found the following review helpful. Challenging Patent Law...By Phillip Taylor  
MBE[[VIDEOID:moPQBTL7N7MQ2T]]A CONTROVERSIAL VIEWAn appreciation by Phillip Taylor MBE and

Elizabeth Taylor of Richmond Green Chambers This book delivers with gusto a radical and critical new look at patents and patent policy and is nothing if not challenging, both for practitioners involved in patent law and for the general reader, not to mention all the inventors out there seeking to patent their inventions. But how inventive does an inventor's invention have to be to be eligible for a patent? This is only one of the questions posed by author Hazel V. Moir, a well known patent expert who takes vociferous exception to the granting of patents to products and business processes that may not be all that inventive. The motivation behind procuring some, or indeed a lot of patents seems to be monopolistic; the desire to restrict others and other businesses from pouncing on and exploiting an innovative idea - which may not be all that innovative - and profiting from it. 'Patents are a fascinating example of how well-meaning economic policy can go wrong,' insists the author and when one reads the overwhelming weight of evidence she puts forward to support this view, one is inclined to agree. Patent policy is economic policy', she adds, basically asking whether the costs of preventing innovation in rival firms and raising prices will ultimately be justified by the resulting benefits, depending on what those benefits are of course. The process of analysing all this and related questions is indeed a challenge which the author certainly tackles head on, demolishing any number of pre-conceived notions about patents, patent law and inventiveness along the way. The result is a particularly intriguing read for anyone involved professionally in patent law and its economic implications and consequences. Some practitioners may not agree entirely with some of the conclusions presented, although the author seems to have made sure that they are evidence-based throughout. Apart from being a practical introduction to the policies underpinning the granting of patents, the book reveals a number of insights into the patent application process itself. Of particular interest is the comparison of how the rules about inventiveness operate in the USPTO (United States Patent and Trademark Office) and the EPO -- European Patent Office -- as well as the Australian Patent Office (as the author hails from the Australian National University). 'The book', says one commentator 'deserves to become a classic'. Focusing on the demerits, as well as the merits of the patent system and its consequent economic repercussions, it will certainly be controversial and undoubtedly a catalyst for debate among everyone from patent practitioners to economists, or indeed anyone wishing, quite rightly, to examine the patent system with an uncompromisingly critical and analytical eye. The publication date is 2013.

'This book presents a compelling attack on the patent system. Thoughtfully analyzing the existing empirical literature and providing her own painstaking study of business method patents, Hazel Moir explains how it is that. . . patents have spread geographically and technologically, with increasingly broad rights becoming ever-easier to obtain. Bravely and persuasively, she recommends policymakers tackle one of the most vexing issues in patent law: the quantum of new knowledge that ought to be required to make an invention worthy of protection.' - Rochelle Dreyfuss, New York University School of Law, US  
'Hazel Moir's book deserves to become a classic. Between its covers one will find writing of great clarity and data that reveal the real world costs of the patent system. After reading Moir's analysis, one wonders what the actual social benefits of the patent system might be. This is evidence-based analysis at its best.' - Peter Drahos, Australian National University and Queen Mary, University of London, UK  
'Just how inventive are inventions? More to the point, just how inventive are the inventions covered by patents? Not very, according to Hazel Moir, and there is no reason to doubt her conclusions. She has spent years in painstakingly analysis of dozens of business method patents in Australia and elsewhere. She finds. . . [t]hey are no more than strategic devices intended to annoy and disrupt commercial competition and confuse the market. . . Hazel Moir is a patent expert beholden to no patent theory and no patent interests. In consequence, her research is fresh and inspired. Her conclusion - that patents describe and protect obvious combinations of old ideas and trivial variations - may not be confined to business methods. It is a conclusion that demands the consideration of policymakers.' - Stuart Macdonald, Aalto University, Helsinki, Finland  
This empirical study uses a scientifically selected sample of patents to assess patent quality. The careful evaluation of the assumptions in alternative economic theories about the generation and diffusion of new knowledge demonstrates that the height of the inventive step is critical to effective and efficient patent policy. The book provides a practical introduction to the policy rules affecting the grant of patents, particularly the rules making the inventive step so low. It also offers insights into interactions between examiners and applicants during the patent application process. Finally, the book compares how the rules about inventiveness operate in the USPTO, the EPO and the Australian Patent Office, gives new insights into business method patenting and offers suggestions for raising the height of the inventive step. Patent Policy and Innovation will appeal to academics researching in the patent field, economists, innovation and industry policy advisors, patent policy makers, NGO policy advisors and patent practitioners. Contents: Preface 1. Introduction 2. The Economics of Patent Policy: Assumptions, Paradoxes and Evidence 3. Who Determines Patent Policy: Judges, Lobbyists or Legislatures? 4. In the National Interest: Defining Patentable Inventions 5. Finding and Avoiding Existing Knowledge 6. Combining Known Elements 7. The Quantum of Inventiveness: Other Approaches and Rules 8. Rebalancing the Patent System Appendix. Original Claims: Selected Patents References Index

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