

Discussion of the Susana Borrás's paper "Governing the European Union's Intellectual Property Rights' Regime: From market failures to government failures?"

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The paper raises two very important questions:

1. How effective will the emerging IP regulations in the EU be in promoting innovations?
2. How effectively with the new regulations be administered and how well will they be socially effective in the EU?

This is a start of a very interesting research and perhaps the brief overview of the development of IP regulations and attitudes in Russia, in respect to these two questions, might provide a good illustration; then, this could be interesting both for comparative purposes and also for contemplating how well the two systems will mesh together when IP crosses over from the EU to Russia, or the opposite direction.

After the breakup of the Soviet Union Russia started to develop international standards for IP protection; however in the absence of the enforcement system the laws are often violated. This situation allowed Russia to start rapid development in certain areas such as software development and dissemination of information technologies. Meanwhile the same conditions have boosted the transfer of non-patented knowledge abroad. So here is a dilemma: from the point of view of knowledge as a "common good" lack of IP regulations promote innovations but this may be against the interests of a particular country. The reference to European experience here will be: how to keep the balance between international science and national patent systems?

As far as social effectiveness and acceptance of changing IP regulations is concerned, the Russian case shows that there is quite strong resistance along with lack of trust to new regulations. It may be assumed that the movement towards several sets of regulations – which seems to be happening in the countries of the European Union – will not be easily accepted, at least at initial steps of the development of a new system.