

**CAN THE PATENT SYSTEM CONTINUE TO ADAPT  
TO THE MODERN GLOBAL KNOWLEDGE ECONOMY?**

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COMMENTS WELCOME!

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## **CAN THE PATENT SYSTEM CONTINUE TO ADAPT TO THE MODERN GLOBAL KNOWLEDGE ECONOMY?**

### **ABSTRACT**

In recent years, more and more patents have been issued, patent protection has been extended into new areas like software and biotechnology, and patent rights have been strengthened around the world. At the same time, calls for the reform of the patent system have intensified. Yet while the specifics differ, the types of criticisms made today have been heard – and addressed – in the past. The basic difficulty in reforming the patent system is that the problems are integral to the fabric of the system itself and the inevitable tradeoffs incurred, given its characteristic mix of benefits and costs. Over the years, patent controversies have focused on two main issues. The first concerns what should be eligible for patent protection. Should the patent system be extended into new areas? Should patent examiners apply new criteria – like ethical criteria – in granting patents? How can we achieve the right balance between public and private knowledge? The second issue has to do with how strong patent protection should be. How can we achieve the right mixture of incentive effects and costs? Should the patent system be applied equally to all countries? This paper discusses how these issues play out in the modern global knowledge economy. We conclude that patent-related problems can be addressed in several ways: by changing the patent system, and by introducing and/or strengthening related laws and administrative measures. What is important is to focus on the problem itself, applying a mixture of methods, and not the structure of the patent system more generally. This enables the implementation of solutions appropriate to particular issues, technologies, countries or regions, reducing the costs of the patent system in targeted areas of concern while preserving its overall consistency and broader benefits.