Dean Kellye Testy:

Well good afternoon everyone. I’m going to go ahead and get us started. I understand we have a little traffic delay so there may be some people joining us a little late but we’ll go ahead and begin close to on time. I’m Kellye Testy the Dean of the University Of Washington School Of Law and it is my great honor to welcome you all to the annual Shidler Lecture Series. And this is not just another one of these in fact it is the inaugural one. And so I particularly want to say a very hearty welcome to the members of the members of the Shidler, Mcbroom, Gates and Lucas firm many of whom are here tonight because in addition to inaugurating this lecture series we also honored Roger Shidler by naming our atrium for him in the ceremony that happened just previously to this lecture. A wonderful event as Bill Newcomb said, and I don’t think he could have captured it better, “we did both the hardware and the software today” in terms of naming a space and then inaugurating the Shidler Lecture Series which we’re just delighted at.

The law school since I became Dean in 2009 has taken it upon itself to do a lot of strategic planning and a lot of focus on the future and what our priorities should be. And in addition to gathering ourselves around and being animated by a strong mission of leadership for the global common good, we’ve also focused intently on deciding those areas of law that we should most focus on. And we’ve been guided our desire to be relevant at this second decade of the twenty-first century. To make sure that the education we’re providing is tackling society’s most pressing issues and so it’s no surprise, I think for those of you who are here that our law and technology area is one that we’ve decided is a critical area for our focus. And we’ve gathered that group in the law school that you’ll hear just a little bit more about in a minute around a wonderful constellation that we call our law, technology and arts group. And it really provides a great platform for our faculty and for our students who are working in the areas of intellectual property and related fields. It’s something that we aim to expand even more. Many of you who are here today have been important in the law school’s history in terms of growing that area with the Shidler Center and through other means and we thank you very much for that involvement.

And I’ve been particularly grateful for the leadership of Professor Bob Gomulkiewicz in the law, technology and arts group. He is the faculty director of that effort and has really helped us, I think set the ground work for the future, a place where we can expect to see a lot of growth and innovation, a lot of connections with this region and future opportunities for our students and for those of you who have been involved with us in the past to be involved.
So I want to say just a quick word of introduction then turn this over to him to introduce our inaugural speaker today.

Bob Gomulkiewicz joined the UW law faculty in 2002 and he joined us to direct our graduate program in intellectual property which is one of the finest in the country. Before joining our faculty he was associate general counsel at Microsoft where he led the group of lawyers providing legal counsel for development of Microsoft’s major systems software: desktop applications and developer tools including Windows and Office.

Professor Gomulkiewicz is one of our faculty members here that I admire so much because when I think of what a faculty member needs to contribute to the school for us to reach the high aspirations we have for ourselves I always explain that in addition to being a great scholar and a great teacher I also need you to be a great institutional citizen, to really be an institution builder and to really connect with the community so that we are not here in some ivory tower disconnected from what’s happening in the world and Bob Gomulkiewicz has been all that and more. So it’s a great honor for me Bob to welcome you to share a few words about our speaker today and thank you for your leadership with the LTA group.

Bob Gomulkiewicz:

Thank you Kellye. Our law school formed a law, technology and arts group two years ago as the Dean mentioned to really focus and enhance our commitment to excellent teaching and scholarship in intellectual property and technology law. Now as many of you know the University of Washington Law School really has a long tradition as a leader in intellectual property law really dating from the days when Don Chisholm was on the faculty here. And Don as well as Toyshiko Takanaza started a center that we call CASARIP The Center on the Advanced Study and Research in Intellectual Property and it’s really a world leading center in patent law.

The high tech summit that CASARIP puts on each year in this room really fills this room to overflowing in large part because of the strong relationships that we have with IP judges from around the world especially Germany and Japan and our federal circuit court of appeals. One of our regulars here, really an institution is Judge, now Chief Judge Randall Raider of the Federal circuit court of appeals and he is really integral to our CASARIP program and in fact next summer we will be shining the spotlight on his scholarship in jurisprudence in our high tech summit.

Over the past decade, though the law school has had other significant programs here. As the Dean mentioned we now have an intellectual property LLM program that is one of the largest ones in the country and I think by most measures one of the most highly regarded IP specialty programs in the United States.

The graduates of our program now have gone on to be distinguished professors, judges, in house counsel, law firm counsel and government officials. And I don’t think it’s a stretch to say that this law school has really become a center for educating the new leaders for intellectual property law, really leaders that lead around the world in all different nations for which intellectual property is important.

In addition to that our students also benefit from work in our entrepreneurial law clinic which provides students to do real lawyering with technology clients.
And finally let me just mention that we also have a journal. It’s an innovative journal that’s called the Journal of Law, Technology, and Arts. It attempts to publish pieces that are both scholarly but also provide practical advice to lawyers and it is really a unique niche in the world of scholarly journals.

So tonight’s Shidler lecture as the Dean mentioned really adds one more important to our LTA group. The goal of the Shidler lecture is to bring outstanding academics, judges and practicing lawyers to our law school to discuss leading issues in intellectual property law. And the goal is really for this law school to be at the center of those important conversations about the development of this information economy that we live in now.

So I’d like to introduce Steve Davis who is our first Shidler lecturer and I can really think of no one better to inaugurate this series. Steve is the director for social innovation at McKinsey and Company and in that role he oversees its global practice and partnerships with philanthropic organizations and social entrepreneurs who are really attempting to tackle some of the toughest social issues of our day.

He is a former president and CEO of the Corbis corporation, as many of you know this is a global, digital media company and before that role, he was lawyer practicing at Preston, Gates, and Ellis now K and L Gates.

Those are just some of Steve’s remarkable accomplishments in his professional career but I think to me even more important and inspiring is his commitment to community service. He is the incoming chair of the Fred Hutchison Research Center and has chaired the boards of the King County United Way, the Technology Alliance, and the International Practice Section of the United States Bar. He currently serves on several boards including Global Partnerships, the Seattle Foundation, and the Northwest School and has served on numerous other boards including PATH and the Governor’s Competitiveness Council.

And let me just finally say a bit closer to home I’m proud to say that Steve is a senior fellow in our Law, Technology and Arts Group and is a very popular lecturer and teacher in our intellectual property LLM program. In fact before he came here to give this speech he was turning in his grades, thank you so much for that Steve.

The reason I think Steve is such a great speaker for us tonight is he can bring together a discussion of intellectual property law, technology and solving societal problems that I think nobody else is really capable of doing so Steve we look forward to your remarks.

Steve Davis:

Well thank you Bob and thank you Dean Testy for the gracious introductions. It’s an honor for me to be here today and it’s particularly an honor to be invited to inaugurate the series for Roger Shidler. I never knew Roger Shidler but I certainly knew of his firm as I was a young associate when the firm merged with the firm I was in Preston, Flergumson, something. It’s a long name. And that had a very important place in my life as I started to explore other parts of the law intellectual property and other things as a result of that merger and got to get into the world of Bob Gomulkiewicz and Bill Gates and lots of people who have had a great influence on me.
I remember distinctly and I see it play out today as I see so many lawyers from that firm the spirits of that band of lawyers who not only their dedication and I remember the impression of that at the time as that merger was taking place but the spirit around not only the law but at the community and particularly around each other and so it’s really cool to see many of you here tonight.

I’m going to start with a picture from Thanksgiving I wasn’t there I was in Egypt at Thanksgiving. This is obviously after Thanksgiving. I met my family in Egypt on the way to and from India where I spent last year running the Indiana operations for PATH one of the largest global health organizations in the world. We connected midway and went down the Nile and it was very cool but it was very palpable in November what was going on. I have lived in China in the early 80s. I have lived in a lot of places where there is oppressive regimes and lots of political instability. But at that time the frustration of the students we talked to and of the people we encountered was you just knew something big was going to go down. So it wasn’t really surprising three months later or four months later when we started all watching the demonstrations and the eventual downfall of Mubarak.

And of course this story in Africa is still unfolding and in the Middle East. And we don’t know where it’s going to go. And even listening to the story on NPR on the way over here of what’s going on in Syria today or Bahrain it’s scary but it’s clearly seen already as one of the great game changers of our era.

So what’s the connection of Egypt to IT and innovation in Shidler? Well I think when one starts looking at the developing story of reform movements and political movements in the 21st-century. And whether it’s at the sovereign or a countrywide scale or an issue specific scale you continue to see the important role and the access and use of technologies and communication in these movements to educate people, to coordinate movement, to infiltrate, to locate people as they are doing their various work in the field and also to spread the news. And this is an important and critical new effect of technology in the world we live in. Of course you also see the flipside of that in other places. And China and Syria come to mind. Where the ability to control and censor and limit access to that same technology is having a very, very, very distinct outcome on those situations.

And so when you step away from the stories that are happening in the squares of Tunis or Cairo or Damascus and look at this phenomenon we’re watching we can see that there’s quite a new event going on. And that is this issue, this core issue of the ability to access, control and govern the use of media and technologies in the 21st-century. This is the core theme that we are talking about in the work we do at the law and technology center. It’s just with a different spin. It’s how do we manage govern, control, figure out the balance between access and private interest and community interest in that arena?

With a lot of new models like social media, community sourcing and new tools like integrated mobile devices and remote tools the rulebooks of how this works in developing countries and in our own country are changing dramatically. So the main theme of my comments tonight is that the growing opportunities to use new models particularly multi-stakeholder models to control and frame and access and actually govern the management of new ideas and innovations is a key to not only the intellectual property world that is a key to this world that I am now very involved in called the world of social innovation. So my premise is that IP will continue to grow in importance in the 21st-century not only has a lexicon and a playing field for business and economic interests around the world but also as
a distinctive rudder for much-needed social innovation. We have to address some of the most important challenges of this 21st-century: reducing inequities in global health, addressing sustainable energy and climate issues, dealing with massive population growth despite limited resources, handling social unrest driven by aspirations of people seeking freedom and political reform around the world. These are all increasingly and should be seen at least in part through an IP lens.

So let me give you a couple of examples from my class. So I have the great privilege of teaching a couple of classes here every year and I teach in the LLM class with a number of second and third years on IP innovations in the spring. And we talk a lot about YouTube. I say to people I’m teaching on YouTube. They are like your teaching on YouTube? And I’m like well not on YouTube, on YouTube. It’s an important distinction because YouTube and some of the issues that have been arising with you to are actually quite emblematic of some of the new trends we are seeing in terms of the issues around how who gets to control, govern the, use, manage content on the Internet. And so particularly with Viacom’s lawsuit against YouTube about those control issues we get to explore in this class of scholars from around the world issues about what happens when there is massive copyright infringement? What is the Digital millennium copyright’s purpose today? What are the safe harbors and how do they work? We get to dig into some very important trends in law regarding intellectual property. But then we go on to other cases like Google books. Again, relevant to people to understand what Google is doing in terms of using massive copyright opportunities with libraries around the world to provide books to people without charge and often without paying or most often without paying artists or publishers. So there again is another important lawsuit with the authors Guild taking on Google and Google books saying wait a minute you are violating our rights. And that is still unresolved.

And then I tell them about my role building Corbis over the course of the 1990s and early 2000’s where even before we got to social media and some of the more complicated cases we had to really struggle with as many of you in this room have what an early entrepreneur was thinking about this new model of to a distribution of media? And what are the licenses we needed to use and how to actually manage intellectual property in this uncharted territory?

None of these issues are fully settled yet although we are seeing new trends and new movements. But it certainly sheds light on the many fascinating issues in intellectual property.

Now I put this up because I am at McKinsey and McKinsey uses these charts relentlessly and I decided I had to use one McKinsey chart because this shows the complexity of what we usually think about when we’re talking about technology transfer and some of these technology issues. But the point really of the chart is to say that we get into the weeds with this stuff and it’s important as we think about how intellectual property is used in social innovation to understand that it really is quite a complicated world. But what’s great about these classes that I get to teach is we get to always step out of the pure cases and the case law and the statutes and we start talking about this broader group of stakeholders, these various business interests, the PR issues, the policy issues and often even the political issues that are involved in these kinds of intellectual property debates. And often it’s always this sort of ongoing balance between what’s needed for innovation and what’s needed for the public good. What’s needed to create incentives for private individuals? What should be something for the comment?
So it’s fun to actually be able to engage in these conversations as they start framing the same topic: how do you bring many, many people of different interests and points of view into a room? How you get them to think about a solution to a tough problem? And how do you bring sort of the wisdom of the ages in intellectual property but also new ideas to the same tools? So that actually gets into my day job.

I am currently in the role of running globally for McKinsey and Company the large strategic consulting firm their work in social innovation, which means their work with philanthropists, large NGOs, often governments and multilateral groups almost every morning at some ungodly hour I’m on the phone with somebody in Geneva. And talking about how we address these same kind of large problems of bringing people with different kinds of interests, multiple types of stakeholders to the table to do what we talk about in my class which is to address then wrestle through to come up with some sort of pragmatic solutions to big problems in the world. So we work on climate change and about education and then we work on a lot of global health and development issues and social justice and civil rights projects and those that kinds of things that same idea, that same concept is critical to create that kind of framework.

Within that rule and within the work I increasingly see the same tension play out: that we have the opportunity more important partner and to address very complex multi-geographic deals to have a very large technology piece to them. Hence we come to the technology and the law of the Shidler. So there are three reasons why think today we see this trend toward more and more of these complex what I call multi-stake holder deals. And the reasons are three. In the work of social innovation, global health, global development, economic development is another word for it is one is there is a significant pipe line of technology and innovation addressing this part of the world. So we have continued to go through a technology revolution is Bill Gates très says that there is more ahead of us than behind us still in terms of innovation. But increasingly in the last decade a lot of that innovation is being directed at the base of the pyramid—the 2 billion or so people in the world that live on two dollars a day or less. And so we are seeing more and more access to telephones and remote technologies that address diagnostics for diseases in remote settings. We see more and more opportunities to communicate about the HIV education in remote places the new technologies. We are seeing more and more vaccines that we actually can procure and to address that part of the world. And so we have this large pipeline of innovation that is actually directed toward the base of the peer amid therefore the technology role, the role of technology in social innovation has grown significantly.

Second globalization is a huge factor. We used to think of social innovation and often still do is something that the rich world does for the poor world. And the rich world was a pretty narrowly defined rich world mainly the West does for the rest of the world. That is changing dramatically. I have spent a lot of time in China and India over the last couple of worlds working on R&D and new forms of technology to address a lot of these large changing issues. And the amount of innovation coming out of the other parts of the world I mean we all know that but it is staggering when you get on the ground in Delhi or in Shanghai and see what the opportunities are for resolving new problems. But that brings with it a new type of or set of partnerships because you now not only have to do with your traditional way of thinking about these problems but you actually have to start thinking through the eyes of an Indian entrepreneur who views the IT laws and the tax treaties and those kinds of things quite differently than some of the vested interests in other parts of the
world. So it actually brings a much different complexion to the problem. Just to put a number two behind it, in China, China has made a very serious commitment to move from being known as made in China to discovered in China. This is actually a matter of national policy written in the recent fifth year plan. They have had over a 24% year on year annual growth in state investments into R&D. That is producing, while not necessarily the cutting edge of innovation today, that trajectory is producing phenomenal things. So as I think is we look forward in this next decade and how the kind of work we have to do in social innovation we have to look at things going on in Hyderabad 24:12 and Chengdu and São Paulo as much as we do things going on in Silicon Valley or elsewhere.

And finally the third trend that is important is that we see an increasing amount of public-private partnerships in these deals. A scholar named Stephen Goldsmith has talked about how we think about managing social problems over the course of the last century. And talks about in the earliest 21st-century it was the church and family and charities that would sort of tackle our biggest community challenges. In the middle part of the last century it was with the new deal and the great depression we saw the role of government and the role of welfare states really emerge and that was where a lot of that focus was really pointed. And in the later part of the 20th century we saw this move to say we need to engage the private sector but mainly in sort of a competitive outsourcing model and that was really the theme of the last 30 years. And then there is some sort of this fourth era which I think we are in today where it’s really the ability to tap public-private and nonprofits together to deliver really disruptive and transformative sustainable innovation that is really the critical link to solving some of these problems. Now I don’t quite see it as linear or is mutually exclusive as he might but I think that that theme of having new technologies, new places or geographic regions that are actually part of this conversation and new forms of public-private partnerships is that convergence that is at the root of our work. And it’s also at the work of... It brings this intellectual property theme up over and over because in almost all of that work we have to deal with who owns that technology? Who transfers the technology? How do we manage in a complex world where a lot of the laws are yet to be written? What do we do when there’s competing policy interests at a national level around some of these very important themes? And so those are the ways that we need to come together and bring this into a more meaningful story.

And so I want to tell you about one of those stories as an example of why I believe this IP innovation will be central to the work we do in social change over the next many decades. And it’s an example of where we see great technologies with many new players coming to the table and figuring out how to solve a huge problem in the world being smart and I would imagine this story which I actually have had the privilege of being part of that actually IP played probably the most transformative role, the thoughtful creative thinking about how do we manage intellectual property in this innovation.

Let me just give you context here is the world as we know it today and how the population is spread out but there are many, many of these maps as you all have probably seen that show where the fast food chains are and all these things. Well the one that I want to talk to about is the death from infectious and parasitic diseases. So you can see the burden of disease is wildly disproportionate on this globe to population. Well one of the worst diseases... And I guess stepping back one of the most tragic pieces of the work we do in global health is it’s one thing to go and be in a village and work on HIV where we don’t yet have a cure. We don’t know how to vaccinate against it yet. We are working on solutions
but it’s a different thing to go into a village and see a child dying of a disease we know how to cure. And one of the biggest tragedies is particularly in places like India where I spent the last year is how many vaccine preventable deaths there are in the world. So things we see... Children dying of diseases that we have the way to vaccinate them and prevent them.

One of the worst is meningitis a which actually hits, you know we don’t think about it much in this country although I think it used to be known more as a disease that was quite scary but because there is good vaccinations and technologies and treatment that we don’t sort of see much of it anymore. But in the meningitis belt of sub-Saharan Africa it is considered one of the most frightening diseases and actually life events in the life of a family, partly because it is very deadly and partly because even if it is not deadly it is utterly debilitating. The people they get it often become death and often are affected mentally and it devastates villages. In fact if you talk to people in this part of the world they actually tell you that this is one of the most frightening things in raising children is will a will they not get meningitis a. So it’s often... I won’t read these but you can see the effect it’s quite debilitating quickly it actually has long-term after effects and it’s really overwhelming the systems in those very, very weak and fragile countries to begin with.

So back in 2001 there was a partnership that the Gates foundation founded within WHO and PATH program for appropriate technology in health that I’ve been on the board of for quite a long time. And it was really coming up let’s tackle this disease. Let’s take one of these ones and really get our hands around it because we know, because there was a meningitis outbreak in the 60s in the UK and we know that there is a vaccine for meningitis I will say although not quite the same strain as you see in sub-Saharan Africa. So we got a group of people together and said we can do this. Let’s start thinking about it and presumably it was like okay this is getting a vaccine to a market that needs it. We’ll probably have to subsidize the market but other than that this is a pretty straightforward play.

Well two things happened the first thing happened was is that the African leaders consulted in this process got involved and they said you know it’s really not enough to just will roll out to a generation some expensive drug because that’s not sustainable and what we need is a low-cost back seen under $.50 a shot to make this an actual something that works to really affect change long-term. So they imposed this new goal which is quite unusual in the pharmaceutical world or in the life sciences world and most parts of life sciences world I’ve been on a vaccine company corporate board for the last few years and we develop it and then we had a margin and we divided by the number of doses and that becomes the price as opposed to putting price into your target profile. And that was the idea here let’s get a price as part of that development. So that was the requirement. And the reason I put this up is to show you the basic framework and this is not... The framework was much more complicated which was an IP framework to figure how to get this done because what we realized is that actually pharma was not going to solve this problem. We had to actually work with developing world manufacturers in order to get this done at the right price. That actually getting, even if we could twist the arm and Bill Clinton has been very successful and others, of twisting the arms of vaccine manufacturers were therapeutic manufacturers to give away product it is not really the solution that will be around for generations. And it also doesn’t really get to sort of the ownership issues that were so important for this intellectual property regime. So we designed fairly complex set of puzzles. And this is actually just the simplest layer of it which is a source in the Netherlands happened to have a certain sort of conjugate derivative that we partnered with the serum Institute of India which
is one of the most impressive facilities I have ever been in to my life. And then we had to sort of do multiple layers of negotiations and I say we very, very generously I was not involved in much of it but was kind of the governing oversight. But it was really a remarkable story in intellectual property innovation. Looking at how you incorporated global access requirements into very complex deals, how you required loyalty streams to be created in a very new manner see you could keep this cost down. You really had to kind of go to the table and really arm wrestle with very, very diverse stakeholders. So this is a very classic example of bringing very, very diverse interests to the table to solve a big problem. well the good news is that they created meningitis a vaccine they call it Menathrac which I think a branding firm could’ve done a better job with. And it went through clinical trials which we had to do, which were another highly complicated thing. It’s gotten licensure. It’s gotten WHO prequalification. And now a mass vaccines have been pre-qual last year and now we have started mass vaccination campaigns in Burkina Faso and Mali and Niger just in December and actually the head of WHO and the head of UNICEF and others were in Burkina Faso to roll it out last December and already we have 19.5 million kids that have been immunized today.

The story is quite amazing because it’s one about all these partnerships. And I am showing you just the logos of some of the people that were at those tables where we had to get these different stakeholders and start talking about things like patent law at a very detailed level and figured out which jurisdiction would apply to which piece of this puzzle. And it was all of this stuff that LLM students and the law students have to think about every day when they are in their work but this is a very, very real world big picture example. And it’s a great story. And it’s not only a great story because we actually probably will see this going down. It’s literally just been a few months. It is probably again sort of smallpox like in terms of its impact and visibility is a great victory in the world of global health with a lot of cases prevented. And what is so amazing is we vaccinated kids back in December in Burkina Faso and actually only in four months as the rainy seasons begin which is the end of the meningitis season in these countries is that there is not a single recorded case of men a in Burkina Faso this month. So it’s actually a phenomenally great story.

So I could tell you more stories like that of projects were working on around climate change, projects were working on around access to social media for purposes of political reform. And in all of these cases we struggle and we bring people to the table to figure out and talk through the same multidimensional question of where do you bring the right incentives together to come up with something that isn’t just a Band-Aid but is more sustainable solution to some of the stuff problems? But I just thought I would and with some observations about this work because the stories go on and on and they are fun to tell in my class got really bored listening to me and I see some of them up there. But I won’t bore you with some of those stories. But just a few observations as I sit in the seat I said in as I’ve been working on these things.

One is that I think will see much more of this. I don’t think... This is not just because I am suddenly... I maybe just naively getting into the world myself so I see it just as this onslaught but there is so much more discussion about how we actually energize both for funding purposes but also for bringing different interests of the table to talk about shared access to new technologies. And all of the broad implications that intellectual property protection is have to think about around that. So I think we’ll see more in volume for sure. In complexity, as you can see as if you bring these different sectors to the table from
different parts of the world is inherently more complex. You’ll see it more in the geographic spread which is great news. The world is theoretically getting flatter although you don’t see that some days in rural India but Morgan is the innovation come from so many new parts of the world that that will actually bring great opportunity but it will create more challenges for us to figure out how to do all of this stuff. And I think it’s going to come across sectors so you see it in the energy area already is a think about what are some of the new technologies that people in this community are already investing in to address sustainable energy consumption models? And those are often technologies that are going to have to get transferred in some supra-sovereign model and so it’s a very relevant piece of that debate.

The second is I do think this is an evolutionary model and an evolutionary change and not as revolutionary as some people would like it to think. I think it’s exciting. I think there’s a lot of new energy. I don’t think it’s about just repeating old stories are old models but I don’t think this is something that we throw all of the good work of the IP framework that we know and love some days out the door. And I raise this because many of you who work in the IP world there have been people calling for almost an abdication of copyright as an enemy of innovation or movements toward the dismissal or outright sort of rejection of patent regimes for the very same reasons. And yet the interesting thing is that as you actually start working on these problems and sort of get into the weeds while yes there are actually big barriers and yes there are problems to get solved it’s not so much the legal framework that is the barrier it is often the political or the economic dimensions of that that actually create some of our biggest barriers. And it has been very interesting in my work to see how where even 10 years ago we would talk about the barriers as something that was so much about the barrier to getting access of a first world drug in a Third World country as we use those terms and in today’s world you often see because some of those very developing countries are actually generating new IP themselves that debate is changing and the globalization is actually affecting that debate.

And finally he known it sounds almost cliché but there is a virtual cycle of innovation required for these new solutions and we are going to have a lot of failures. And we are going to have to... Like technology has always been you fail more than you succeed but we are going to have to experiment a lot. And I don’t mean just experiment with the technologies that experiment with the licensing models. We are going to have to experiment with the business approaches. I don’t think it’s a given that IP is an unambiguous social good. We know that it can work. It can help us but we are going to have to test the boundaries of that comment challenge in many different ways.

My final slide is just to impart that I hope you can actually tell from this talk how excited I get about these topics. And this is why I have enjoyed teaching at the law school because I think it’s pretty exciting that’s needed to sort of focus on these new collaborations. You get to really test the intellectual limits of how this works. You have to focus on how do you bring various constituencies to the table to work across so many important topics. And I think what’s exciting is it such any essential role for our discipline and when I say that in this room I mean the discipline of law of lawyers of intellectual property lawyers particularly in that we have a unique place in this work and I think that it’s a place that will expand and should expand and I hope we can figure out ways to get more people to think about our craft as it applies to these large social solutions. I think we need to open our aperture you know the way we think about this in terms of going beyond just thinking of IPS software or IP as Pharma. And think about IP as climate change and IP as economic
development, IP has other things where the way we manage and think about these very same constructs really have a big impact. And I think it’s really important work for the school and this program and the Center for that I am very grateful for the opportunity to talk about it thank you.

I’m happy to take questions if there are any. Oh okay and the Dean oh.

**Dean Kellye Testy:**

I’m not sure I’m going to phrase is very intelligent let me see if I can get at it. First of all thank you that was a wonderful and wonderfully interesting. What I am trying to get at is the difference between intervention where you come up with this transaction the helps of vaccinations and the kind of social reform that would put in place the kind of legal and structural change that would perpetuate that for a longer period. Do you know what I am asking? I am trying to understand what your view is the role that law and lawyers might play in that longer term, systemic were firm and how that meshes with what you are working on?

**Steven Davis:**

Sure and it’s actually interesting impart that I actually thought about including the whole sort of piece in this but thought that that would take it one step too far. Any world you delve into you sort of find you’re caught up in all the new kind of corny nomenclature. And I’ll tell you consulting is just as bad as the law in terms of lots of consulting nomenclature and also global health. I had to give a talk, this is not to relevant your question but I was in western Kenya and there was an opening of a malaria vaccine initiative clinical trial site and it was the joint project between a bunch of global health people and a bunch of Pentagon people. It was Department of Defense funded because they care a lot about malaria right? And so the dinner was the weirdest dinner. No one talked in real words. You know you think about global health docs and Pentagon guys and it was the DOD going to the ATD... And so I got up and gave my talk completely and acronyms and this is a little bit of that. And so there is a set of acronyms around the way we think about actual applications that are specific to a result like here where you’re going after meningitis and versus serve the enabling environment. And that’s the cliché. The enabling environment in order to not only make this happen because there is often policy levers that have to get moved to make this happen but also more sustainable which is again another overused word. So that happens across a sector so right now we’re dealing with what’s the enabling environment at the philanthropic side to create a tax and regulatory changes in the Chinese law to enable private philanthropy to actually have a way to work. So that’s a good example of work. Then there is a bunch of advocacy work and where lawyers particularly are very critical to that conversation. In almost all of the global health and development work that I have at least been exposed to there is as much or more work on that policy and enabling environment issues as there is on the specific applications or specific interventions. And I think that’s a huge role for lawyers and I think it’s a really important role. And yet I also feel a sort of one of the things we talk about in IP innovations course is that we so often get caught up in a single type of solution, well there’s a litigation solution or there’s a... And we’ve got a do these things simultaneously and so the enabling environment is essential but not enough and not sufficient.

**Audience one:**
I just have to ask one on behalf of RAP students. One of the things our law school is known for is really students who care about the common good you know that’s the new slogan of our law school. But the students here really are dedicated to community service but a lot of them that are interested in intellectual property are a little bit of a loss as to how they plug into that. And I talked to them about this a lot that’s where their priority is that they don’t really have a pathway to really apply their skills, their intellectual property skills in ways that take them where their heart is. So what would you say to those students? What kind of pathways to you think that they should pursue to maybe not, right out of law school but eventually move toward working with people in these kinds of partnerships that you’re talking about because I think a lot of our students would be very excited about playing these kinds of roles?

Steven Davis:

Well I get the same question right? When I’m here that people say how can I get a job in this base? And I think that they’re sort of three quick answers. One is so much of this is about building blocks. So what are the fundamentals you’ve got to learn as a practicing lawyer to understand IP? So kind of look at the long term and it’s probably not going to be in fact it may not even be the best thing professionally to jump from here into an NGO that does this work because you’re just not going to get the training you need although a few people I know have done that very successfully. The second is that I think there will be more opportunity. I do think that this is growing in scale and I think we’re going to see even more at the corporate side of this more people actually having to address some of these pieces of the puzzle in their corporate work. And I can name five large Fortune 100s that I am working with now that are saying we’ve got to create better ways and not out of just probably good but if of our own self-interest we need to partner more in a couple of these areas were sustainable sourcing of merchandise or for a variety of different reasons. And so I think that one also has to look at it that way that this is an enlarging universe. And then you know there’s always this thing called volunteering. And volunteering is not necessarily meaning you’re volunteering as a lawyer but engaging on the work in its multiple dimensions is a good thing and there are ways to do that. We find that the Gates foundation or PATH or McKinsey or the various places I work in this area the proportion of applications to openings is about anywhere from 1000 to 2000 to 1. So one of the problems is you get a lot of people that come and sort of midlife and say okay I made some money now I want to go do good and all this and a lot of places thing you know that’s not good enough. You’ve got to have demonstrated that you got some reason that you’ve been at the table before, you’ve shown some community interest. And so one of the things that I encourage people to do is to get engage early in their career even if it’s as a volunteer in the evening so that you can really learn about how NGOs work and how community advocates and works.

Audience two:

Do you see any contradiction between intellectual property and making [inaudible] Making change the society then basically balancing for-profit and…

Steve Davis:
Yeah all the time you know it’s an inherent contradiction in many ways because, but it’s not a new contradiction because you’ve always had the contradiction or the challenge in this country the constitutional challenge of the balancing between social innovation and incentives and the monopoly the stowed by a lot of our IP regime against common public good. And now we’re taking it to a new level but that’s sort of what’s trying to be my second deployment maybe not made very well but because were applying these to larger social innovation questions in my view does not mean we reject IP is a framework. Now some people would say it is inherently biased against actually the public good. And I just don’t believe that in the work I’ve done. I’ve seen it being effectively used to the benefit of public good and the benefit of innovation. That is not saying, like anything it’s not saying okay then it’s perfect. We have a lot more surgical work to do but I don’t for the baby out with the bathwater. I think we’re getting the signal here.

Dean Kellye Testy:

Will please join me in thanking...