Rising Middle-IP Powers: National Interests and International Influence. South Africa as a Case Study

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Academia and the public have long been focusing on the North/South power asymmetries in the international Intellectual Property (IP) regime. Two decades after the WTO/TRIPS Agreement, it is now becoming obvious that emerging economies are carving new paths therein. On the national level, the research investigates the changing patterns of interest in safeguarding IP in those countries, their use (and sometimes their test of the boundaries) of the TRIPS flexibilities, and asks how governments make up their decisions when it comes to the design of IP in the post-TRIPS period. The national design of IP poses a major challenge for emerging economies. Despite rapid economic growth and technological development, social inequality and poverty rates remain being high, despite an overall advanced level of innovation capabilities, the innovation landscape is highly heterogeneous, and similar to the majority of countries in the global South, emerging economies bring in specific forms of knowledge and types of innovation – e.g. traditional knowledge, forms of collaborative innovation and informal sector innovation – that are different to those underpinning the existing international IP system. Governments are thus facing a huge variety of demands and needs concerning the level and scope of IP protection, and find themselves in a thicket of policies with partly competitive development goals at the same time. On the international level, the thesis analyses how emerging economies not only modify the existing regulations but exert structural influence and profound changes in the international IP system.

It is only recently that studies begun pointing at China, Brazil, and India as rising middle IP-powers. Nevertheless, despite the fact that they teamed up with South Africa within their alliances as BRICS or IBSA countries, and explicitly cooperate with their “junior partner” in the fields of IP, research has not really approached South Africa with comparable analysis so far. However, South Africa is a special and interesting case with regards to the objectives of the study. The country is currently about to finalize its first strategic IP policy and to set up comprising IP reforms. On the international level the country is getting more visible in the last years – not only as a partner of the BRICS but also as a heavy weight on the African continent. Taking South Africa as a single case study, this research focuses on the three IP relevant fields: pharmaceutical innovations, genetic resources and traditional knowledge, renewable energy technology.