




The Making of Policy on Intellectual Property, Innovation, and Technology Within the Caribbean Community (Caricom) and the International Agenda

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Abstract

Over the last three decades, the making and implementation of policy on intellectual property rights (IPR), innovation, and technology within Caricom (Caribbean community) has been fraught with issues. These include the lack of clear direction on the development of science, technology, and innovation, as well as the attendant IPR policies and laws that would support their actualization at the level of the Caricom heads of government and the highest levels of administration. International groups and organizations have long attempted to raise the levels of awareness and use of IPRs in the region through investments in workshops, seminars, training sessions, and other mechanisms. This usually involves the private sector and public officials who most often have little impact at the level of policymaking. The challenge is for Caricom to plot a course that incorporates the development of innovation, technology, and IPRs that will propel the region to a greater scale of global competitiveness. Even more important, the creation of such technologies can assist the region in overcoming significant challenges, such as food security and climate change. This essay discusses aspects of policy and procedure within Caricom and the involvement of the international community. It highlights the issues and some possible solutions to them.

Keywords: *intellectual property, policy, Caricom, innovation and technology*

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Introduction

The focus on innovation and technology has become synonymous with the narrative that the advancement of so-called developing countries can move from low to high levels of economic development. This has been emphasized to the extent that some are advocating for the renaming of the world groupings from developed and developing to technology rich and technology poor. This does not, however, properly take into account the economic dynamics that underlie the categorizations as they have come to be known. The World Economic Situation and Prospects report (WESP; United Nations, 2023) categorizes countries into three broad areas: (1)

developing economies, (2) economies in transition, and (3) developed economies. It seems that movement through the categories follows a linear pattern from the least to the greatest. It is not quite so certain how so-called technology-poor countries move into becoming technology-rich countries without any definable transitory stages. The impassioned clamoring of advocates for changes in the way the world is viewed is of little value when it is unaccompanied by real solutions to the challenges faced in creating the kind of impetus needed for poor and developing countries to propel themselves from one level to the other. It is highly unlikely that the renaming of categories of countries alone can actually change the reality on the ground. The fact is that the North-South (developed-developing) delineation exists along with distinguishing conditions.

It is the same with many of the well-meaning initiatives that come from some developed countries through assigned agencies and funding for the promotion of intellectual property rights (IPRs) innovation and technologies in developing countries. These efforts are often short-term project cycles, which assume that what is needed is a demonstration of the worth of innovation, for example, a contest for young innovators followed by a brief period of mentorship for contest winners.

The advocacy for IPRs, and the quest to find how they can be propagated in countries that seem unable to initiate and sustain programs that actually work are important and are not pure philanthropy. Rather, it is a combination of the considerations of the substantial economic advantages, which can be gained by bringing an end to a lopsided relationship in which billions of dollars in possible revenues to developed countries are lost in developing countries that are weak in innovations, and her twin, IPRs. Most of these initiatives are not as focused on encouraging innovations as on the implementation of IPRs.

Without a doubt, there is a firm belief by some academics (You et al., 2020) and volunteer service sectors that developing countries can begin to bridge the technological gap by making use of old technologies from developed countries, and that, with globalization as a catalyst, the process must necessarily move much faster. The instance of widespread use of cell phones in Africa is an example of how imported technology impacted everyday life across an entire continent, but the actual evidence of other technologies having the same effect is chastening. There has been little success in the importation and widespread adaptation of different technologies in local usage for several reasons. Among these are the lack of knowledge about how to use it and the applicability to local circumstances. Also, the scale of that usage is often so small or so expensive that it remains within the purview of a few and often privileged sections of society. The latter occurs mostly in industrial sectors where modernization through imported technologies would entail resources that are not readily available to businesses or other communities that could benefit from them. Localized solutions, which require innovation and appropriate technological support, are more suitable for adding greater levels of proficiency and comfort to those societies.

All of this would seem to augment the argument for the approaches of the governments and agencies mentioned before. Implementation of government ad hoc programs that seek to promote the use of IPRs and innovation and technology in the hope of creating movement within communities would seem a positive strategy, except that those too have failed to result in any lasting momentum in innovation in developing countries in the Caribbean. The reason for this is that the programs are not sustained for a long enough time to institutionalize the culture of innovation and technological development. Undoubtedly, this kind of effort should come from a sustained policy position of regional governments in which there is a dedication of resources toward science and technology, perhaps as a fixed percentage of each country's GDP. Among countries that were formerly in the South (developing) category, Singapore is a prime example. Its government economic policy has focused on science and technology as a means of growth and development to propel the nation to economic prosperity; it is now reportedly the third richest country in the world.

So, what about the Caribbean countries and the “donor industry” that arrives on their shores in rescue mode with nicely packaged ideas on how best to promote intellectual property and innovation?

In 2020, the European Union initiated CARIPI (European Union, 2024), a major project in Cariforum (Caricom and the Dominican Republic), with broad-based goals of awareness and training in the use of intellectual property. This was done in cooperation with the government departments and the Caricom Secretariat (Caricom, 2024a). The project is set to last 4 years, and the convenors hope that it will have the effect of creating the impetus needed for a greater use of intellectual property in ways that benefit regional stakeholders.

If the policies of individual governments regarding IPRs and innovation will drive change in any given country, such policies must encourage projects that address the lack of personnel and infrastructure. The initiative to raise awareness and increase the use of IPRs must address different levels of society, not just the few who receive the training. These cannot just be interesting experiences for the participants without influencing the policy space at either governmental or regional levels in the Caribbean.

Caricom is a regional body, which has 15 member countries that have signed onto it through the Treaty of Chaguaramas (Caricom, 2024d), and has several instruments and organizations for legal dispute resolution—The Caribbean Court of Justice (CCJ, 2024), diplomatic relations—Caricom Regional Negotiation Machinery (Caricom, 2024b), and economic development—Caricom Single Market and Economy (Caricom, 2024a; which is still being developed). Unlike the European Union, however, it does not have an overarching legal and regulatory regime for its member countries that includes all aspects of trade and intellectual property and uses a common currency. This means that each signatory country retains its policy and legislative autonomy in these areas, resulting in various levels of implementation and enforcement of IPR laws and policy implementation. It is noteworthy that, while all Caricom countries have signed onto the TRIPS agreement, few have enacted legislation that incorporates the standards it requires.

Therefore, external interests wish to change the ways in which intellectual property is used in the region by constructing programs to promote its usage and implementation. The common methodology (which can be called the bottom-up approach), as described previously, has been to host workshops and seminars, other training sessions, and outreach programs to businesses and organizations as well as government agencies on how to use IPRs and the benefits that they may bring. Yet, there has been little attention and few resources placed on the exploration of benefits to individual or multiple countries in the Caribbean through scholarly studies. These could be used to provide empirical evidence to policymakers and, in turn, benefit the creation of suitable laws and policies for their countries.

The creation of such studies truly ought to be done in conjunction with other methods but is often neglected because it requires resources, such as money, teams of experts, and adequate time. Such studies can take years to complete and risk being shelved by government officials. However, when considering the rate of success in terms of sustained effects and return on investment, we can easily deduce that not much progress has been made over the decades using the bottom-up approach. Without empirical evidence, the advantages of efficient IPRs policies have not been included in the national agendas.

Yet, international organizations persist decade after decade in repeating this flawed approach in the Caricom region. Additionally, there is not much scholarship on intellectual property in the Caribbean region, an essential tool that can be used to guide international organizations and government officials alike. Useful approaches can have sustained effects, lifting both the policy discourse and the levels of effort at implementing policies and laws that balance the interests of the society with economic growth and regulated IPR interests.

The Caribbean region can provide an interesting and valuable resource for studies on the effects (or lack thereof) of policy on innovation, technology, and intellectual property. The social and cultural norms can also be considered in investigating the reasons for the comparatively low levels of innovation with other developing regions, as is evident from the WIPO innovation index from its inception to 2023.

The approach of donor organizations to IPR projects in the Caribbean has failed to properly consider that the factors that affect the use of IPRs often go beyond mere ignorance that such rights exist and may be part of a cultural or economic norm for the country. In a 2017 study (Inniss, 2017), four major Caricom economies—Guyana, Barbados, Trinidad, and Jamaica—were examined. Guyana stood out as having the highest level of innovation among small- and medium-sized enterprises while having the lowest level of IPR laws, enforcements, and policies. There is a need for further study to help understand the contributing factors for this, especially since it deviated from a standard hypothesis that stronger IPRs result in greater innovations in developing countries.

It is important to reference two hypotheses that have been used by social scientists in researching IPRs in developing countries. The first is that stronger IPRs, which include updated laws and reasonably robust enforcement, result in greater advancement in innovation and technology (Brewster, 2011). The second is that stronger IPRs can restrict the process of development by preventing access to technologies that can be copied and varied to suit the needs of consumers and communities (Hammami, 2021). This proposition makes the argument that developed countries have an unfair advantage in terms of wealth and intellectual resources along with diplomatic and economic dominance in the international community. Therefore, to balance out the disparities, IPRs should be minimal or nonexistent (Martin, 1996).

The Caricom region comprises countries that fall within the different economic categories in the WIPO index 2023 (World Intellectual Property Organization, n.d.). These categories have been named as high income, upper-middle income, lower-middle income, and low income, with additional categories that place their level of performance against their economic status. Notably, Jamaica is listed as upper-middle income and as having higher than expected performance for its level of development. The only other listed high-income country is Trinidad & Tobago, but it was not placed into any special category for innovation. Both countries have specialized intellectual property offices, modernized laws, and are signatories to a number of international treaties on IPRs; however, their levels of enforcement are unclear at this time.

The point here is that a lot of work remains to be done if the Caricom region is to develop a comprehensive regime for intellectual property. The piecemeal attempts of various international groups, even in collaboration with Caricom, can only yield equivalent results. This is because, without supporting policies and mechanisms, laws, and infrastructure, the communities that the donors attempt to change must, of necessity, revert to the old way of doing things; those are the only systemic structures that are present for them to use. The most challenging aspect of creating policy that translates into tangible change in the region lies in the ability to use scholarship and evidence to influence the trajectory of thought and action by policymakers. Unlike in most developed countries, policymakers in developing countries are less likely to consult think tanks, conduct feasibility studies, commission studies, and support university collaborations in creating systems for advancement in most areas of governance. Elected officials tend to make decisions based on political expediency or the knowledge of so-called advisors, which results in mediocre results and very little thrust for innovation.

Additionally, there are competing arguments about whether it is the responsibility of the private sector to advance the development of innovation and technology in a country. Does the responsibility belong only to the government that holds the reins of development for the entire country as the driver of growth and beneficial change? These questions are still extant in some developing countries, including those in Caricom.

These arguments persist, notwithstanding the examples of the U.S. government's space and science programs and India's space, science, engineering, and technology program. South America, Chile, Argentina, and Brazil, among others, have robust science and technology programs that are government funded and competitive. The private sector is also engaged in large-scale technological developments, which makes for advancements in both private and public sectors. These examples ought to illustrate that science and technology should not

be left to either the government or private sector to promulgate individually but should be carried out alongside each other. The public nature of government science programs also provides a greater balance between access to technological developments for the public good and private capitalist profiteering.

It stands to reason that such approaches to developments in science and technology tailored to suit country conditions could be implemented by Caricom countries. At another level, the Caricom community could establish an agency for the development of science and technology that would oversee the development of intraregional collaborations through science institutions and universities. Such an agency would also include collaborative projects with the private sector. This would also allow for smaller inventors to have access to platforms to receive funding and showcase their creations.

These kinds of policy initiatives would create the necessary and meaningful change needed to propel science and technology developments in Caricom, and, along with them, IPR protection policies and laws. It is this level of comprehensive approach that is needed to make IPRs far more important and impactful for the region at large and to communities and businesses within the region. The range of IPR interests, from traditional knowledge to trademarks, industrial design, trade secrets, new plant varieties, patents, and copyright, would be covered in such a comprehensive approach.

Conclusion

The role of policy in creating the catalyst needed for the development of technology, innovation, and IPR usage and management, while it may be broadly understood by policymakers and innovators, is largely ignored in favor of the expediency of quick gains touted by international organizations. These interests maintain their quest to maximize gains from adherence to IPR regimens, such as the TRIPS (Trade-Related Aspects of Intellectual Property Rights) agreement (World Trade Organization, 2024) and WIPO-administered treaties (World Intellectual Property Organization, n.d.), such as the Paris Convention, the Berne Convention, and others. They also promote the use of IPRs and, especially, encourage governments to sign onto international agreements by enacting their provisions into local laws. Some argue that greater IPRs will encourage the development of innovation and technology, although the evidence from the Caricom region neither confirms nor disproves this theory. Much work is needed to investigate the relationships between IPRs and technology growth and how local circumstances could influence policies for the creation of change.

The interventions by international organizations that have been carried out thus far only serve to attempt to align the regional adherence to a broader international agenda conceived and led by those interests. It is for Caricom to plot a course for the development of innovation, technology, and IPRs that will work to advance the region and its individual countries. There is little to be gained from implementing IPR laws that align with international regimens without the creation of structures for the holistic development of science, innovation, and technologies that will aid in the advancement of the communities.

The Caribbean region is in dire need of technologies that will ensure sustainability and survival. Areas of needed intervention include food security and agriculture, climate change adaptation, water resources, marine biology, forest conservation and exploitation, and conservation of animal and plant species. It is doubtful that the wholesale copying of technologies will work to resolve the issues that arise in these areas. Rather, it is an exchange of knowledge and the development of endogenous techniques that will help to create solutions to the problems. IPRs play the role of protecting scientific discoveries and techniques so that they may be further developed and deployed while acknowledging the originators and ensuring a just return for their efforts. This is why advocating for IPRs as well as innovation and technology are essential complements of each other.

Serious advocacy must be made for the creation of approaches that consider the factors of need, resources, applicability, and the thrust for development in creating policies and programs that will advance development

in the communities of the Caribbean region. In this way, preservation, sustainability, and growth may be attained through the creation of suitable technologies and innovative measures. The piecemeal promotional projects in intellectual property do not serve the development of the Caricom region or the Caribbean as a whole. Policy planning and evaluation are essential tools in the process of creating the framework for intellectual property, science and technology, and innovation. Without this, the Caricom region may continue to balance on the brink of decline and collapse, while international organizations and business interests push their own agendas to offer leadership for gain. It is time to rework the approach to policy creation and implementation in the Caricom region.

References

- Brewster, R. (2011). The surprising benefits to developing countries of linking international trade and intellectual property. *Chicago Journal of International Law*, 12(1), 1–54.
<https://chicagounbound.uchicago.edu/cjil/vol12/iss1/3>
- Caricom. (2024a). *Caricom Single Market and Economy*. www.caricom.org
- Caricom. (2024b). *Caricom Regional Negotiation Machinery*. www.caricom.org
- Caricom. (2024c). Caricom. www.caricom.org
- Caricom. (2024d). *Treaty of Chaguaramas*. Caribbean Community. www.caricom.org.
- CCJ. (2024). *Caribbean Court of Justice*. www.ccj.org.
- European Union. (2024). CARIFI: www.caripi.org
- Hammami, S. (2021). The effect of intellectual property protection on innovation: Empirical analysis of developing countries panel. *African Journal of Science, Technology, Innovation, and Development*, 13(4), 397–405. www.tandfonline.com/doi/abs/10.1080/20421338.2020.1824608
- Inniss, A. A. (2017). Examining intellectual property rights, innovation and technology within the Caricom single market and economy. Scholar Works, Walden University.
- Martin, B. (1996). Against intellectual property. *Journal of Intellectual Property Rights*, 257–270.
[https://documents.uow.edu.au/~bmartin/pubs/95psa.html](https://documents.uow.edu.au/~/bmartin/pubs/95psa.html)
- United Nations. (2023). *World economic situations and prospects report*. United Nations.
- World Intellectual Property Organization. (n.d.). *WIPO global innovation index 2023*. WIPO.org:
www.wipo.int/global_innovation_index/en/2023/
- World Trade Organization. (2024). *TRIPS agreement*.
- You, K., Dal Bianco, S., & Amankwah-Amoah, J. (2020). Closing technological gaps to alleviate poverty: Evidence from 17 sub-Saharan African countries. *Technological Forecasting and Social Change*, 157, 120055.



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