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**"Europeanisation of Innovation"  
Conference  
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**Explicit and implicit knowledge and the Logics  
of appropriation**

**Projectteam "Governance Geistigen Eigentums"**

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## **1) Innovation processes:**

**a) Addressing the unknown (probably the unknown unknown) by innovation management**

**b) Importance of a risk perspective: emergence of "assessment-regimes" (Kaiser et al. 2010)**

**c) Expansion of Innovation politics for stimulating innovation**

**d) Lowering the barrier to copy knowledge goods**

**→ Selection of usefull and valuable knowledge is getting more difficult**

**Kaiser, M.; Kuratz, M.; Maasen, S.; Rehmann-Sutter, Chr. (eds., 2010): Governing Future Technologies. Nanotechnology and the Rise of an Assessment Regime. Dordrecht etc.: Springer**

## **2) Regimes of Innovation and the Authorisation process:**

**a) Co-Evolution of innovation and environment following stabilised configurations of rules: Regime as “Grammar” (Rip 2010).**

**b) One key aspect of the “Grammar”: governance of intellectual property**

**→ Understanding the construction of knowledge claims and the aligning process of appropriation of knowledge goods**

**→ Appropriation is associated with authorisation, which reflects the complex dynamic of knowledge construction in innovation processes.**

**Rip, A. (2010): Processes of Technological Innovation in Context – and their Modulation.  
In: Steyaert, C.; van Looy, B. (eds.): Relational Practices, Participative Organizing. Bingley, UK: Emerald, S. 199-217.**

# Outline of the presentation

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- 1) Theoretical Starting Points**
- 2) Cultures of authorisation: a typology**
- 3) Transgenic crops as an example**
- 4) Policy Implications**

# 1. Theoretical Starting Points

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## **1) Heterogeneity versus homogeneity of orders of appropriation**

### **a) Homogeneity:**

- **homogenisation of Intellectual Property Rights**
- **Orientation towards explicit knowledge**
- **Global convergence**

### **b) Heterogeneity: Varieties of Capitalism**

- **Dissimilarity of industrial sectors**
- **Different modes of innovation**
- **Heterogeneity of knowledge cultures**
- **Different interests in IPR**

**→ Fragile balances full of conflict**

# 1. Theoretical Starting Points

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## **2) Authorisation versus appropriation of knowledge goods**

### **a) Appropriation (Standard economic theory):**

- economic incentives**
- causal connection between innovation and property**

### **b) Authorisation (Sociological perspective)**

- identification of author and knowledge claim**
- responsibility for validity and utility**
- accountability for non-trivial side-effects ("risks")**
- recompensation in form of honour and/or pay**

**→ Innovation process as process of authorisation**

# 1. Theoretical Starting Points

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## **3) Implicit versus explicit knowledge**

### **a) Explicit and diffusion:**

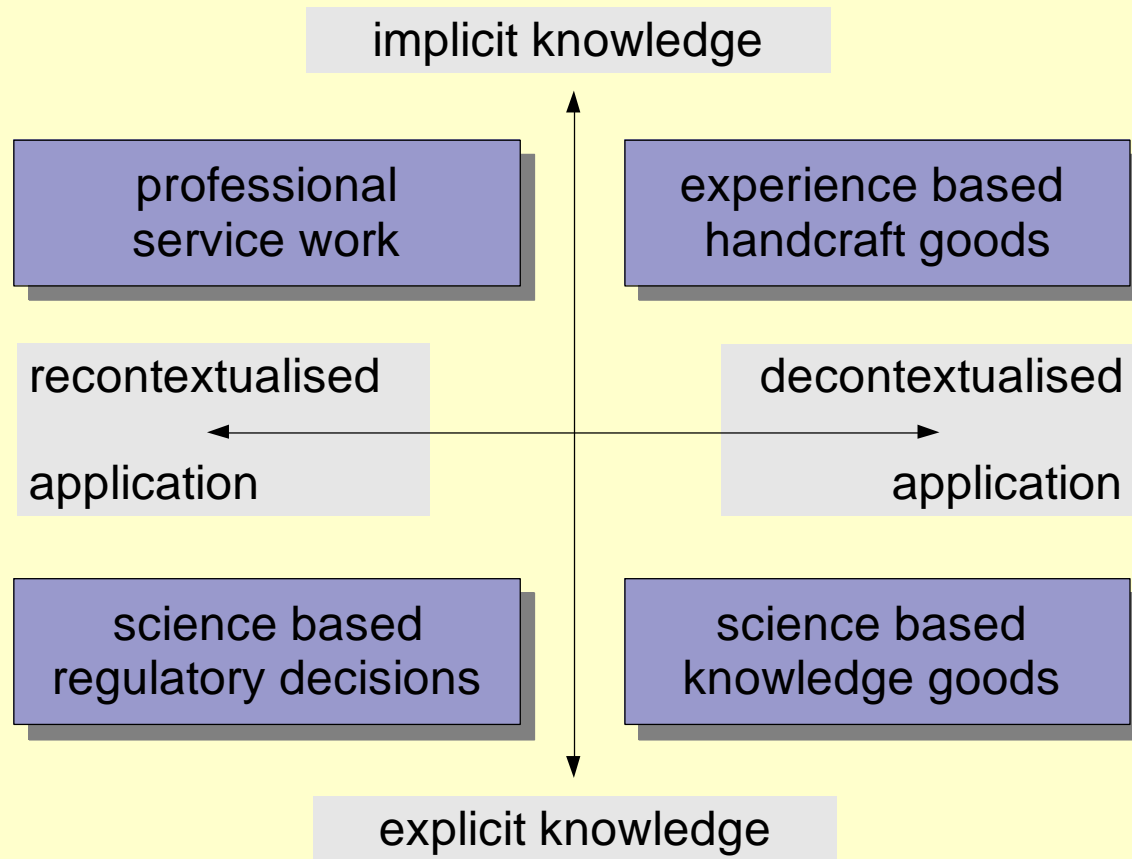
- explicit knowledge is more easy to copy**
- diffusion of explicit knowledge generally unlimited**

### **b) Explicit and appropriation**

- explicit knowledge correlates with a stronger IPR-Regime than implicit knowledge**
- implicit knowledge allows a broader variety of strategies for the appropriation of knowledge goods**

**→ Analysing forms of knowledge and their corresponding cultures of authorisation**

## 2. Cultures of authorisation: a typology





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### 1) Experience based handcraft goods: authorisation through reputation / trade mark

#### Aspects:

- **Identification:** Through companies name or trade mark
- **Validity/utility:** Reputation of the trade mark. Standardisation of the product allows for more valid quality tests and surveys.
- **Risk:** Trade mark makes the producer adressable.
- **Recompensation:** Trade mark allows for a higher price.

## 2. Cultures of authorisation: a typology

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### 2) Science based knowledge goods: authorisation through patents

#### Aspects:

- **Identification of patent holders and their knowledge claims**
- **Validity/utility: Corroborated with scientific citations and tested by the patent authority.**
- **Risk: Patent specification makes the technology more transparent; Sometimes additionally evaluated by other regulatory authorities**
- **Recompensation: monopoly for the patent holder**

## 2. Cultures of authorisation: a typology

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### 3) Science based regulatory decisions: authorisation by legal authority

#### Aspects:

- **Identification:** Relating the jurisdiction of the authority and the remit of the decision.
- **Validity/utility:** Validity is based on specific "safety" subdisciplines as e.g. ecology which focus on the side-effects in new contexts.
- **Risk:** Identifying the false and not identifying the actual risks.
- **Recompensation:** Higher value for knowledge goods on international markets. Protection of the domestic market against cheap competition.

## 2. Cultures of authorisation: a typology

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### 4) Professional service work: authorisation through guild

#### Aspects:

- **Identification of the service worker by guild symbols (clothing, language, instruments etc.)**
- **Validity/utility: Expertise results from the skill to recontextualise general rules to the particular context (and to impress the client)**
- **Risk: Professional ethos should protect the client against assymetric information. But with implicit and contextualised knowledge, side-effects are quite unprovable.**
- **Recompensation: Professional scale of charges or personal agreement**

### 3. Transgenic crops as an example

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**1) Even a "high tech" product such as transgenic rape is not only a science based good, but result of multiple knowledge cultures. Aspects:**

- strong necessity for handcraft breeding**
- up to now relatively safe due to strict administrative oversight**
- viable only with the recontextualising work of farmers (and their agricultural advisers)**
- "science based" only to a certain extend – repeatability based on the natural copying mechanism**

### 3. Transgenic crops as an example

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#### 2) Authorisation as a complex and interwoven process.

##### Aspects:

- novelty claim as argument for patenting, naturalness claim as defence against risk attribution
- "utility and safety proven" - patents and regulatory decisions as benchmarks for research funding
- collection of "technology fees" from farmers within a framework of "friendly" service relations
- identity and visibility of the knowledge producer as the base for "genetic pollution" liability claims

**1) Authorisation is a complex process which has to be analysed with respect to the following aspects in the innovation regimes:**

- Importance of different cultures of knowledge for the innovation and their forms of authorisation**
- Configuration of different cultures of authorisation**
- Institutional setting and the interference with the innovation process in different industrial sectors**

### **2) Making visible the cleavages on IPR in different industries:**

- Stricter and more homogeneous IPR as propagated by the US and (partly) by the EU are not in the interest of all stakeholders in all industries.**
- But also the opposite, Open Source, is not necessarily a good fix for all, since it might neglect the "complex entanglements" of the authorisation process.**