



I Upton Cottages, Upton, Somerset, TA4 2JG

The Public Sector Intellectual Property Foundation

This is a simple idea that takes the view that the IP (intellectual property) generated within the public sector is an unrealised asset that should be seen as an opportunity, a way to reduce duplication, and a revenue and efficiency generator.

Every time that I sign a contract with a public body I have to sign away all of the IP generated by that work. This is not because I am developing software; it is for any contract and the clauses are comprehensive. I have no intrinsic objection to this. Public money is buying my time/brain and the public should receive the benefit.

However, there is a problem and opportunity in this approach. Nothing happens to this IP it sits ignored and unused. However that does not mean that it is without influence. I cannot legally go on and develop to deliver the potential market opportunities, efficiencies, and other beneficial impacts that could have accrued. In effect this is risk aversion, not public-spirited behaviour; it contributes directly to duplication, increased cost, and lost opportunity within the public sector.

What could happen if the IP accrued by public sector spending was, by default, assigned to a not for profit foundation? If the resulting IP was classified, categorised and made publicly available then all sorts of possibilities start to emerge.

First, significant duplication of spending could be avoided and cost efficiencies gained. If, as part of all procurement practice, a search was made of an IP register, duplicates and close matches to the desired procurement could be easily identified. Instead of recommissioning the same product or service public money would be saved. The same search would also be able to identify suppliers who had direct experience of developing similar products successfully, and by inviting experienced suppliers to tender significantly improving the quality and competitiveness of the tender pool.

As a recent example, I was not able to tender for a piece of work that exactly duplicated software I had already developed because the tender included the assignment of all IP as a pass/fail evaluation criterion and I had already had to assign the IP to the previous public sector body.

Making the data available publicly would also allow entrepreneurs and social enterprises to identify and develop opportunities. This previously unrealised asset could be utilised to drive growth and business start up. Instead of the public sector behaviour inhibiting innovation the opposite would happen. This in turn with a licensing system would allow the foundation to be sustainable and the original public sector body to generate additional revenues by having a share of the licence. For example it could be actively marketed



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through an auction-type system. Buying cheap IP is after all a major reason for private sector buy-outs.

So what would be needed? Not much really. The foundation would be easy to set up. The software is pretty simple. No significant effort is needed by the public sector. The real challenge would be getting the necessary political buy in to make it happen. Two approaches spring to mind: A high level engagement with the political system, and/or pilot based approach at a regional level.

– Adam Wilkinson