

The Ethics of Incentives for Innovation

In discussions on the economics of IP regimes, underlying assumptions which guide thinking on the social and economic justifications for IPRs often remain unidentified and unexamined. Although wider ethical considerations are often viewed as externalities, the current consideration of innovation in the broader context warrants an analysis of these assumptions from an ethical perspective, supported by explicit articulation of normative ethical principles.

Specifically we are interested in the relationship between what we might describe as the morally legitimate justifications for science and innovation and the motivations for pursuing these activities; and the way in which systems of IPRs interact with these, in theory and in practice. If we are to criticise particular aspects of the current IPR system for failing to fulfil their purposes with respect to science and innovation and with respect to ethics, we will need an adequate account first of what those purposes are, but also an account of how and why they are justified ethically. This in turn will require us to examine the motivations for science and innovation, both theoretical and actual; and consider whether and why these motivations are 'legitimate', morally speaking.

For example, a criticism often levelled at IPRs in their current form is that they prevent access to the benefits of research. Implicit in this criticism are many assumptions: that science *ought* to produce benefits; that those benefits *ought* to be made accessible; and that part of the purpose of IPRs is to facilitate this process. While these are not unreasonable assumptions *per se*, the normative claims underlying them require some moral explanation. What is the purpose – or rather, what are the purposes – of science; how are these purposes fulfilled through the process of innovation; and what is or should be the role of IPRs in supporting this?

This chapter will contribute an interdisciplinary perspective on the ethics of knowledge and innovation. It will examine, and where necessary challenge, the ethical reasoning implicit in economic analyses of IP regimes and uncover significant moral considerations that have been excluded from mainstream thinking on IP. We will explore the motivations for scientific endeavour and innovation and analyse these from an ethical perspective. This includes recognising the tensions that may exist between different, sometimes incompatible aims of science and innovation and considering how competing interests can or should be balanced in this regard. Finally we consider the implications of this analysis for further evaluations of IPRs and their effectiveness. We conclude by articulating some general principles about the uses of science and what purposes it should serve that, we suggest, may be helpful in cross-disciplinary discussions regarding IPRs and ownership of knowledge and innovation.

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