

# *Intellectual Property: Enabling or Limiting?*

## *A Case in Point: Autism an Epidemic*

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User activities involving “Intellectual Property” are often phrased in a “deductive tense.” Property constructs in this tense are viewed as the rights of the content holder against those that would appropriate, lawfully and unlawfully. The wealth of knowledge capable of privatization through Intellectual Property regimes is highly sought after through processes of identification, capture, capitalization and marketing by a universe of individuals, industry and academia. This exercise is structured to question the impact of Intellectual Property regimes in an area of “intellectual activity,” where there are clear social imperatives, heightened levels of research and the potential of significant economic value.

The purpose is to identify current research, determine the boundaries of inquiry and structure original efforts outside accepted normative paths. This project assumes that an underlying premise of intellectual activities is the belief that most ideas of value are incremental, synergistic and cumulative. It assumes that mature ideas have already been captured for their value. It assumes that seeds of new ideas can be found, cultivated and nurtured to maturity, subject to enablement, enhancement or limitation by existing intellectual property regimes.

The exercise was framed around the study of a subject of epidemic proportions – a case study of “Autism” (one child in one hundred sixty nationally and one in fifty New Jersey). The social imperative is compelling; a solution has the potential for obvious “Intellectual Property” value and despite extraordinary levels of research, has defied solution. So the questions were posed: (1) are there areas outside existing research endeavors that might hold the seeds of new approaches to Autism and (2) do existing intellectual property regimes enable or limit research and the potential for innovation and development?

In the best tradition of full disclosure the likelihood of finding new approaches to Autism was understood to be minimal, the probability of failure was high, but the lessons of interaction in a structured inquiry and mapping of intellectual property interfaces was believed to justify the venture. Failure is an excellent learning experience.

The project was also formed around the premise that many ventures that seek to commercialize intellectual content start with relatively “mature” research. They do this through developed regimes of identification, incubation, outreach, capitalization and bringing to market. This could be analogized to “mining.” This is distinct from cultivation or discovery which is the premise of this project to take advantage of new search capabilities, the internet, software that measures concentrations of research, as well as current “readiness” assessment protocols and patent searches that delineate the populated research landscape boundaries and frontiers. Within the existing research lies ideas, concepts, facts, the seeds and catalysts for further research, as well as Intellectual Property regimes which need to be inventoried and noted. Existing research in the Autism case study demonstrates how weighted and concentrated supported research is in the

search for genetic links, gene structures, environmental patterns and the best belief of the day. This case study was deliberate in its design to move into the uncharted frontier, informed by existing studies. The uncharted is not juried, not premised on scientific method, or epidemiological verification. The study was crafted to peruse the wealth of the internet which lies in publication and distribution of intellectual content with all its potential and limitation. What has the world observed relative to factors that might provide a “seed” for further study of Autism? What are the Intellectual Property limitations and potentials and how do parenthetical legal, moral and other issues implicate further development or privatization?

This exercise has served to identify search techniques and sources of information. At the same time lists of legal issues were made premised on the location of the information gathered, the uses that were made of the information, what obligations exist if the information was derived from proprietary data bases or by the reading of papers, reports or collected data from proprietary research. Of concern, as well, were the implications of included “ideas” that gave rise to “new” ideas which ultimately led to novel or parallel processes of thinking.

This paper constitutes a sharing of one semester of inquiry. There are no answers, just questions. There are no proprietary claims, but an invitation to open source collaboration or stimulated seed planting by any reader. The exercise will most likely be ongoing from both a technology transfer and intellectual property perspective, This paper will highlight a few of the factors noted during a traditional search through existing funded grants, as well as a sampling of general materials found through the use of search engines. It will present at length both (1) the original project description and (2) an example of “out of the box” thinking during in class student presentations, discussion and adaptation of parallel thinking regarding Autism, in this instance from the perspective of a system’s analyst. Finally, limitations on further research to test and verify the working hypothesis because of conventional structures, as well as those of moral, ethical and legal concern will be noted.

