



Munich Personal RePEc Archive

Upstream innovation protection: common law evolution and the dynamics of wage inequality

Guido Cozzi and Silvia Galli

Durham University, Hull University

22. March 2011

Online at <http://mpra.ub.uni-muenchen.de/31902/>

MPRA Paper No. 31902, posted 29. June 2011 12:35 UTC

Upstream Innovation Protection: Common Law Evolution and the Dynamics of Wage Inequality

Guido Cozzi* and Silvia Galli†

Abstract

The incentives to conduct basic or applied research play a central role for economic growth, and this question has not been explored in much detail so far. How does increasing early innovation appropriability affect basic research, applied research, education, and wage inequality? In the US, what does the common law system imply on the macroeconomic responses to institutional change?

This paper analyzes the macroeconomic effects of patent protection by incorporating a two-stage cumulative innovation structure into a quality-ladder growth model with skill acquisition. We consider three issues (a) the over-protection vs. the under-protection of intellectual property rights; (b) the evolution of jurisprudence shaping the bargaining power of the upstream innovators; and (c) the implications of strengthening patent protection on wage inequality and growth.

We show analytically and numerically how the jurisprudential changes in intellectual property rights witnessed in the US after 1980 can be related to the well-known changes in wage inequality and in education attainments. Basic research patents may have grown disproportionately due increasing jurisdictional protection, eventually compromising applied innovation, education, and growth. By simulations, we show that the dynamic general equilibrium iterations may mislead the econometric assessment of the temporary vs persistent effects IPR policy.

*Durham University Business School, room 118, Mill Hill Lane, Durham, DH1 3LB, United Kingdom, e-mail: guido.cozzi@durham.ac.uk

†Hull University Business School, Economics, Cottingham Road, Hull HU6 7RX, United Kingdom, e-mail: s.galli@hull.ac.uk

Keywords: Basic and Applied R&D, Two-Stage Sequential Innovation, Skill Premium, Inequality and Education, Common Law. *JEL Classification:* O31, O33, O34.

1 Introduction

As is well known, the US economy in the 1980s witnessed the following phenomena:

1. A sustained increase in the skill premium;
2. A sustained increase in the educated fraction of the population;
3. A strengthening of the intellectual property of upstream research¹.

Points 1 and 2 are well known² in the macroeconomics debate (see Acemoglu 2002 for an excellent review) and have motivated explanations based on directed technical change, ability biased technical change, erosion of low skilled wages associated with older technologies, globalization, government procurement. Acemoglu (1998 and 2000b) and Kiley (1999) show that education increases the market for the skill complementary inputs, thereby driving up the profitability of innovations that increase the productivity of the skilled and therefore the returns to higher education. Galor and Moav (2000) offer a theory in which, unlike the direct technical change approach, skills are endogenous, and the demand for schooling is increasing with ability-biased technological change, as widely documented empirically. Sector/technology-specific human capital investment by low skill workers as a source of a positive relationship between growth and inequality is studied by Gould, Moav, and Weinberg (2001). Dinopoulos and Segerstrom (1999) show that the decrease in trade barriers, by enlarging the market size for successful innovations, increases the returns to education. This is so because skilled labour is used more intensively in the knowledge creation activities. Sener (2001) reinforced this channel in the presence of unskilled Schumpeterian unemployment. Finally, Cozzi and Impullitti (2010) document a progressive change in the US government expenditure towards a bigger share of high technology goods; this may have increased the profits of the technologically more dynamic sectors, thereby increasing the returns to college.

In this paper, we assess the potential marginal importance of point 3: a strengthening of the intellectual property of upstream research.

In order to provide new insights on the links between intellectual property, innovation, education and inequality, we combine a closed-country version of Dinopoulos and Segerstrom's (1999) dynamic general equilibrium model with cumulative innovation and educational choice, with a two-stage cumu-

¹"Upstream" is meant to incorporate basic research and early stage development process.

²For points 1 and 2, see Author et al. (1998).

lative innovation structure *a la* Grossman and Shapiro (1987) and Green and Scotchmer (1995). Unlike Chu's (2010) unambiguous effect of general IPR strengthening on inequality, we show that tightening patent protection in basic research may increase or decrease wage inequality. Similarly to Furukawa (2007), increasing upstream patent rights has an inverted U-shaped effect on growth, but due to restricted development rather than reduced experience.

In our framework, basic and applied research technologies are heterogeneous and the bargaining power of the upstream innovation changes³, thus stylizing the evolution of the US jurisprudence after 1980. From that date on, the US national system of innovation has been re-shaped by a sequence of important new laws and by a cumulative sequence of sentences that set the precedents for future modifications in the jurisprudence. All these changes pointed to an increase in the appropriability of innovations at their initial stages⁴. Being the US a common-law regime, the jurisprudence evolved gradually⁵ in the direction of stricter intellectual protection of research tools, basic research ideas⁶, etc. This process took a quarter century, culminating in the 2002 *Madey vs. Duke University* Federal Circuit's decision, which completed a process of elimination of the "research exemption" to patent claims. We conjecture that, along with other factors, it may have contributed to lead the economy along a transition characterized by increasing wage inequality and higher education attainments and innovation, after an initial productivity slowdown. Interestingly, the more recent cases seem to be witnessing an opposite trend, most notably *Merck vs Integra Lifesciences* (2005), in which the Supreme Court decided to re-affirm research exemption in the pharma-

³Our framework somewhat complements Eicher and García-Peñalosa, (2008), that envisages endogenous IPR based on firm choice, instead of on jurisprudence evolution.

⁴Including the Stevenson-Wydler act of 1980 and the Bayh-Dole act, of 1980, amended the patent law, to facilitate the commercialization of inventions obtained thanks to government funding, especially by universities. The pro-early innovation cultural change is also reflected in the increasing protection of trade-secrets - starting in the 80s with the Uniform Trade Secret Act and culminating with the Economic Espionage Act of 1996 (Cozzi, 2001, and Cozzi and Spinesi, 2006) - as well as in the increasingly positive attitude towards software patents (Hunt, 2001, Hall, 2009), culminating in the Final Computer Related Examination Guidelines issued by the *USPTO* in 1996.

⁵In our case, it is important to recall Janice Mueller's (2004) account of the common law development of a narrow experimental use exemption from patent infringement liability: with special reference to the discussion of the change in the doctrine from 1976's *Pitcairn v. United States*, through 1984's Federal Circuit decision of *Roche Products, Inc. v. Bolar Pharmaceutical Co.*, all the way to *Madey v. Duke University* in 2002.

⁶See Gallini (2002), Mueller (2002 and 2004), Scotchmer (2004).

ceutical sector.

The US legal system, as the legal systems of most of the Commonwealth countries, includes in the list of the sources of right the common law⁷. The essence of the common law is that it is made by judges sitting in courts, by applying their common sense and knowledge of legal precedent (*stare decisis*) to the facts before them. It is founded on the concept of precedence on how the courts have interpreted the law: under common law the decisions are reached by analogy, after comparing the facts of a particular case to similar previous cases. During the early 1980s began a progressive process in which the U.S. Court decisions changed from the old doctrine limiting the patentability of early-stage scientific discoveries to the conception that also fundamental basic scientific findings (such as genetic engineering procedures or semiconductor designs) are patentable.

If what deeply characterizes common law (and sharply separates it from the Continental Europe type legal systems) is an uninterrupted continuity such that within the *stare decisis* regime an institutional break point is even hardly conceivable, we must conclude that the analysis of the effects of the US patent policy on the economy is forced to include the whole transition dynamics. The law and economics literature is currently modelling the evolution of the case law in the perspective of analyzing Benjamin Cardozo's and Richard Posner's view of common law as efficiency promoting. In fact, according to this influential view, unlike civil law, being the common law decentralized, it follows the aggregate decision making of several heterogeneous judges, whose idiosyncratic opinions average one another. Moreover, the very sequential precedent structure, implies that (Gennaioli and Shleifer, 2007b) one appellate court overrules another's decision, tending to progressive mitigation and efficiency only if the majority of the judges is unbiased, depending also on the judge's effort cost of changing the legal rule established in a precedent. Appellate courts may change a previously established legal rule also by "distinguishing" the case based on the consideration of a "previously neglected dimension" (Gennaioli and Shleifer, 2007a), which can facilitate convergence towards a more efficient legal rule. We inquire on whether the increasingly pro-upstream R&D court orientation from 1980 to 2002 has been following an improvement in promoting innovation or if it has ended up following the bias of less and less liberal judges. In this

⁷Another important source of change in sharpening IPRs can be driven by special interests, as studied by Chu (2008).

paper, we look for potentially detectable aspects of the time series of several important variables - skill wage premium, education, innovation, labour force allocation, market value of patents, etc. - associated with either long-term evolution of the legal rules. In doing so, we follow a dynamic general equilibrium perspective, which forces us to assume that economic agents are sufficiently intelligent to detect what "trend" is occurring, and suitably take optimizing decisions.

In order to analyze the effects of an expected and progressive change in the patent protection of basic research, we therefore need to simulate all variables in their transitional dynamics. We will extract lessons from our numerical results, useful to detect whether an increasingly more strict basic research protection common law doctrine is gradually facilitating the national system of innovation or evolving for the worse.

The remainder of this paper is organized as follows. Section 2 and Section 3 set the model and Section 4 characterizes the equilibrium. Section 5 the growth maximizing steady-state upstream innovator share in a simple special case, useful as a benchmark. In Section 6 we show the numerical simulations. Section 7 concludes.

2 The Model

2.1 Households

We assume a large number of dynastic families, normalized to 1 for simplicity, whose members, born at birth rate $\tilde{\beta}$ and passing away at rate δ , live a period of duration D . The resulting population growth rate⁸ is $g = \tilde{\beta} - \delta > 0$. This demographic structure implies the following restrictions: $\tilde{\beta} = \frac{ge^{gD}}{e^{gD}-1}$ and $\delta = \frac{g}{e^{gD}-1}$.

At time t the total number of individuals is e^{gt} . Each individual can spend her life working as unskilled or studying the first $T_r < D$ periods and then working as skilled. Each individual cares only about the utility of the average family member. Hence, despite bounded individual life, the individual decisions are taken within the household by maximizing the following

⁸Dinopoulos and Segerstrom (1999) have first developed the overlapping generations education framework followed here. Boucekkine et al. (2002) and Boucekkine et al. (2007) recently studied population and human capital dynamics in continuous time and off steady states and numerically calibrated in a way methodologically more similar to ours.

intertemporally additive utility functional:

$$U = \int_0^\infty e^{-\rho t} u(t) dt, \quad (1)$$

where $\rho > 0$ is the subjective rate of time preference. Per-family member instantaneous utility $u(t)$ is defined as:

$$u(t) = \int_0^1 \ln \left[\sum_j \gamma^j d_{jt}(\omega) \right] d\omega, \quad (2)$$

where $d_{jt}(\omega)$ is the individual consumption of a good of quality $j = 1, 2, \dots$ and produced in industry ω at time t , and bought at price $p_{jt}(\omega)$. Parameter $\gamma > 1$ measures the size of the quality upgrades.

Defining percapita expenditure on consumption goods as $E(t) = \int_0^1 \left[\sum_j p_{jt}(\omega) d_{jt}(\omega) \right] d\omega$, the real interest rate as $i(t)$, and time 0 family wealth as $A(0)$, the intertemporal budget constraint is $\int_0^\infty e^{gt - \int_0^t i(\tau) d\tau} E(t) dt \leq A(0)$.

Following standard steps of quality ladders models⁹, the consumers will only buy good with the lowest quality adjusted price, and the Euler equation follows:

$$\dot{E}(t)/E(t) = i(t) - (\rho + g) = r(t) - \rho, \quad (3)$$

where $r(t) \equiv i(t) - g$ is the population growth deflated instantaneous market interest rate at time t , and, together with the transversality condition, determines consumer choice.

Individuals differ in their learning ability θ , which, for each generation, is uniformly distributed in the unit interval. Hence an individual of ability $\theta \in [0, 1]$ will be able to acquire $\theta - \Gamma$ units of human capital after an indivisible training period of length T_r . The only cost of education is the individual's time, which prevents her from earning the unskilled wage w_u . In what follows we choose unskilled labour as our numeraire, and therefore set $w_u(t) = 1$ at all $t \geq 0$.

Hence an individual born at t with (known) ability $\theta(t) \in [0, 1]$ and who decides to educate herself will earn nothing from t to $t + T_r$, and then earn a skilled wage flow $(\theta(t) - \Gamma)w_H(s)$ at all dates $s \in [t + T_r, t + D]$, which implies that at time t there will exist an ability threshold $\theta_0(t) \in [\Gamma, 1]$ below

⁹See Segerstrom et al. (1990), Grossman and Helpman (1991) and Segerstrom (1998).

which the individual decides to work as an unskilled. Threshold $\theta_0(t)$ solves the following equation:

$$\int_t^{t+D} e^{-\int_t^s i(\tau) d\tau} ds = (\theta_0(t) - \Gamma) \int_{t+Tr}^{t+D} e^{-\int_t^s i(\tau) d\tau} w_H(s) ds,$$

obtaining

$$\theta_0(t) = \Gamma + \frac{\int_t^{t+D} e^{-\int_t^s i(\tau) d\tau} ds}{\int_{t+Tr}^{t+D} e^{-\int_t^s i(\tau) d\tau} w_H(s) ds}. \quad (4)$$

Since in a steady state $i(t) = \rho + g$, the steady state level of $\theta_0(t)$ is

$$\theta_0 = \Gamma + \frac{1 - e^{-(\rho+g)D}}{[e^{-(\rho+g)Tr} - e^{-(\rho+g)D}] w_H}, \quad (5)$$

where w_H denotes the steady state skill premium.

2.2 Manufacturing

In each final good industry $\omega \in [0, 1]$ and for each quality level $j(\omega)$ of the good, production is carried out according to the following Cobb-Douglas technology

$$y(\omega, t) = X^\alpha(\omega, t) M^{1-\alpha}(\omega, t), \text{ for all } \omega \in [0, 1], \quad (6)$$

where $\alpha \in (0, 1)$, $y(\omega, t)$ is the output flow at time t , $X(\omega, t)$ and $M(\omega, t)$ are the skilled and unskilled labour inputs. In each industry firms minimize costs by choosing input ratios

$$\frac{X(\omega)}{M(\omega)} = \frac{1}{w_H(t)} \frac{\alpha}{1 - \alpha}. \quad (7)$$

The total percapita amount M of unskilled labour only works in the manufacturing sectors. Therefore the aggregate skilled labour demand is equal to:

$$X(\omega, t) = \frac{1}{w_H(t)} \left(\frac{\alpha}{1 - \alpha} \right) M(t)P(t) \quad (8)$$

In percapita terms,

$$x(\omega, t) \equiv \frac{X(\omega, t)}{P(t)} = \frac{1}{w_H(t)} \left(\frac{\alpha}{1 - \alpha} \right) M(t) \equiv x(t). \quad (9)$$

As in Aghion and Howitt (1992), skilled labour can also work in the R&D sectors. Therefore, a higher skill premium $w_H(t)$ frees resources for the R&D sectors.

We assume instantaneous Bertrand competition in all sectors. Since only the owner of the most recent top quality good patent can produce the top quality version of its sector good, the equilibrium price will be equal to a mark-up $\gamma > 1$ over the unit cost $c(w_H(t), 1)$. Moreover, being demand unit elastic, percapita demand is $d(t) = \frac{E}{\gamma c(w_H(t), 1)}$. Therefore is each sector the temporary monopolist who owns the top quality product patent earns the same profit which, in percapita terms, is equal to¹⁰:

$$\begin{aligned} \pi(t) &= \frac{\gamma - 1}{\gamma} E(t) = (\gamma - 1) \frac{w_H(t)x(t)}{\alpha} = \\ &= (\gamma - 1) \frac{1}{1 - \alpha} m(t). \end{aligned} \quad (10)$$

3 R&D and Innovation

The quality level j of each final product of variety $\omega \in [0, 1]$ can increase as a result of R&D undertaken by private firms. In order to capture the interaction between basic and applied research, we assume - as in Cozzi and Galli (2008) - that a basic research idea is a pre-requisite to applied research and applied R&D success opens the door for a further basic research advance. Hence, the innovative process leading to a final product quality is a two-stage process. The first stage - basic research - of the product quality jump is

¹⁰The second equality builds on the Cobb-Douglas property that minimum total cost is $\left[\left(\frac{1-\alpha}{\alpha} \right)^{-(1-\alpha)} + \left(\frac{\alpha}{1-\alpha} \right)^{-\alpha} \right] w_s^\alpha w_u^{1-\alpha} X^\alpha(\omega) M^{1-\alpha}(\omega)$. Hence profit is $(\gamma - 1)$ times total cost. Using eq. (8) and simplifying gives the result.

the outcome of a Poisson process with probability intensity $\frac{\lambda_0}{P(t)} \left(\frac{N_B(\omega, t)}{P(t)} \right)^{-a}$ per unit of research labour, where $\lambda_0 > 0$ is a basic research productivity parameter, $N_B(\omega, t)$ is the mass of research labour employed in sector ω at time t , and $a > 0$ is a congestion externality parameter.

The second stage - applied research - completes the basic research idea and generates the new higher quality good according to a Poisson process with probability intensity $\frac{\lambda_1(t)}{P(t)} \left(\frac{N_A(\omega, t)}{P(t)} \right)^{-a}$ per unit of research labour, where $\lambda_1(t) > 0$ is an applied research productivity, viewed by the firms as a constant; $N_A(\omega, t)$ is the mass of research labour employed in sector ω at time t ; and $a > 0$ is the congestions externality parameter. The presence of population size, $P(t)$, in the denominator states that R&D difficulty increases with the total population in the economy¹¹, which delivers endogenous growth without the strong scale effect¹², as suggested by Smulders and Van de Klundert (1995), Young (1998), Peretto (1998 and 1999), Dinopoulos and Thompson (1998), Howitt (1999), and recently confirmed empirically by Ha and Howitt (2006) and Madsen (2008).

Defining $n_B(\omega, t) \equiv \frac{N_B(\omega, t)}{P(t)}$ and $n_A(\omega, t) \equiv \frac{N_A(\omega, t)}{P(t)}$, as the skilled labor employment in each basic and, respectively, applied R&D sector, we can express the expected innovation rate in a ω' sector undertaking only basic R&D as $\lambda_0 n_B(\omega', t)^{1-a}$ and the expected innovation rate in a ω'' sector undertaking only applied R&D as $\lambda_1(t) n_A(\omega'', t)^{1-a}$. All stochastic processes are independent both across sectors and across firms. Hence, the existence of a continuum of sectors implies that the law of large number applies and aggregate variables evolve deterministically. Since all sectors switch from hosting only basic R&D firms - belonging to subset $A_0(t) \subset [0, 1]$ - to hosting only applied R&D - belonging to subset $A_1(t) \subset [0, 1]$ - the mass of sectors belonging to each type will flow deterministically¹³. Notice that $A_0(t) \cup A_1(t) = [0, 1]$ and $A_0(t) \cap A_1(t) = \emptyset$. Moreover, in our model, symmetric equilibria exist, allowing us to simplify notation: $n_B(\omega, t) \equiv n_B(t)$ and $n_A(\omega, t) \equiv n_A(t)$. Therefore, if $m(A_0(t)) \in]0, 1[$ is the Lebesgue mass of the $A_0(t)$ subset - and hence $m(A_1(t)) = 1 - m(A_0(t))$ the Lebesgue mass of $A_1(t)$ subset - its evolution would be deterministic and described by the following first order

¹¹Population density favour innovation at the local level (see Hunt, Chatterjee, and Carlino, 2001): according to this solution to the strong scale effect, the dilution of R&D is not related to population density, but with the overall size of the economy.

¹²See Dinopoulos and Thompson (1999) and Jones (2005).

¹³Provided the initial mass Lebesgue mass of each was positive.

differential equation:

$$\frac{dm(A_0(t))}{dt} = (1 - m(A_0(t))) \lambda_1(t) (n_A(t))^{1-a} - m(A_0(t)) \lambda_0 (n_B(t))^{1-a}. \quad (11)$$

We assume that the aggregate output of basic research increases the productivity of applied research: $\lambda_1(t) = \bar{\lambda}_1 \left(1 + \lambda_0 \left[\int_0^1 n_B(\omega, t) d\omega \right]^{1-a} \right)^\varphi$, where $\bar{\lambda}_1$ and φ are positive constants. This formulation introduces the possibility of cross-fertilization of applied research by other sector's basic research findings¹⁴. In symmetric equilibrium $\lambda_1(t) = \bar{\lambda}_1 (1 + \lambda_0 [n_B(t)]^{1-a})^\varphi$.

We assume free entry into basic and applied research. Each inventor, be she basic or applied, is granted a patent. However, though the first R&D firm that invents a new final product gets the patent anyway, it will infringe the patent held by the previous basic research inventor. Therefore it will have to bargain with the basic research patent holder in order to produce the new version of this good.

Such a framework, incorporating to Green and Scotchmer (1995) research exemption regime for pure research tools¹⁵, captures important aspects of the real world disputes between inventors whose patent claims allow the blocking of inventions¹⁶. The share, $\beta(t) \in]0, 1[$, of the final product (applied) patent value assigned - at the end of the negotiations taking place at time t - to the upstream (basic) patent holder¹⁷ captures time t court orientation towards intellectual property. Changes in the jurisprudence towards stronger patent claims and weakening research exemptions would correspond to increases in $\beta(t)$, whereas a gradually looser upstream patent holder protection and

¹⁴This is complementary to Howitt's (1999) assumption of general knowledge, $A_t^{\max}$, being positively affected by the aggregate applied R&D.

¹⁵Also see Scotchmer (2004) and Nagaoka and Aoki (2006) for microeconomic analysis of this important case.

¹⁶O'Donoghue and Zweimueller (2004) and Chu (2009) are indirectly related, as they capture the role of patent claims in molding the bargaining between current and future innovators: their concepts of patentability requirement and leading breadth could be re-adapted here to accomodate the blocking power of the upstream patent holder.

¹⁷Assuming that basic and applied innovators matched and targeted applied innovator-specific innovations, could re-read this strategic interaction as Aghion and Tirole's (1994a and b) research unit (RU) and customer (C). Then our case would clearly correspond to when RU's effort is important ($\tilde{U}_C > U_C$), which implies that "the property right is allocated to RU" (Aghion and Tirole, 1994b, p. 1191). In this light, our $\beta(t)$ generalizes Aghion and Tirole's (1994a and b) equal split assumption.

stronger research exemptions would correspond to a declining $\beta(t)$. In the rest of the paper we will consider gradual changes in patent policy in terms of the sign of $\dot{\beta}(t)$. In fact, we assume that the following holds:

$$\dot{\beta}(t) = (1 - \psi)(\bar{\beta} - \beta(t)). \quad (12)$$

Equation (12) is a linear differential equation with constant coefficient, which describes the speed of change in $\beta(t)$ per unit time. Parameter $\psi < 1$ guarantees asymptotic stability and $\bar{\beta} \in]0, 1[$ is the steady state. We will consider the progressive tightening of intellectual property rights in the US as the result of a sudden change in $\bar{\beta}$, which determines a gradual increase in $\beta(t)$ from its previous lower steady state level to its new level. It is important to notice that we are in a rational expectation framework: all economic agents after the regime change can predict the successive increases in $\beta(t)$, and the transition to a tight IPR regime is known to the agents from the beginning and all decisions are re-optimized. Hence all our numerical simulations are immune to Lucas' critique, unlike other models that, albeit assuming dynamic general equilibrium, treat the gradual policy changes as a sequence of surprises. The reason why we think our approach is appropriate is that from 1980 on IPR policy has steadily and progressively been tightening and progressively become more and more biased toward earlier innovator. This steady upstream shift of innovation incentives was too regular not to be incorporated in people's expectations¹⁸, which leads law scholars to view 1980 as a sort of structural break of equation (12), and forces us to study the whole transitional dynamics of the model's economy. The statutory decisions taken in the early 1980 triggered a gradual change in the common law¹⁹.

4 Equilibrium

Let us define v_B, v_L^0 , and v_L^1 as the population-adjusted present expected value of a basic research patent (v_B), of an A_0 industry quality leader (v_L^0), and of an A_1 industry challenged leader (v_L^1).

¹⁸Unless focussing attention only on a short time span, as in Cozzi and Galli (2008) and Aghion et al. (2008).

¹⁹According to Fon and Parisi (2006), such a case evolution could also appear in a civil law system.

Costless arbitrage between risk free activities and firms' equities imply that in equilibrium at each instant the following equations shall hold:

$$w_H(t) = \lambda_0 n_B(t)^{-a} v_B(t) \quad (13a)$$

$$r(t)v_B(t) = \lambda_1(t)n_A(t)^{1-a} (\beta(t)v_L^0(t) - v_B(t)) + \frac{dv_B(t)}{dt} \quad (13b)$$

$$w_H(t) = \lambda_1(t)n_A(t)^{-a} (1 - \beta(t)) v_L^0(t) \quad (13c)$$

$$r(t)v_L^0(t) = \pi(t) - \lambda_0 n_B(t)^{1-a} (v_L^0(t) - v_L^1(t)) + \frac{dv_L^0(t)}{dt} \quad (13d)$$

$$r(t)v_L^1(t) = \pi(t) - \lambda_1(t)n_A(t)^{1-a} v_L^1(t) + \frac{dv_L^1(t)}{dt} \quad (13e)$$

The value of a monopolist in an A_0 industry, v_L^0 , has to obey equation (13d): in fact, the shareholders of the current quality leader compare the (population growth adjusted) risk free income, rv_L^0 , obtainable from selling their shares and buying risk free bonds to the expected value of their profits, π , net of probable capital loss, $\lambda_0 n_B^{1-a} (v_L^0 - v_L^1)$, in case a new basic research result appears in the industry.

As soon as a new basic R&D result appears in the industry, the incumbent monopolist's value falls down to a lower, but still positive, value v_L^1 , which has to obey eq. (13e): as before, risk free income is equated to expected profits net of expected capital loss, but now the probability of the basic research idea's being completed by applied research in the industry, $\lambda_1 n_A^{1-a}$, is the monopolistic profit hazard rate, as the arrival of the new final product implies the complete displacement of the current leading edge product.

Equation (13a) characterizes free entry into basic R&D (in an A_0 industry), equalizing the skilled wage to the probability $\lambda_0 n_O^{-a}$ of inventing times the value v_B of the resulting patent.

Equation (13b) equates the risk free income from selling a basic R&D patent, rv_B , to the expected present value of holding it in an A_1 industry. These expected increase in value deriving from someone else's - the n_A downstream researchers' - discovering the industrial application, of value v_L^0 , plus the gradual appreciation in the case of someone else's R&D success not arriving, $\frac{dv_B}{dt}$.

Equation (13c) is the free entry condition for downstream completers that rationally expect to appropriate only fraction $1 - \beta$ of the value of the final good monopolist.

As in the previous section, the industrial dynamics of this economy is described by equation (11):

$$\frac{dm(A_0(t))}{dt} = (1 - m(A_0(t))) \lambda_1(t) (n_A(t))^{1-a} - m(A_0(t)) \lambda_0(t) (n_B(t))^{1-a}. \quad (14)$$

These equations must be supplemented with the skilled labour market equilibrium condition

$$x(t) + m(A_0(t)) n_B(t) + (1 - m(A_0(t))) n_A(t) = h(t), \quad (15)$$

where $h(t) \equiv H(t)/P(t)$ is the aggregate population-adjusted human capital.

5 Analysis of a Benchmark Special Case

The analytical results of this sections are obtained under the assumption that $\rho = 0$, but since all steady state equations are continuous in all variables and parameters, comparative statics holds in a positive neighborhood where $\rho > 0$. Notice that in the steady state the real interest rate is $i = r + g$, and our assumption implies $i = g > 0$. Hence equations where ρ appears do not formally change²⁰. For simplicity, we will also assume $\varphi = 0$: this eliminates the externality of basic research on applied research.

Notice that eq. (13b), the steady state definition and $r = 0$ imply:

$$v_B = \beta v_L^0.$$

From this and from eq.s (13a) and (13c):

$$n_A = \left(\frac{\lambda_1}{\lambda_0} \frac{1 - \beta}{\beta} \right)^{\frac{1}{a}} n_B. \quad (16)$$

²⁰More generally, even assuming $g = 0$, and therefore $\rho = 0$ would not imply complications, as straightforward application of De L'Hospital's theorem would imply $\lim_{\rho \rightarrow 0} \theta_0 = \gamma + \frac{D}{(D-Tr)w_H}$.

From equations (13d) and (13e), the steady state definition and $r = 0$ we can write:

$$v_L^0 = \left[\left(\frac{\lambda_1}{\lambda_0} \right)^{\frac{1}{a}} \left(\frac{1-\beta}{\beta} \right)^{\frac{1-a}{a}} + 1 \right] v_L^1. \quad (17)$$

Imposing the steady state into (14) and using (16) yields:

Lemma 1. *The steady state equilibrium fraction of industries where basic R&D is active is*

$$m(A_0) = \frac{1}{1 + \left(\frac{\lambda_0}{\lambda_1} \right)^{\frac{1}{a}} \left(\frac{\beta}{1-\beta} \right)^{\frac{1-a}{a}}}. \quad (18)$$

Lemma 1 indicates is that the higher the difficulty of basic research (applied research), i.e. the lower λ_0 (the lower λ_1) the higher the fraction of sectors where basic (applied) R&D is needed.

This has implications for R&D enhancing regulation:

Proposition 1. *The growth maximizing upstream inventor share, β^* , of the final good patent value is equal to:*

$$\beta^* = \frac{\lambda_1}{\lambda_0 + \lambda_1} = \frac{1}{\frac{\lambda_0}{\lambda_1} + 1}. \quad (19)$$

Proof. See Appendix.

Proposition 1 states that the innovators should be rewarded proportionally more in the stages of R&D where innovation is harder to achieve. Plugging β^* into eq. (16) implies that at the optimal policy $n_A = n_B$. Hence the optimal share is higher in the (sub-)industries where (equilibrium) innovation is slower - expected times $\frac{1}{\lambda_0 n_B^{1-a}} > \frac{1}{\lambda_1 n_A^{1-a}}$ imply $\beta^* > 0.5$ and viceversa.

It is important to notice that here β^* is common across industries without the risk of a "one-size-fits-all" loss (Chu, 2010) only because all industries are symmetric. However, with heterogenous industries, it would be interesting to generalise this result.

6 Numerical Simulations

In this section we illustrate a representative example of the kind of trajectories we have obtained for the endogenous variables, following the announcement of a regime change in the law of motion of the share of the final value of applied R&D that will be assigned to the basic researcher. This corresponds to a sudden change in the steady state value of eq. (12) that gradually drives the system towards the new steady state. We ran several discrete approximations of the differential equations (27), (30), (12), (33), (13b), (13d), (13e), (39),(40), (37), (38), (14), and cross-equations restrictions (13a), (13c), (9), (10), (15), and (34), obtaining remarkably robust results²¹.

We set the intra-sectorial congestion parameter $a = 0.3$, consistently with Jones and Williams' (1998) and (2000) calibrations.

We set the mark-up γ to 1.68, consistently with what estimated by Roeger (1995) and Martins et al. (1996).

Parameter $\alpha = 1$ - the share of high skilled workers²² in manufacturing production, is consistent with Berman, Bound, and Griliches, (1994).

We set benchmark values of our new parameter at $\lambda_0 = \bar{\lambda}_1 = 1$, $\varphi = 0.01$, but results are robust to huge variations of them.

Parameters $D = 40$, $n = 0.01$, $T_r = 4$, $\Gamma = 0.75$ follow Dinopoulos and Segerstrom (1999).

For the real rate of return on consumer assets, we adopt the usual $r = 0.05$, common in the literature.

As for the common law adjustment parameter, we set $\psi = 0.9$.

We assume that the economy begins with a steady state associated with a given value of $\bar{\beta}$. Then $\bar{\beta}$ changes and the common law share of the basic research inventor starts to head to its new steady state value.

In order to make different simulations comparable, we plot the trajectories of the deviations of the value of each variable from its initial steady state value, divided by its initial steady state value.

Figure 1 assumes that, after a long term (40 periods) initial value of $\bar{\beta} = 0.35$, it suddenly changes to $\bar{\beta} = 0.5$. As a consequence of Proposition 1, such a change will be beneficial for long term growth.

²¹The Matlab and Dynare files obtained to simulate our model are available upon request to the authors.

²²We here restrict to the share of technician workers in manufacturing in the late Eighties, as indicated by Berman, Bound, and Griliches, (1994). We are ignoring other white collars, though our simulations are quite robust to alternative specifications.

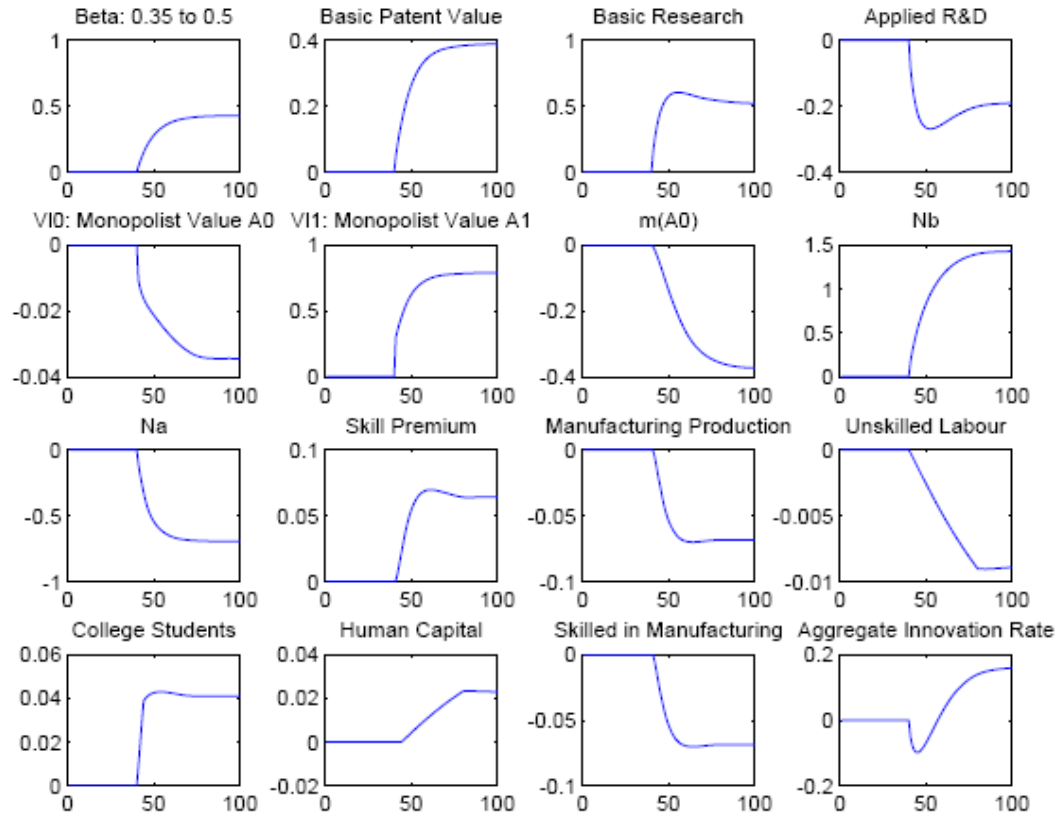


Figure 1

Such a change is clearly growth improving from a steady state perspective: in the long run the new steady state is characterized by a higher rate of aggregate growth, a higher skill premium, a higher fraction of population choosing to educate themselves ("college students") and a higher aggregate human capital. A higher value of β means a higher fraction of the final invention appropriated by the basic researcher who invented its basic research prerequisite and a lower value of the final product appropriated by the applied researcher who invented its commercializable version. Therefore basic research is becoming more profitable (higher "Basic Patent Value", v_B) and applied research less profitable. Consequently basic research employment increases - both at the aggregate ("Basic Research") and at the industry, ("Nb") level - and applied research employment decreases both at the aggregate ("Applied R&D") and at the industry, ("Na") level. A consequence of this is that in the long run the stock market value (v_L^1) of an A_1 monopolist increases - as it faces less obsolescence - while the long run stock market value (v_L^0) of an A_0 monopolist decreases, as it faces more obsolescence. Since the positive incentives to basic R&D outweigh the negative incentives to applied R&D, R&D as a whole becomes more profitable and more skilled labour is demanded. Therefore the skill premium, w_H , increases, thereby inducing a larger fraction of the population to enrol at university. This will gradually increase the supply of human capital and decrease the supply of unskilled labour.

In the transitional dynamics, it is important to notice that as the change in the long-term court orientation $\bar{\beta}$ is forecast by the private actors, all the stock variables - $\beta(t)$, $h(t)$, $m(t)$, and $m(A_0(t))$ - are predetermined, and for example by eq. (10), $\pi(t)$ is constant. Hence only jump variables such as prices, wages, and employment change. Being $\beta(t)$ monotonically increasing, the relative incentives of basic versus applied research are gradually changed in favor of basic and to the detriment of applied research. However, the dynamics of $\beta(t)$ interacts with the intrinsically dynamic nature of the R&D process, in a way that is not captured by the mere comparative statics of steady state analysis: in fact, the expectation of higher future values of $\beta(t)$ certainly favours current basic research - the completion of which will take place in the future - without harming current applied R&D with the same intensity. To fix ideas, imagine that basic research takes place in one period, as does applied research: the announcement of a higher β next period does not penalise current applied R&D while instead encouraging current basic research - which is promised a higher share of the future dis-

covery. In our continuous time framework the same effect is at work: $\dot{\beta}(t) > 0$ favours the expectedly late fruits of basic research more than it reduces the expectedly earlier gains of applied research. As a consequence, aggregate R&D is favoured, and the increase in the demand for $n_B(t)$ is matched by a lower decrease in the demand for $n_A(t)$, which implies that the difference $m(A_0(t))n_B(t) - [1 - m(A_0(t))]n_A(t)$ increases and must be matched by a decrease in $x(t)$: the increase in the net demand for R&D labour can be satisfied only by a decrease in the manufacturing skilled-labour employment. This temporary excess demand for skilled labour is the reason for the immediate increase in the skill premium. As time passes, the increase in $w(t)$ will encourage marginally less able students to enroll to college, thereby leading to a future increase in the aggregate supply of human capital and to a partially offsetting effect on $w(t)$. However, as long as $\dot{\beta}(t)$ keeps increasing the demand for R&D labour continues to grow, though the decline in $\dot{\beta}(t)$ will eventually correct the previously mentioned intertemporal asymmetry that favoured basic research more than it disincentived applied R&D.

Interestingly, the aggregate innovation rate initially decreases: the reason is that R&D is shifting upstream towards basic research, thereby reducing applied R&D; this slows down the completion of existing basic research projects, which has a negative effect on innovation. However, in the longer run, the increase in the flow of basic research results will more than compensate a thinner applied R&D effort²³.

It is interesting to observe an initial slump in innovation follows the beneficial increase in IPR, which may resemble the puzzling "productivity slowdown" measured in the US during the early Eighties²⁴. Our stylized representation suggest that economists should not lose their optimism about innovation enhancing policies based on shorter term R&D reallocation effects coupled with improvements in the population educational choices. Notice that this explanation of the productivity slowdown complements the observation of the GDP decrease associated to the mere reduction in skilled labour manufacturing employment $x(t)$, which is a consequence of the reduction in available inputs (skilled labour) and therefore not accounted for by the Solow

²³Our results remind Waelde (2005) and Waelde and Woitek (2004), which, in a different framework, show how economic fluctuations originate endogenously in the economy and the R&D acts as a mechanism able to generate them.

²⁴Of course, other important explanations, based on ITC or on adjustment costs, are not contradicted by our analysis.

residual²⁵

Figure 2 assumes that the initial value of $\bar{\beta}$ was 0.55 and it suddenly changes to 0.65. Such a change will be detrimental to long term growth, because the basic research patent owner gets entitled to too large a share of the final invention value. This discourages applied R&D too much, which more than offsets the increase in basic research. Therefore the demand for skilled labour will fall and so will the skill premium and education.

²⁵Clearly, in our model the Solow residual is constant, in so far as we stick to the assumption of quality improving innovation in the final good sectors. However, following Grossman and Helpman (1991), we could easily re-interpret our model in terms of intermediate good quality improvements. In that case, the innovation slowdown corresponds to the measured productivity slowdown based on Solow decomposition of the increase in output, after accounting for the increase in unskilled and skilled labour inputs.

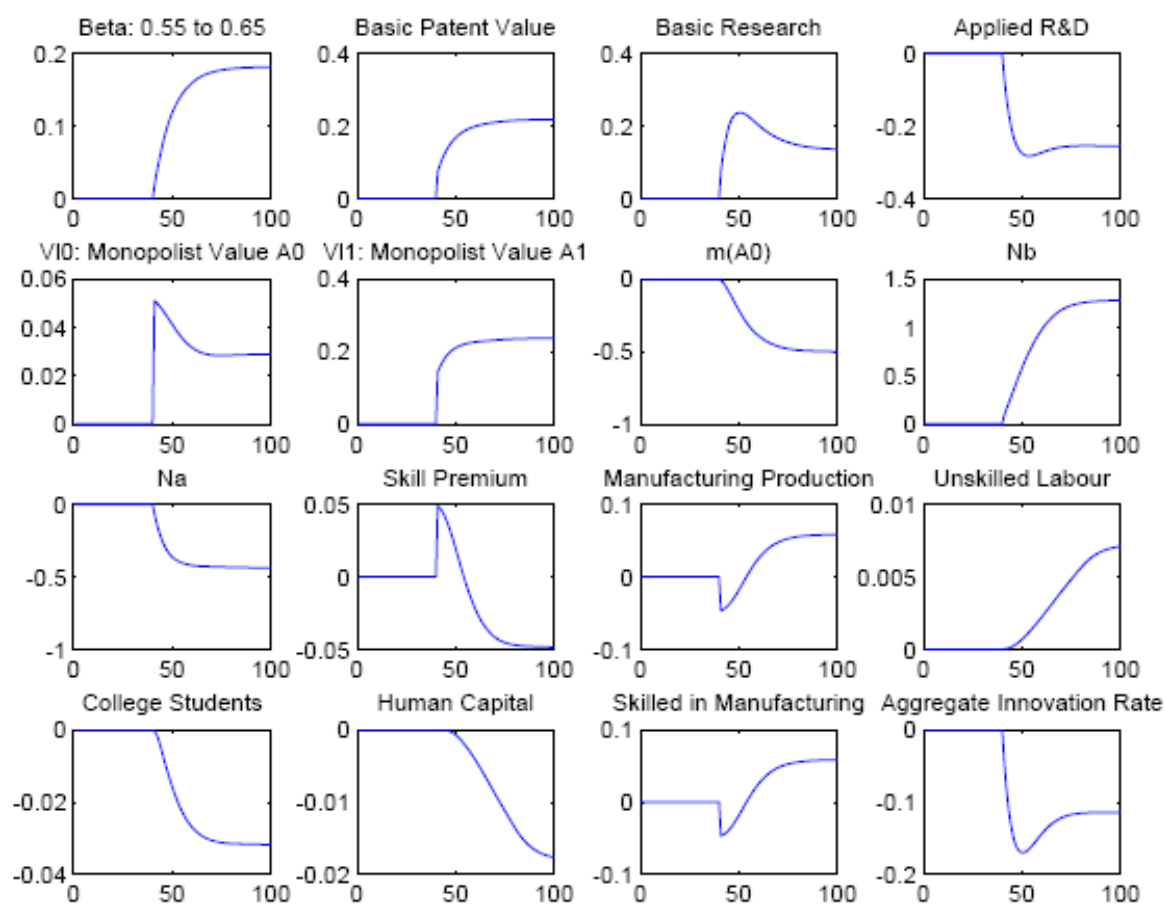


Figure 2

Interestingly, the short term reactions of the skill premium and of manufacturing production could inspire wrong interpretations of the true long term effect of normative changes. In fact, as in the previous discussion, upon impact all stock variables are given, and mainly short term announcement effects prevail. Most notably, the expected gradual increase in $\beta(t)$ fails to penalize current applied R&D in the order of magnitude as it favours current basic research: basic R&D will be entitled to a larger share of the results of *future* applied R&D, not those of current applied R&D. Such temporary win-win situation boosts aggregate R&D labour and therefore raises the skill premium. However, as $\beta(t)$ sets in, the temporary relief for applied R&D disappears, and its smaller share of the final product patent penalizes it so much that the ensuing drop in R&D employment outweighs the increase in basic research employment - the whole effect being corroborated by the gradual increase in $1 - m(A_0(t))$ - dragging the skill premium below the initial steady state level and therefore leading towards the new steady state, characterized by less R&D employment and less innovation.

Interestingly, in all our simulations so far, a gradual increase in $\beta(t)$ always leads to an immediate increase in $w(t)$: hence future strengthening upstream innovation always increases the skill premium. Conversely, a gradual decrease in $\beta(t)$ always leads to an immediate decrease in $w(t)$. However, the long-term impact of these changes in $\beta(t)$ depend on whether or not the change is growth enhancing. When it is growth enhancing $w(t)$ will eventually reach a higher steady state level, whereas the opposite holds when the long-term court orientation is detrimental to growth.

The following table summarizes the effects of a gradual change in $\beta(t)$ - i.e. of $\dot{\beta}(t)$ - on $w(t)$:

	Short-Run	Long-Run
Growth Enhancing $\dot{\beta} > 0$	Higher w	Higher w
Growth Harming $\dot{\beta} > 0$	Higher w	Lower w
Growth Enhancing $\dot{\beta} < 0$	Lower w	Higher w
Growth Harming $\dot{\beta} < 0$	Lower w	Lower w

As a result, our simulations warn the policy makers against relying on empirical evaluations of IPR changes based on relatively short term effects. The short term effects of a harmful tightening, respectively relaxing, of the

upstream IPR look misleadingly similar to those of a beneficial bargaining power transfer towards, respectively from, the basic researcher institutions.

The figures shown in this section are considerably robust and representative of the pro-upstream IPR changes mentioned so far: changing parameters we have observed very similar patterns of short-run and long-run dynamics²⁶.

7 Conclusions

The possibility that in the real world innovators may use their patents to block future innovators, and/or prevent them from commercialising their products, raised a still increasing concern²⁷ not only among academics. The adoption by the US patent law of a statutory research exemption has been proposed as a definitive solution to this problem. But, by postponing bargaining between innovators it may put the downstream inventor at disadvantage: when is this disadvantage socially beneficial? Can we detect this from the data? This paper has tried to answer these important questions from a dynamic macroeconomic perspective.

We have shown how the gradual evolution that characterizes the common law system implies gradual dynamics of the allocation of R&D, human capital, innovation, and wage inequality. In light of well known evidence of the steady increase in the skill premium and in education that has been occurring in the Eighties and Nineties in the US and that set the basis for the parallel innovative boom, our simulations suggest that the driving force could have consisted in a beneficial gradual change of the court orientation, in favour of more protection of previously under-protected early stage innovators. On the other hand, should at some point early stage innovators become too protected, opposite trends could appear, as illustrated in Section 6.

Since the common law system implies gradual change to new IPR regimes, we have been forced to study the whole transitional dynamics. The transition to a stricter regime does not appear to always be monotonic, which shows how assessments based on short term data could be mis-leading for policy

²⁶The files used to generate them are available to the interested readers.

²⁷Heller and Eisenberg (1998) suggested the existence of a *tragedy of the anticommons*, i.e. a proliferation of upstream intellectual property rights which greatly amplify the transaction cost of downstream R&D, thus hampering downstream research for biomedical advance.

makers. For example, beneficial restrictions of IPR may result in a temporary reduction in innovation, which may seem a bizarre productivity slowdown.

8 Appendix

Proof of Proposition 1. From eq. (32) and (5) follows that the steady state level of human capital percapita is an increasing function of the skilled premium w_H , which we can write as $\bar{h}(w_H)$.

Plugging eq. (16) into the skilled labour market clearing condition (15) yields:

$$\left[m(A_0) + (1 - m(A_0)) \left(\frac{\lambda_1}{\lambda_0} \frac{1 - \beta}{\beta} \right)^{\frac{1}{a}} \right] n_B = \bar{h}(w_H) - x(w_H) \equiv \Psi(w_H) \quad (20)$$

with $\Psi'(w_H) > 0$. Inserting eq. (18) into (20) we obtain:

$$\frac{n_B}{\beta \left[1 + \left(\frac{\lambda_0}{\lambda_1} \right)^{\frac{1}{a}} \left(\frac{\beta}{1 - \beta} \right)^{\frac{1-a}{a}} \right]} = \bar{h}(w_H) - x(w_H) \equiv \Psi(w_H) \quad (21)$$

Plugging eq. (17) into eq. (13a) and (13e) we obtain:

$$w_H = \lambda_0 n_B^{-a} \beta v_L^0 = \lambda_0 n_B^{-a} \beta \left[\left(\frac{\lambda_1}{\lambda_0} \right)^{\frac{1}{a}} \left(\frac{1 - \beta}{\beta} \right)^{\frac{1-a}{a}} + 1 \right] v_L^1 \quad (22a)$$

$$\pi = \lambda_1 n_A^{1-a} v_L^1 = \lambda_1 \left(\frac{\lambda_1}{\lambda_0} \frac{1 - \beta}{\beta} \right)^{\frac{1-a}{a}} n_B^{1-a} v_L^1 \quad (22b)$$

From the definition of profits and the steady state mass of unskilled labour, we know that $\pi = \pi(w_H)$, with $\pi'(w_H) < 0$. Dividing the last two equations side by side implies:

$$n_B \frac{1}{\beta \left[1 + \left(\frac{\lambda_0}{\lambda_1} \right)^{\frac{1}{a}} \left(\frac{\beta}{1 - \beta} \right)^{\frac{1-a}{a}} \right]} = \frac{\pi(w_H)}{w_H}. \quad (23)$$

Plugging (23) into (21) gives:

$$1 = \Psi(w_H) \frac{w_H}{\pi(w_H)} \equiv \Phi(w_H) \quad (24)$$

where $\Phi'(w_H) > 0$. Therefore there exists a unique steady state level of the skill premium obtained as the solution to eq. (24). It is important to notice that, in this example, the steady state skill premium is independent of β .

The steady state innovation rate can be rewritten, after using (23), as:

$$\lambda_0 n_B^{1-a} m(A_0) = \frac{\left[\frac{\pi(w_H)}{w_H} \right]^{1-a} \beta^{1-a}}{\left[1 + \left(\frac{\lambda_0}{\lambda_1} \right)^{\frac{1}{a}} \left(\frac{\beta}{1-\beta} \right)^{\frac{1-a}{a}} \right]^a} = \quad (25)$$

$$= \frac{\left[\frac{\pi(w_H)}{w_H} \right]^{1-a}}{\left[\left(\frac{1}{\lambda_0} \right)^{\frac{1}{a}} \left(\frac{1}{\beta} \right)^{\frac{1-a}{a}} + \left(\frac{1}{\lambda_1} \right)^{\frac{1}{a}} \left(\frac{1}{1-\beta} \right)^{\frac{1-a}{a}} \right]^a} \quad (26)$$

The numerator does not change with β as previously proved. The innovation rate is maximized when the denominator is minimized. Hence we need to find a value of β such that $\left(\frac{1}{\lambda_0} \right)^{\frac{1}{a}} \left(\frac{1}{\beta} \right)^{\frac{1-a}{a}} + \left(\frac{1}{\lambda_1} \right)^{\frac{1}{a}} \left(\frac{1}{1-\beta} \right)^{\frac{1-a}{a}}$ is minimized, which implies expression (19). QED.

8.1 Labour Supply and Education Dynamics

8.1.1 Unskilled Labor Supply

As previously shown, individuals born at t with ability $\theta(t) \in [0, \theta_0(t)]$ optimally choose not to educate themselves, thereby immediately joining the unskilled labour force. Hence a fraction $\theta_0(t)$ of cohort t remains unskilled their whole life. Summing up over all the older unskilled who are still alive - hence born in the time interval $[t - D, t]$ - we obtain the total stock of unskilled labour as of time t :

$$M(t) = \int_{t-D}^t \tilde{\beta} N(s) \theta_0(s) ds = \tilde{\beta} \int_{t-D}^t e^{gs} \theta_0(s) ds$$

where $\tilde{\beta}$ is the birth rate, $N(s)$ is the population at time s .

To stationarize variables, we divide by current (time t) population e^{gs} , obtaining:

$$m(t) \equiv \frac{M(t)}{N(t)} = \tilde{\beta} \int_{t-D}^t e^{g(s-t)} \theta_0(s) ds.$$

Its steady state level is:

$$m = \tilde{\beta} \frac{1 - e^{g(-D)}}{g} \theta_0 = \theta_0.$$

The change in the stock of the population-adjusted stock of unskilled labour is obtained by derivating $m(t)$ with respect to time:

$$\dot{m}(t) = \tilde{\beta} \theta_0(t) - \tilde{\beta} e^{-gD} \theta_0(t-D) - gm(t) \quad (27)$$

As in Boucekkine et al. (2002) and Boucekkine et al. (2007) we obtain a crucial role for delayed differential equations.

8.1.2 College Population

The individuals born in t with ability $\theta(t) \in [\theta_0(t), 1]$ optimally choose to educate themselves, thereby becoming college students for a training period of duration Tr . Hence summing up over all the previous cohorts who are still in college - hence born in the time interval $[t - Tr, t]$ - we obtain the total stock of college population as of time t :

$$\tilde{C}(t) = \tilde{\beta} \int_{t-Tr}^t N(s)(1 - \theta_0(s)) ds = \tilde{\beta} \int_{t-Tr}^t e^{gs}(1 - \theta_0(s)) ds.$$

In percapita terms:

$$\tilde{c}(t) \equiv \frac{\tilde{C}(t)}{N(t)} = \tilde{\beta} \int_{t-Tr}^t \frac{N(s)}{N(t)} (1 - \theta_0(s)) ds = \tilde{\beta} \int_{t-Tr}^t e^{g(s-t)} (1 - \theta_0(s)) ds. \quad (28)$$

In a steady state:

$$\tilde{c} = \tilde{\beta} \frac{1 - e^{g(-Tr)}}{g} (1 - \theta_0). \quad (29)$$

Taking the derivative of eq. (28) with respect to time we obtain:

$$\dot{\tilde{c}}(t) = \tilde{\beta} (1 - \theta_0(t)) - \tilde{\beta} e^{-gTr} (1 - \theta_0(t - D)) - g\tilde{c}(t). \quad (30)$$

8.1.3 Human Capital

The stock of skilled workers will coincide with those students who have completed their education and are still alive, born in $[t - D, t - Tr]$:

$$\tilde{H}(t) = \tilde{\beta} \int_{t-D}^{t-Tr} N(s)(1 - \theta_0(s))ds = \tilde{\beta} N(t) \int_{t-D}^{t-Tr} e^{g(s-t)} (1 - \theta_0(s))ds \quad (3)$$

The total workforce (including students) in equilibrium equals total population, hence:

$$M(t) + \tilde{H}(t) + C(t) = e^{gt}.$$

Due to heterogeneous learning abilities, in order to obtain the aggregate skilled labour supply, we need to multiply each skilled worker by the average amount of human capital that she can supply, given by the average skill of her cohort net of dispersion parameter Γ :

$$\int_{\theta_0(t)}^1 (\theta - \Gamma) \frac{1}{1 - \theta_0(t)} d\theta = \frac{1 + \theta_0(t) - 2\Gamma}{2}.$$

Therefore the aggregate amount of skilled labour in efficiency units (skilled labor supply) is:

$$H(t) = \tilde{\beta} N(t) \int_{t-D}^{t-Tr} \frac{e^{g(s-t)} (1 - \theta_0(s)) (1 + \theta_0(s) - 2\Gamma)}{2} ds$$

Dividing by time t population, we can express percapita human capital as:

$$h(t) \equiv \frac{H(t)}{N(t)} = \frac{\tilde{\beta}}{2} \int_{t-D}^{t-Tr} e^{g(s-t)} (1 - \theta_0(s)) (1 + \theta_0(s) - 2\Gamma) ds. \quad (31)$$

The steady state value is:

$$h = \tilde{\beta} \frac{[e^{g(-Tr)} - e^{g(-D)}] (1 - \theta_0) (1 + \theta_0 - 2\Gamma)}{2g} \quad (32)$$

The dynamics of human capital can be studied by derivating this expression with respect to time:

$$\begin{aligned} \dot{h}(t) = & -gh(t) + \frac{\tilde{\beta}}{2} e^{-gTr} (1 - \theta_0(t - Tr)) (1 + \theta_0(t - Tr) - 2\Gamma) - \\ & + \frac{\tilde{\beta}}{2} e^{-gD} (1 - \theta_0(t - D)) (1 + \theta_0(t - D) - 2\Gamma). \end{aligned} \quad (33)$$

8.2 Transitional Properties of Educational Choice

The study of the transition dynamics of this model is complicated by the skilled/unskilled labour dynamics and by the endogenous education choice under perfect foresight. Key to the solution is the transformation of the integral equation for the ability threshold level for education into a set of differential equations.

Defining the present value of the unskilled wage incomes as $W_U(t) = \int_t^{t+D} e^{-\int_t^s i(\tau) d\tau} ds$ and the present value of the skilled wage income as $W_S(t) = \int_{t+Tr}^{t+D} e^{-\int_t^s i(\tau) d\tau} w_H(s) ds$, we know from (4) that

$$\theta_0(t) = \Gamma + \frac{W_U(t)}{W_S(t)}. \quad (34)$$

Defining

$$R_1(t) = e^{-\int_t^{t+D} i(\tau) d\tau}, \text{ and} \quad (35)$$

$$R_2(t) = e^{-\int_t^{t+Tr} i(\tau) d\tau} \quad (36)$$

we can write:

$$\dot{W}_U(t) = R_1(t) - 1 + i(t)W_U(t) \quad (37)$$

$$\dot{W}_S(t) = R_1(t)w_H(t + D) - R_2(t)w_H(t + Tr) + i(t)W_S(t). \quad (38)$$

Differentiating eq.s (35)-(36) with respect to time we obtain:

$$\dot{R}_1(t) = R_1(t)(i(t) - i(t + D)), \text{ and} \quad (39)$$

$$\dot{R}_2(t) = R_2(t)(i(t) - i(t + Tr)). \quad (40)$$

These equations allow us to cast our model in a framework that can be studied in terms of delayed differential equations.

8.3 Expenditure and Manufacturing Dynamics

From eq.s (10) follows:

$$\frac{\gamma - 1}{\gamma} E(t) = (\gamma - 1) \frac{1}{1 - \alpha} m(t). \quad (41)$$

Log-differentiating with respect to time, using Euler equation (3) and the unskilled law of motion (27) yield:

$$i(t) - (\rho + g) = \frac{\dot{E}(t)}{E(t)} = \frac{\dot{m}(t)}{m(t)} = \frac{\tilde{\beta}\theta_0(t) - \tilde{\beta}e^{-gD}\theta_0(t - D)}{m(t)} - g \quad (42)$$

that - since $r(t) = i(t) - g$ - can be rewritten as

$$r(t) - \rho = \frac{\tilde{\beta}\theta_0(t) - \tilde{\beta}e^{-gD}\theta_0(t - D)}{m(t)} - g, \quad (43)$$

In the steady state: $r(t) = \rho$.

References

- [1] Acemoglu D. (1998). "Why Do New Technologies Complement Skills? Directed Technical Change and Wage Inequality," *Quarterly Journal of Economics*, vol. 113, 4, pp. 1055-8.
- [2] Acemoglu D. (2002a), "Technical Change, Inequality, and the Labor Market", *Journal of Economic Literature*, Vol. 40, No. 1, pp. 7-72.
- [3] Acemoglu D. (2002b), "Directed Technical Change", *The Review of Economic Studies*, Vol. 69, No. 4, pp. 781-809.
- [4] Aghion, P. and Howitt, P. (1992), "A Model of Growth through Creative Destruction", *Econometrica* 60 (2), p. 323-351.
- [5] Aghion, P. and Howitt, P. (1996), "Research and Development in the Growth Process", *Journal of Economic Growth*, vol.1, p. 13-25.
- [6] Autor, D., A. Krueger and L. Katz. (1998). "Computing Inequality: Have Computers Changed the Labor Market?" *Quarterly Journal of Economics*, 113:4, pp. 1169-213.
- [7] Aoki, R. and Nagaoka, S. (2007), "Economic Analysis of Patent Law Exemption for Research on a Patented Innovation", *Institute of Innovation Research*, Hitotsubashi University, working paper.
- [8] Berman, E., J. Bound, and Z. Griliches, (1994), "Changes in the Demand for Skilled Labor within U.S. Manufacturing: Evidence from the Annual Survey of Manufacturers", *The Quarterly Journal of Economics*, Vol. 109, No. 2, pp. 367-397.
- [9] Boucekkine, R., de la Croix, D., Licandro, O. (2002), "Vintage Human Capital, Demographic Trends, and Endogenous Growth ", *Journal of Economic Theory*, v. 104, iss. 2, pp. 340-375.
- [10] Boucekkine, R., de la Croix, D. and Peeters, D. ; (2007) "Early Literacy Achievements, Population Density, and the Transition to Modern Growth", *Journal of the European Economic Association*, v. 5, iss. 1, pp. 183-226.
- [11] Carlino, Chatterjee, and Hunt, R. M., (2001), "Knowledge Spillovers and the New Economy of Cities", *FED of Philadelphia*, w.p. 01-14.

- [12] Chu, A., (2008). "Special Interest Politics and Intellectual Property Rights: An Economic Analysis Of Strengthening Patent Protection In The Pharmaceutical Industry," *Economics and Politics*, vol. 20(2), pp. 185-215.
- [13] Chu, A., (2009). "Effects of blocking patents on R&D: a quantitative DGE analysis," *Journal of Economic Growth*, vol. 14(1), pp. 55-78.
- [14] Chu, A., (2010). "Effects of Patent Policy on Income and Consumption Inequality in a R&D Growth Model," *Southern Economic Journal*, vol. 77(2), pp. 336-350.
- [15] Chu, A., (2010), "The welfare cost of one-size-fits-all patent protection," *MPRA Paper 21401*, University Library of Munich, Germany, revised Jun 2010.
- [16] Cozzi, G., (2001), "Inventing or Spying? Implications for Growth"; *Journal of Economic Growth*, v. 6, iss. 1, pp. 55-77.
- [17] Cozzi, G. and Spinesi, L. (2006). "Intellectual appropriability, product differentiation, and growth", *Macroeconomic Dynamics*, vol. 10(1), pp. 39-55.
- [18] Cozzi, G. and Galli, S., (2008), "Privatizing Knowledge: Did the U.S. Get It Right?", *Department of Economics Discussion Paper 2008-1*, University of Glasgow.
- [19] Cozzi, G. and G. Impullitti, (2010), "Government Spending Composition, Technical Change, and Wage Inequality", *Journal of the European Economic Association, Journal of European Economic Association*, vol. 8, (December) , pp. 1325-1358.
- [20] Dinopoulos, E. and Thompson, P.S., (1998), "Schumpeterian Growth Without Scale Effects", *Journal of Economic Growth*, 3, pp. 313-335.
- [21] Dinopoulos, E. and Segerstom, P.S., (1999), "A Schumpeterian Model of Protection and Relative Wages", *American Economic Review*, pp. 450-472.
- [22] Dinopoulos, E. and Thompson, P. S., (1999), "Scale Effects in Neo-Schumpeterian Models of Economic Growth", *Journal of Evolutionary Economics*, 9(2), pp. 157-186.

- [23] Eicher, T. and C. García-Peñalosa, (2008). "Endogenous strength of intellectual property rights: Implications for economic development and growth," *European Economic Review*, vol. 52(2), pp. 237-258.
- [24] Fon, V. and F. Parisi, (2006). "Judicial Precedents in Civil Law Systems: A dynamic analysis", *International Review of Law and Economics* 26, 519–535.
- [25] Furukawa, Y., (2007). "The protection of intellectual property rights and endogenous growth: Is stronger always better?," *Journal of Economic Dynamics and Control*, vol. 31(11), pp. 3644-3670.
- [26] Gallini, N., (2002), "The Economics of Patents: Lessons from Recent U.S. Patent Reform", *Journal of Economic Perspectives*, 2, pp. 131-154.
- [27] Galor, O. and O. Moav, (2000), "Ability-Biased Technological Transition, Wage Inequality, And Economic Growth," *The Quarterly Journal of Economics*, vol. 115(2), pp. 469-497.
- [28] Gennaioli, N. and A. Shleifer, (2007a). "The Evolution of Common Law," *Journal of Political Economy*, vol. 115, pp. 43-68.
- [29] Gennaioli, N. and A. Shleifer, (2007b). "Overruling and the Instability of Law," *Journal of Comparative Economics*, vol. 35(2), p. 309-328.
- [30] Gould, E. D., Moav, O., and B. A. Weinberg, (2001), " Precautionary Demand for Education, Inequality, and Technological Progress," *Journal of Economic Growth*, vol. 6(4), pp. 285-315.
- [31] Green, J. and Scotchmer, S. (1995). "On the Division of Profit in Sequential Innovations", *The Rand Journal of Economics* 26, pp. 20-33.
- [32] Grossman, G.M. and Helpman, E. (1991), "Quality Ladders in the Theory of Growth", *Review of Economic Studies* 58, pp. 43-61.
- [33] Grossman, G.M. and Shapiro, C. (1987), "Dynamic R&D Competition", *The Economic Journal* 97, pp. 372-387.
- [34] Ha, J. and Howitt, P. (2007), "Accounting for Trends in Productivity and R&D: A Schumpeterian Critique of Semi-endogenous Growth Theory"; *Journal of Money, Credit, and Banking*, v. 39, iss. 4, pp. 733-74.

- [35] Hall, H. B. (2009), "Business and Financial Method Patents: Innovation and Policy", *Scottish Journal of Political Economy*, forthcoming.
- [36] Howitt, P. (1999), "Steady Endogenous Growth with Population and R&D Inputs Growing", *Journal of Political Economy*, vol.107, n. 4, pp.715-30.
- [37] Hunt, R. M. (2001), "You Can Patent That? Are Patents on Computer Programs and Business Methods Good for the New Economy?" *Fed. of Philadelphia Business Review*, 1.
- [38] Jaffe, A. B. and Lerner, J. (2006) "Innovation and Its Discontents," *Capitalism and Society*, Vol. 1 : Iss. 3, Article 3, Available at: <http://www.bepress.com/cas/vol1/iss3/art3>.
- [39] Jones, C. and J. Williams (1998), "Measuring the Social Return to R&D", *Quarterly Journal of Economics*, Vol. 113, pp. 1119-1135.
- [40] Jones, C. and J. Williams (2000), "Too Much of a Good Thing? The Economics of Investment in R&D", *Journal of Economic Growth*, Vol. 5, No. 1, pp. 65-85.
- [41] Jones, C., (2005), "Growth in a World of Ideas", in *Handbook of Economic Growth*, P. Aghion and S. Durlauf, ed.s, North-Holland, Amsterdam.
- [42] Kiley, M. (1999). "The Supply of Skilled Labour and Skill-Biased Technological Progress," *The Economic Journal*, vol. 109(458), p. 708-24.
- [43] Madsen, J. B., (2008), "Semi-endogenous versus Schumpeterian growth models: testing the knowledge production function using international data", *Journal of Economic Growth*, 3.1, pp. 1-26.
- [44] Martins, J. Scarpetta, S. and D. Pilat, (1996),. "Markup Pricing, Market Structure and the Business Cycle", *OECD Economic Studies* 27, 71-105.
- [45] Mueller, J.M. (2001) "No 'Dilettante Affair'": Rethinking the Experimental Use Exception to Patent Infringement for Biomedical Research Tools", 76 *Wash. L. Rev.* 1, 22-27.

- [46] Mueller, J. M. (2004), "The Evanescent Experimental Use Exemption from United States Patent Infringement Liability: Implications for University and Nonprofit Research and Development", *Baylor Law Review*, 56, p.917.
- [47] National Research Council (2003). "Patents in the Knowledge-Based Economy", edited by W. M. Cohen and S. A. Merrill, Committee on Intellectual Property Rights in the Knowledge-Based Economy, National Research Council, Washington, D.C.: The National Academies Press.
- [48] Niblett, A., R. Posner and A. Shleifer, (2008). "The Evolution of a Legal Rule," *NBER Working Papers* 13856.
- [49] O'Donoghue, T. and Zweimüller, J. (2004), "Patents in a Model of Endogenous Growth", *Journal of Economic Growth*, vol.9(1), pp.81-123.
- [50] Peretto, P., (1998), "Technological Change and Population Growth", *Journal of Economic Growth*, 3, pp. 283-311.
- [51] Peretto, P., (1999), "Cost Reduction, Entry, and the Interdependence of Market Structure and Economic Growth", *Journal of Monetary Economics*, v. 43, iss. 1, pp. 173-95.
- [52] Roeger, W. (1995). "Can Imperfect Competition Explain the Difference between Primal and Dual Productivity Measures? Estimates for US Manufacturing", *Journal of Political Economy* 103, 2, 316-330;
- [53] Romer, P.M. (1990), "Endogenous Technological Change", *Journal of Political Economy*, vol.98, pp.571-5102.
- [54] Scotchmer, S. (2004), *Innovation and Incentives*, MIT Press, Cambridge, Ma.
- [55] Sener, F. (2001). "Schumpeterian unemployment, trade and wages," *Journal of International Economics*, vol. 54(1), p. 119-148.
- [56] Smulders, S. and van de Klundert, T., (1995) "Imperfect competition, concentration and growth with firm-specific R & D," *European Economic Review*, vol. 39(1), pages 139-160, January.
- [57] Young, A. (1998), "Growth without Scale Effects", *Journal of Political Economy*, 106, 41-63.

- [58] Wälde, K. (2005), "Endogenous Growth Cycles," *International Economic Review*, vol. 46(3), pp. 867-894.
- [59] Walde, K. and U. Woitek, (2004), "R&D expenditure in G7 countries and the implications for endogenous fluctuations and growth," *Economics Letters*, pp. 91-97.