



Voices for IP: Official Statements on IP and Green Tech

The Coalition for Innovation, Employment and Development is coordinating initiatives to inform key political leaders of the critical role of IP in financing and generating new, more effective technological solutions to climate change. It is vital IP be upheld in the international climate change negotiation as it is central to creating incentives to innovate technology solutions for today and tomorrow. A number of government officials around the world have publicly stated their position on intellectual property (IP) protections with the international climate change negotiation organized by the United Nations Framework Convention on Climate Change (UNFCCC).

Todd Stern, U.S. Special Envoy for Climate Change, U.S. Department of State and U.S. Congressman Jim Sensenbrenner (R-WI)

September 10, 2009 -- In the hearing on September 10, 2009, titled, "Roadmap for Copenhagen - Driving towards Success," Stern responded to ranking Republican Congressman Jim Sensenbrenner's concerns regarding the different positions of developed and developing countries on a number of issues, including IPR. Rep. Sensenbrenner began the discussion with the following comment.

"Developing countries are also leading efforts to weaken or even destroy intellectual property rights (IPR) by seeking to gain free access to American and other developed countries IPR for clean-energy technologies. Their proposals include preventing patenting in developing countries, requiring compulsory licensing, and ensuring access to new technologies on non-exclusive royalty-free terms. All of which ignore the fact that new technologies will only be developed if there are incentives to create them."

In response to a question by Congressman Sensenbrenner's regarding IPR, Mr. Stern reiterated the administration's commitment to IP protection:

"We do not support those positions [positions with regard to compulsory licensing and/or forced tech transfer], Mr. Sensenbrenner. Look, I think intellectual property is central to our system. Indeed, if you look at this problem, which is the way I look at it, I think the way we look at it, it is fundamentally an issue that is only going to be solved through innovation, with the development of new technologies promoted

through the right rules of the road, to be sure. You cannot have a problem whose solution is based on innovation if you interfere with intellectual property rights.

"Having said that, we also have to recognize that it is terribly important that we do find ways completely consistent with intellectual property protection, where we seek to diffuse and disseminate technologies to places, if needed. But we do not have - I do not think I have any difference of opinion with what you have stated." (Roadmap to Copenhagen: Driving Toward Success, September 10, 2009.
http://republicans.globalwarming.house.gov/publications/hearings_markup_details.aspx?NewsID=2710)

Ron Kirk, U.S. Trade Representative, Office of the U.S. Trade Representative

September 30, 2009 -- "U.S. Trade Representative Ron Kirk said he opposes efforts by countries such as China and Brazil to ease patent protection for energy-efficient technologies as part of global negotiations to fight global warming.

"The general principle applies: The cost of innovating and research and development needs to be monetized," Kirk told reporters after speaking to the U.S. Chamber of Commerce today." (Drajem, Mark, "Kirk Opposed Push to Ease Patent Protections in Climate Talks," Bloomberg.com, 30 Sept 2009.)

José Manuel Barroso, President, European Commission

During the Council on Foreign Affairs' "Achieving a Deal on Climate Change: A European Union View on Copenhagen" program, Barroso outlined his view of intellectual property's role in the international climate change agreement being negotiated in the United Nations Framework Convention on Climate Change.

September 21, 2009 --

QUESTIONER: Good. Thank you. Mark Esper, United States Chamber of Commerce. Mr. President, technology will be critical to addressing climate change. And most would agree that strong intellectual property rights are critical to driving that innovation. The United States has made clear that as part of any treaty or agreement that intellectual property rights must be respected, particularly when it comes to technology transfer. Can you tell us what the commission's view is on this matter?

BARROSO: We agree. We have been fighting very hard to -- for to protect intellectual property rights, also with the other parts of the world. That's one of our top priorities. I want to discuss these issues namely with some emerging economies. At the same time, we believe that it can be part of the agreement, the transfer of some of those technologies, but based on recognition of intellectual property rights.

("Achieving a Deal on Climate Change: A European Union View on Copenhagen" event, Council on Foreign Relations, 21 September 2009.
http://www.cfr.org/publication/20281/achieving_a_deal_on_climate_change.html)

Kunihiko Shimada, Principal International Policy Coordinator of Global Environment Bureau of Japan's Environment Ministry

October 5, 2009 -- "He said most of the climate-change technology needed by developing countries has been around for 20-30 years and most of the patents have already expired, such as energy-efficiency technology. However, this technology is still applicable to these countries in helping them mitigate the possible impacts of climate change or helping cut emissions of greenhouse gases.

'IP is not a barrier,' Shimada said. However, he admitted that countries still saw intellectual property rights as a key issue needed for further negotiation as his group would continue to work on the negotiating text this week. . . ." (Tunsarawuth, Sinfah, "IP Protection No Barrier to Green Technology Transfer, Says Key Negotiator," *Intellectual Property Watch*, 5 October 2009.)