

Standing Committee on

IP and Green Technology

2016



Date: 13th September 2016

REPORT Standing Committee on

IP and Green Technology

Chair: Bertram HUBER

Responsible Reporter: Ralph Nack

1) Report on the activities of your Standing Committee during the reporting period

Please provide a general overview of the activities of your Standing Committee over the last 12 months, but please include at least:

a) meetings of the Standing Committee during the reporting period

A committee meeting was held during the AIPPI Congress in Rio de Janeiro/BR in 2015.

b) any external representation on behalf of AIPPI by any member of your Standing Committee

UNFCCC/COP 21 took place in Paris from 30 November to 12 December 2015. The Conference of the Parties (COP) is the annual meeting of the UNFCCC (United Nations Framework Convention on Climate Change).

During COP 21, IPRs were not the hottest topic, because it is now generally considered that IPRs are not the main issue hindering the transfer of green technologies (i. a. know-how is more crucial). While India strongly attacked IPRs, arguing that they hinder the transition into a sustainable economy, the United States, Japan (and also EU) refused to negotiate the issue of IPRs during the COP. It is for them "the red line" and they declared that they would refuse to sign any document that restricts IPRs.

In the context of the COP 21, the French government organized in Paris "Solution COP 21", dedicated to private companies, etc. The French patent office (INPI) organized many conferences at "Solution COP 21". For details about contributions at these side events, please also refer to 1 f below.

One conference was dedicated to the presentation of the book of Guillaume Henry, secretary of the committee, "*IPRs and Sustainable Development: Access to Technologies in Emerging Countries*", co-authored with Mr. Ruet (economist) and Mr. Wemaere (lawyer who assisted of the Ministry of Morocco during the COP 21 negotiation). The book was ordered by INPI. It can be downloaded on:

http://www.inpi.fr/fileadmin/mediatheque/pdf/OPI/DD_PI/Print_Sustainable-Development__and_IP_INPI_20151125.pdf
[http://www.inpi.fr/fileadmin/mediatheque/pdf/OPI/DD_PI/Print_Sustainable-Development__and_IP_INPI_20151125.pdf]

c) any contribution by your Standing Committee to any external consultations

- d) any studies or analyses undertaken or position papers prepared by your Standing Committee, with a brief summary of the outcome(s)
-

During the previous 12 months, the activities of the committee have in particular concentrated on elaborating a resolution to be adopted at the AIPPI Congress in Milano. The intention was, based on the committee's earlier report entitled „Climate Change and Environmental Technologies – The Role of Intellectual Property, esp. Patents“ which was finalized in late 2014, to develop a shorter document which should present the official position of AIPPI. Such shorter document, in the form of an AIPPI Resolution, was elaborated in an iterative effort. The resultant Resolution is tabled to be dealt with at the Milano Congress on Sunday, 18 September 2016, 10:30 – 12:00.

- e) involvement of your Standing Committee in any other activities of AIPPI, eg Panel Sessions, contribution to Study Guidelines, etc
-

The committee held a workshop at the AIPPI Congress in Rio de Janeiro/BR, Panel Session III: "Green technology: a changing climate for IP rights".

The committee has contacted the SC Trademarks, in the context of „Eco labels“. SC Trademarks will consider to take up this topic, as it is not an immediate focal point of the committee IP and Green Technology.

- f) any other relevant activities
-

In the context of UNFCCC/COP 21 in Paris in December 2015, Guillaume Henry, secretary of the committee, has co-authored a book, published by French INPI (Institut National de la Propriété Industrielle), entitled „Sustainable Development and Intellectual Property“, https://www.inpi.fr/sites/default/files/web_sustainable-development_and_ip_inpi_20151125.pdf [https://www.inpi.fr/sites/default/files/web_sustainable-development_and_ip_inpi_20151125.pdf].

Bertram Huber, chair of the committee, made a presentation in one of the side events of COP 21, entitled „Intellectual Property serves Innovation – the case of Africa“. The event was organized by Solutions COP 21 together with INPI.

- 2) Key issues/developments relevant to the Terms of Reference of your Standing Committee during the reporting period

Please include a short summary of any significant case law, legislative or regulatory developments, or policy initiatives, including their relevance and/or any implications for the work of your Standing Committee or for AIPPI more generally

In November/December 2015 UNFCCC/COP21 in Paris/FR resulted in an agreement among more than 190 countries, <https://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf> [<https://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>]. By 27 July 2016, 179 countries had signed the agreement, http://unfccc.int/paris_agreement/items/9444.php [http://unfccc.int/paris_agreement/items/9444.php].

As emphasized previously, it should be noted that it is realistic to assume that the core issues debated in the context of IP and green tech will likely have an important impact on IP in general, also in other fields of technology. This relates, e.g., to the general view taken on transfer of technology, a topic of crucial importance in the context of leveling the existing development and wealth differences between industrialized and developing countries.

In this context, the committee will have to continuously monitor any debates and results generated, esp.

in the context of the COP and UNFCCC. Innovation and the practical means to transfer technology will be one of the main issues. In this context, also developments relating to open innovation, public subsidies to green innovation, the project Mission Innovation www.mission-innovation.net[<http://www.mission-innovation.net/>] , etc. will have to be taken into account).

If needed, the committee should comment on such debates and results, to the extent they fall into the scope of responsibility of the committee.

The SC 198 should continue to follow , because

3) Any recommendation for AIPPI involvement/action for the next 12 months

This need not be limited to recommendations for your Standing Committee but can be recommendations for AIPPI more broadly. In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames. For example, please include:

- a) any recommendation for involvement/action in relation to any upcoming or foreshadowed case law, legislative or regulatory developments, or policy initiatives

In 2015, AIPPI has filed a formal application to become officially accredited to the UNFCCC Conferences of the Parties. Such accreditation would allow the committee to follow at a first-hand level the deliberations of the government representatives. In accordance with the rules of UNFCCC, such application will be dealt with likely in August 2016.

- b) any other recommendation(s) for AIPPI involvement/action

Further, whenever the need arises, AIPPI should speak up to defend IP rights either via the committee or by any other appropriate organ of the association.

4) Outline of the work programme of your Standing Committee for the next 12 months

Please set out specific activities and priorities having regard to the matters in 1) - 3) above, including any relevant time frames

At the Milano Congress, besides the Resolution mentioned above under 1, the committee will hold a meeting on Sunday, 18 September 2016, 09:00 – 10:30, location still to be determined.

Some of the activities intended to be picked up by the committee, as per the discussions of the previous committee meeting in Rio de Janeiro, have not been completely finished. They will be taken forward or modified, in accordance with the discussions of the committee in Milano, for the following 12 months period. Among these are:

- Collection of concrete examples of technology transfer in the green technology/climate change relevant technology field.
- The committee will continuously monitor and follow the debates and arguments around IP and climate change during and following COP 22 in Marrakesh/MA. In this context, especially the activities of the Technology Executive Committee of the Technology Mechanism of UNFCCC are to be monitored. The committee's will also continue its monitoring of related activities of other organizations as already practiced previously.

Names and Functions of Committee Members

Chair	Bertram HUBER	Germany
Co Chair(s)	Casey Kook-Chan AN	Republic of Korea
Secretary	Guillaume HENRY	France
Members	Alicia ÁLVAREZ DE BERKENWALD	Argentina
	Mehmet ATBAN	Turkey
	Fabio BOSCARIOL	Italy
	Ursula BRAVALLE	South Africa
	Patricia A. O. BUNYE	Philippines
	Wen CAO	China
	Luis Diego CASTRO CHAVARRÍA	CA-Caribbean Regional-Group
	Estelle DERCLAYE	United Kingdom
	Filippo FERRONI	Italy
	Keiji KONDO	Japan
	V.LAKSHMI KUMARAN	India
	Humberto LOPEZ	Mexico
	David MERRYLEES	Brazil
	Tamar MORAG-SELA	Israel
	Clara NEPPEL	Germany
Alexander ODLE	Netherlands	
Natalie RAFFOUL	Canada	
Dilek ÜSTÜN EKDIAL	Turkey	
Margaret WELSH MCINERNEY	United States	