



Media Release

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IPR and competitiveness issues must not poison negotiations on new Global Climate Deal

A failure to tackle Intellectual Property Rights (IPR) and competitiveness issues will potentially limit the development and deployment of climate change solutions, and poison the international climate negotiations according to a new report by E3G¹ and Chatham House².

Report author, Shane Tomlinson of E3G said: “We know that widespread technological innovation will be crucial if we are to keep global temperature increases under 2 deg C and avoid the catastrophic impacts of climate change.

But these innovations and their rapid take up, especially by the developing world, will not be achieved if petty arguments over national competitiveness and IPR are allowed to dominate the climate negotiations.”

E3G is urging negotiators at next week’s climate change conference in Poznan³ to agree that Intellectual Property Rights related specifically to the development of low carbon and adaptation technologies should be addressed within the UNFCCC, the governing body for the world’s climate agreement.

The E3G report warns that there is a risk that the world’s ability to address climate change is derailed because debates around the protection and sharing of IPR can’t move past lightning rod issues like pharmaceuticals, for example.

“E3G recognises that we need to achieve the correct balance between protecting IPR and ensuring rapid diffusion to mitigate and adapt to climate change. But this is a unique global challenge with a very real deadline for action based on global ecosystem constraints,” Tomlinson continued.

“This is not an area that can be resolved via narrow national interests or bilateral agreements. It needs a multilateral approach that encourages the protection and sharing of intellectual property and the right place for that to be addressed is within the UNFCCC itself.”

E3G advocates a “Protect and Share” agreement for IPR and licensing that would work to strengthen IPR protections related to climate specific innovations whilst also requiring the needed rapid transfer of low carbon and adaptation advances that will be needed to address climate change.

Enhanced protection of IPR would be balanced by a Framework Agreement for the accelerated sharing and licensing of climate solutions to ensure rapid diffusion of such technologies particularly within developing countries.

This could consist of a range of standardized agreements covering five main areas:

Segmented/Parallel markets: to provide free licensing in certain developing country markets but prevent re-importation to developed countries for a limited period of time so innovators can earn a fair rate of return;

Public sector buy-out: to provide advanced purchase commitments under the Global Technology Innovation and Diffusion Fund for 'orphan' areas of research to guarantee a return to innovators and swift deployment of technology;

"Use it or lose it" agreements (compulsory licensing): to allow countries to take legal steps for the compulsory licensing of technology if innovators withhold technology from the market after a certain time period;

Pay to license: to provide direct subsidies or risk guarantees to increase licensing, and to ensure access when public funds are used to develop technology;

Global commons: to allow countries to provide open access to IPR where they have control of patents.

Developed countries would be assisted in protecting IPR in return for a commitment to share new technology developments more widely and rapidly. Developing countries would benefit from faster access to such new developments as long as they demonstrated the capacity to comply with these protections. Failure to do so would incur penalties such as an inability to secure funding for new technology development.

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Editor's Notes:

1. E3G is an independent, non-profit European organisation operating in the public interest to accelerate the global transition to sustainable development. E3G builds cross-sectoral coalitions to achieve carefully defined outcomes, chosen for their capacity to leverage change. E3G works closely with like-minded partners in government, politics, business, civil society, science, the media, public interest foundations and elsewhere. More information is available at www.e3g.org
2. Chatham House, Chatham House has been the home of the Royal Institute of International Affairs for over eight decades. Our mission is to be a world-leading source of independent analysis, informed debate and influential ideas on how to build a prosperous and secure world for all. www.chathamhouse.org.uk
3. Innovation and Technology Transfer is a new report from E3G, in conjunction with Chatham House, as part of their programme of work on Climate Change



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and Energy. The Executive Summary of the report can be downloaded as a pdf [here](#). The full report will be launched at the 14th Conference of the Parties to the Climate Change Convention being held in Poznan, Poland, from 1 December 2008.

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