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Clean-Energy Cause Shouldn't Void Patents, Senators Tell Obama

By Jim Efstathiou Jr. - November 4, 2009 09:30 EST

Nov. 4 (Bloomberg) -- The U.S. must “stand fast” on patent protection and resist calls from developing nations to share energy-efficient technologies to combat climate change, 42 senators told President [Barack Obama](#).

The administration shouldn't waver in its “support of American intellectual property, American workers, and American innovators” during climate-change talks next month in Copenhagen, the lawmakers said in the letter to Obama yesterday that was circulated by Senator [Evan Bayh](#), an Indiana Democrat.

Developing nations have cited a World Trade Organization ruling as grounds to break patent protections on drugs in health emergencies. Some seek a similar approach to wind- and solar-energy innovations in the name of curbing global warming. U.S. companies such as [General Electric Co.](#), which makes wind turbines, would be forced to give free or low-cost access to patents under such proposals.

“They want companies in the U.S. to give away their technology,” said Lawrence Kogan, head of the [Institute for Trade, Standards and Sustainable Development](#), a Princeton, N.J.- based group that advocates for intellectual property rights. It's part of an effort to “treat intellectual property as a utilitarian tool to promote development.”

Delegates from about 190 nations will meet in Copenhagen next month in the effort to complete a global-warming treaty. How to help fast-growing developing countries pay for clean-energy technology is one of the unresolved issues.

U.S. officials such as [Todd Stern](#), special envoy for climate change, and [Ron Kirk](#), U.S. trade representative, have said the administration won't weaken intellectual-property protections.

India, Brazil, China

India, Brazil and China, the world's largest greenhouse-gas emitter, want easier access to licenses to make and export systems that produce electricity with fewer emissions, said James Love, an economist with [Knowledge Ecology International](#), a Washington-based group that follows intellectual-property negotiations.

“If what you're trying to do is mobilize the world to do something about climate change, you could actually be in favor of a lot of compulsory licensing,” Love said in an interview. “If you want to deal with climate change, you want buy-in from developing countries.”

World Trade Organization agreements should be interpreted to “allow compulsory licensing of patents for the production of climate-friendly equipment and goods that embed climate-friendly technology,” the United Nations' Geneva-based Conference on Trade and Development said in a report released on Sept. 7.

The sharing of some clean-energy patents has support from Senator [Jay Rockefeller](#), a Democrat from West Virginia, a coal-producing state. He said he backs development of “national technologies” to reduce carbon dioxide from burning coal that “nobody can put a patent on.”

‘Just Give It’

“If we get a good technology and Wall Street and industry and everybody else buys into it, then I want to give it free of charge to the Chinese and the Indians and to others, anybody who needs it,” Rockefeller told reporters Oct. 30. “Just give it. This is a worldwide problem.”

Senate Democrats began committee debate this week on legislation to limit greenhouse gas-emissions. The House passed a climate-change bill in June.

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