

[Title] A Perspective on the TRIPs compulsory licensing of environmentally sound technologies

[Citation magic code] CLI.A.1174223

[Author] [Yang Jing](#)

[Author] [Zhongnan University of Economics and Law](#)

[Article Categories] [General Criminal Law](#)

[Journal Title] ["Hubei Police College"](#)

[Journal] Year **2013**

[Periods] [Section 5](#)

[Chinese words] of environmentally sound technologies; compulsory licensing; elastic clause; balancing the interests of

[CLC] D923.4

[Article Code] 1673-2391 (2013) 05-0085-03

[Document code] A

[Page] 85

[Chinese Abstract]

TRIPs and related protocols through the establishment and development of the patent compulsory licensing system, to promote international transfer of environmentally sound technology, has been widely discussed theorists and practitioners. TRIPs has authorized compulsory licensing and some flexibility may be required by the terms of strict conditions to become a member of compulsory licensing of environmentally sound technology basis. Meanwhile, in the implementation process there are insufficient funds, is difficult to balance the interests of other obstacles. China should actively participate in the negotiations, advocated amendments to some provisions, and advocated the development of a comprehensive regulation of environmentally sound technology transfer agreement when conditions are ripe.

[References]

- [1] The 1992 United Nations Conference on Environment and Development "Agenda 21" [EB / OL]. <Http://earthwatch.unep.ch/agenda21/34.php> 2012-13-06-08.
- [2] K.Ravi Srinivas . Climate Change, Technology Transfer and Intellectual Property Rights [Z] RIS Discussion Papers, 2009 (4)..
- [3] Cheng Dawei WTO negotiations on climate change: the main issues and China strategy [J] Renmin University of China. , 2010 (4).
- [4] Xue wave Mototeru Common Law Dictionary [M] Beijing: Law Press, 2003:273 .
- [5] Jin Haijun proprietary intellectual property rights on the [M] Beijing: Chinese People University Press, 2004:51.
- [6] Carlos M. Correa.Intellectual Property Rights and the Use of Compulsory

- Licenses: Options for Developing Countries, Trade-Related Agenda, Development and Equity [Z] South Centre, 1999 (10). :. 3
- [7] ICTSD-UNCTAD.Capacity Building Project on IPRs and Sustainable Development [M] Resource Book on TRIPs and Development:. 122.
- [8] Carlos M. Correa.Intellectual Property Rights and the Use of Compulsory Licenses: Options for Developing Countries, Trade-Related Agenda, Development and Equity [Z] South Centre, 1999 (10):.. 4
- [9] Feng Jie Han reform WTO intellectual property system in public health crisis and [M], Wuhan: Wuhan University Press . Society, 2005:114 .
- [10] Zheng Chengsi explain one by one WTO TRIPS Agreement [M] Beijing: China Founder Press, 2001:116
- [11] Shubha Ghosh Reflections on the Traditional Knowledge Debate, 11 Cardozo J. Int. L & Comp. L.501-502.
- [12] Nai roots. later on during the "Kyoto Protocol" clean energy technology transfer [J]. Fudan University (Social Science Edition), 2011 (1).
- [13] "Doha package agreement "mixed [EB / OL]. <http://www.people.com.cn/n/2012/1210/c1002-19839662.html> 2012-13-12-29.
- [14] Economic and Social Affairs of UN. Climate Change: Technology Development and Technology Transfer [EB / OL] http://www.un.org/esa/sustdev/sdissues/energy/op/beijing_hlccc_nov08/background_paper.pdf ,2013-01-12...
- [15] Liu Hua, Zhou Ying. intellectual property policy options for developing countries under the TRIPS agreement elasticity [J]. Intellectual Property, 2009 (3).
- [16] Population Information Program.Pollution and Health Risks [EB / OL]. <http://www.webcitation.org/5xtTgrgNR> ,2013-01-13 .
- [17] Feng Jie Han compulsory licensing of drug patents: development "Doha Health Declaration" after the [J] Wuhan University (Philosophy and Social Sciences), 2008 (5). .
- [18] Wu Handong intellectual VS human rights: .. conflict, cross and coordination [N] China Intellectual Property News 2004-2006 -01-06 (4)
- [19] Wu Handong intellectual multidimensional interpretation [M] Beijing : Peking University Press ,2008:575-579
- [20] RA Mashelkar Report of the Technical Expert Group on Patent Law Issues [EB / OL] HTTP:.. || [www.SocialSciences.com / Data / Articles / Document 11,422,007,160.8054621.doc](http://www.SocialSciences.com/Data/Articles/Document11,422,007,160.8054621.doc) ,2013-01-14
- [21] International technology transfer mechanisms under the climate negotiations Jianping framework Change Research [J]. International Trade, 2010 (5).
- [22] Xu Sheng rights. adapt and respond to climate change-related intellectual property rights Research institutional problems [J] Intellectual Property, 2010 (5)..
- [23] Lawrence A.Kogan.Climate Change: Technology Transfer or Compulsory License [J] Monthly Caucus Luncheon, 2010 (1):. 7.**
- [24] Julie, Cho Chang to the UN report said the mitigation of climate change and economic development are not contradictory [N]. Science and Technology Daily ,2009-09-09 (2).