

Intellectual Property Rights and Climate Change

Interpreting the TRIPS Agreement for Environmentally Sound Technologies

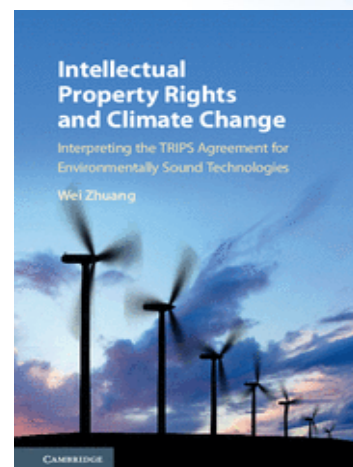
Wei Zhuang

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As the world confronts global warming, there is a growing consensus that the TRIPS Agreement could be a more effective instrument for mitigating climate change. In this innovative work, Wei Zhuang systematically examines the contextual elements that can be used in the interpretation of the TRIPS Agreement with a view to enhancing innovation and transfer of environmentally sound technologies. Zhuang proposes a balanced and pro-competitive interpretation that could be pursued by policy makers and negotiators. This comprehensive, multidisciplinary study will help academics and policymakers improve their understanding of the contemporary international legal regimes governing intellectual property rights and innovation and transfer of environmentally sound technologies. It also offers practical guidance for further developing a legal system capable of responding to the challenges posed by climate change.

Wei Zhuang is an Associate Lawyer in the Geneva Office of Van Bael & Bellis. She assists governments in WTO dispute settlement proceedings and advises companies in trade remedy investigations. Previously, she worked at the United Nations and the WTO. She was also a Marie Curie Fellow with the DISSETTLE (Dispute Settlement in Trade: Training in Law and Economics) Programme, a Visiting Fellow at the University of Cambridge (Lauterpacht Centre for International Law) and a Research Fellow at the Max Planck Institute for IP and Competition Law.

List of figures; Foreword; Acknowledgements; Table of cases; Table of treaties, declarations, resolutions and others; List of abbreviations; 1. Introduction; Part I. Intellectual Property Rights, Innovation and Transfer of ESTs: 2. Concepts and context: IPRs, innovation and transfer of ESTs; 3. International legal framework governing IPRs, innovation and transfer of technologies, including ESTs; 4. The effects of minimum IPR standards shaped by TRIPS on innovation and transfer of ESTs; Part II. Interpreting the TRIPS Agreement for Facilitating Innovation and Transfer of ESTs: 5. Rules governing treaty interpretation and the elements against which the TRIPS agreement should be interpreted; 6. Interpreting patent-related flexibilities in the TRIPS agreement for facilitating innovation and transfer of ESTs; 7. Interpreting competition-related flexibilities in the TRIPS agreement for facilitating innovation and transfer of ESTs; 8. Conclusions and recommendations; Bibliography; Index.



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'A valuable assessment of the limits and strengths of the international intellectual property rights framework in addressing the climate change threat through technological innovation. This book represents an important reflection on avenues to challenge entrenched global asymmetries in the innovation and transfer of environmentally sound technologies through a well-adapted and efficient implementation of the TRIPS Agreement.'

Pedro Roffe

International Center for Trade and Sustainable Development, Geneva

'This book offers a solid and indepth analysis of the flexibilities available under the World Trade Organization TRIPS Agreement in the context of environmentally sound technologies (ESTs). Dr. Wei Zhuang succeeds in showing how the UN Framework Convention on Climate Change technology transfer obligation should guide the interpretation of the TRIPS Agreement in the EST context.'

Christoph Spennemann

Legal Officer and Officer-in-Charge, Intellectual Property Unit, Division on Investment and Enterprise, United Nations Conference on Trade and Development



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