

# Bon Accord warn against Copenhagen assault on green technology intellectual property (IP) rights.

Edinburgh-based international intellectual property (IP) specialists, Bonaccord, warn of a concerted effort to undermine the IP rights for green technologies by developing countries with significant manufacturing capability.

Patricia Barclay, founder of Bonaccord, says, "Companies developing new "green" technologies should keep a close eye on any mention of IP in their sector in international talks and make any concerns known to their local Chamber of Commerce or trade association.

"The attacks were at their most intense at the recent climate talks in Copenhagen. The principal proposals from the developing countries called for compulsory licensing, similar to the arrangements to help essential medicines reach poorer nations. The EU, Japan and the United States have opposed these proposals, but do support technology transfer the development of measures to allow less technologically advanced countries to participate in these new technologies. "

"The poorest countries don't have the manufacturing ability to use compulsory licences, so the proposals only benefit developing countries with significant manufacturing capability, such as India and China. Low pricing or subsidised purchase would achieve the same ends without damaging the markets for innovative companies in both the developed world and developing countries.

"A US Chamber of Commerce report from Garten Rothkopf on the these proposals concluded they would have a major impact on the economy and jobs. One can assume there would be a similar impact in Europe. The report noted the imprecise definition of "climate-friendly" technologies could cover many processes and products, well beyond accepted "green technologies. It also suggests that compulsory licensing would deter US companies from engaging in technology transfer.

"This issue is clearly not going to go away. Several articles in the final Copenhagen Accord refer to technology building and associated support. Article 11 also mentions the establishment of a "Technology Mechanism" to accelerate technology development and transfer although how this will operate is not fleshed out. There is also to be the Copenhagen Green Climate Fund which will among other tasks, support technology transfer development and transfer to address the needs developing countries."

"As usual, the devil will be in the detail. "

If Scotland is to achieve its goal as a leader in renewables and alternative technologies, the companies involved need to ensure their returns are not eroded along with their intellectual property rights."

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## *About Bonaccord*

- Edinburgh based Bonaccord, is a law firm specialising in the commercialisation of new technology
- Founder, Patricia Barclay, has extensive international experience having lived and worked in a number of different countries and headed up the legal departments of two multinationals with responsibility for both the legal affairs of the companies and their intellectual property strategy and management.
- Bonaccord works closely with a group of specialist providers , from project design and development, to clinical and regulatory through to pricing, marketing and public relations in the UK and abroad to provide clients with seamless support throughout the development and commercialisation process
- Sector experience includes pharmaceuticals, bio-technology, medical devices, specialty engineering, animal health, cosmetics and food science