



Intellectual Property Awareness Network

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# **Topic Brief 15**

## **Patents and the environment - help or hindrance**

## Brief 15



**Greenhouse gases released into the atmosphere are the result of industrial and technological development, much of which has been incentivised and is protected by patent laws.**

## Patents and the environment—help or hindrance?

some activists argue that patents frustrate important social goals like protecting the environment and public health. Others, including many academics, business leaders, engineers and politicians, maintain that a strong patent system is part of the solution to a more sustainable environment – not part of the problem.

Politicians and scientists agree that climate change is one of the most pressing problems we are facing. Very few argue that man is not a principal cause of the greenhouse effect and related global warming. Greenhouse gases released into the atmosphere are the result of industrial and technological development, much of which has been incentivised and is protected by patent laws. This leads to the argument that the patent system should now play a role in protecting the environment.

There is a widespread view that strong patent protection stimulates innovation, encouraging companies to invest in research without fear of being stung by rivals. To make it easier to share information, some companies get together to form ‘patent pools’, allowing them to cross-license their technologies without losing out on royalties.

One such group is the Eco-Patent Commons, launched by IBM, Nokia, Pitney Bowes and Sony in partnership with the World Business Council for Sustainable Development (WBCSD)<sup>113</sup>.

The group is based on the premise that anyone who wants to bring environmental benefits to market can use a raft of pooled patents to protect the environment and enable collaboration between businesses that foster new innovations. The objectives of the Eco-Patent Commons are:

- To provide an avenue by which innovations and solutions may be easily shared to accelerate and facilitate implementation to protect the environment and perhaps lead to further innovation.
- To promote and encourage cooperation and collaboration between businesses that pledge patents and potential users to foster further joint innovations and the advancement and development of solutions that benefit the environment.

Since the launch of the Eco-Patent Commons in January 2008, one hundred eco-friendly patents have been pledged by a group of companies representing a variety of industries worldwide: Bosch, Dow, DuPont, Fuji-Xerox, GlaxoSmithKline, Hitachi, HP, IBM, Nokia, Pitney Bowes, Ricoh, Sony, Taisei and Xerox<sup>114</sup>.

113 <http://www.wbcds.org/home.aspx>

114 <http://www.wbcds.org/work-program/capacity-building/eco-patent-commons.aspx>

Several IP offices, including the European Patent Office and national offices in the UK and USA have also launched initiatives to speed up the patent process for ‘green’ patents. Launching the UK initiative in 2009, the then IP Minister David Lammy said: “Climate change affects us all and any actions we take now to improve low-carbon technology has got to be positive for both the environment and our future economic competitiveness.”

Prime Minister David Cameron reinforced the message in February 2013, speaking at the launch of the Department of Energy and Climate Change’s new Energy Efficiency Mission: “It is the countries that prioritise green energy that will secure the biggest share of jobs and growth in a global low carbon sector set to be worth \$4 trillion (£2.5 trillion) by 2015.”

### **Suggested further information:**

- World Business Council for Sustainable Development (WBCSD) website<sup>115</sup>.
- Eco-Patent Commons website, launched by IBM, Nokia, Pitney Bowes and Sony in partnership with the WBCSD<sup>116</sup>:
- Paper by Silva et al: “World scenario of green patents: Perspectives and strategies for the development of eco-innovations” – African Journal of Business Management Vol. 7(6), pp. 472-479, 14 February, 2013<sup>117</sup>

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115 <http://www.wbcd.org/home.aspx>

116 <http://www.wbcd.org/work-program/capacity-building/eco-patent-commons.aspx>

117 [http://academicjournals.org/article/article1380806975\\_Silva%20et%20al.pdf](http://academicjournals.org/article/article1380806975_Silva%20et%20al.pdf)