



candidate vaccines, which if unaddressed will continue to present significant risks of failure at relatively late stages of the development process. The specific challenge for these programmes will therefore be to shift the "risk curve" in order to better select successful vaccine candidates (and discard those with a higher risk of failure) at an earlier stage of the vaccine development process, for preventive as well as therapeutic vaccines.

237. In addition to the above projects, the EU is also co-funding with its Member States the

relevant to development. A third programme is the REDMAL programme, which intends to develop a malaria transmission blocking vaccine (2000-2004), with partners from Tanzania and India. And a last example is the More Medicines for Tuberculosis project, with partners from South Africa and India.

239.

technological innovation and the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations. To give some examples, in the case of environmentally sound technological products, the more excessive the protection the higher the price and production costs for small, medium-sized and large producers, generating incremental costs for the end products, meaning that they are no longer viable.

243. Another example of excessive protection is when each process for obtaining the end product using a particular type of technology is patented and necessitates large-scale investment so it becomes a barrier when comparing the cost of the investment needed to develop the product.

244. This is why Ecuador stresses that mechanisms are required to facilitate the transfer of ecologically rational technology, including agreement on international cooperation or the transfer of know-how to help to prevent the worst effects caused by climate change and to make the technology more accessible to developing countries.

245. Lastly, the Swiss delegation was not clear what was meant by "inappropriate enforcement". In Ecuador's view, inappropriate enforcement means the fact that the patent system is applied without respecting the objectives that promote IPRs set out in paragraph 7 of the TRIPS Agreement and in its Preamble, which states "Recognizing the underlying public policy objectives of national systems for the protection of intellectual property, including developmental and technological objectives."

246. The above represents Ecuador's reaction in response to the questions posed by the Swiss delegation referring, as we have seen, to the "Justification" section in paragraph 4 of Ecuador's document, a section whose objective was to explain the overall background so that, by means of serious studies, Members could have a clear picture of the situation of the transfer and use of green technologies, above all in developing countries.

247. At the Council's previous meeting, several countries such as the United States and the representative of the European Union referred to various studies which, in their view, showed that transfer of technology to developing countries had occurred in connection with the issue before us, based on the important role played by patents as a tool for generating innovation. We have, however, reviewed a large number of these studies and those by other authors such as Levin and Boldrine, who in Chapter 8 of the study "Against Intellectual Monopoly" assert that the patent system and monopolies are not the best way of promoting innovation.

248. Even though reference has been made to various studies, there has been no mention, for example, of the number of clean energy licences granted to developing countries or references to cases in which there has been transfer of technology, or to which Latin American or African producers this type of technology has been transferred. We therefore ask these delegations to furnish figures and statistical data backing up their statements.

249. Authors such as Joseph Stiglitz and Becker state that the incentives afforded by the patent system are not enough.

250. In the statements made by the delegates of the United States, Switzerland, the European Union and other countries, Ecuador was requested to submit studies or further documents in support of the proposal submitted for the Council's consideration. In this regard, I may point out that the proposal submitted by Ecuador on 1 March 2013 contains various textual references, many of them concerning authors supporting Ecuador's proposal.

251. Matthew Littleton, mentioned in the Ecuadorian proposal, considers "Despite numerous international commitments to promote transfer of climate-change related technologies to developing countries, such transfers are not occurring at a sufficient rate to aid the least developed nations in mitigating and adapting to the effects of climate change", a quotation from the article "The TRIPS Agreement and Transfer of Climate-Change Related Technologies to Developing Countries", published in Volume 33 of the Review "A United Nations Sustainable Development". This article, which I invite you to read, also covers the options for improving the transfer of technology by making use of the existing flexibilities on TRIPS and by implementing government and private policies.

nonetheless of the view that the proposal submitted could potentially undermine incentives for innovation.

261. As a practical example, we would like to mention the case of the Medicines Patent Pool (MPP), a non-profit organization backed by the United Nations, which is public health driven and geared towards the promotion of effective access to medicines.

262. The MPP uses a business model that seeks to assess

establishing demonstration projects, and most importantly, adapting technologies to suit the Indian specific requirement.

270. According to the Director of the EBTC, "It is imperative that EU and India take stronger strides in removing barriers to clean technology collaborations. EBTC has been providing customised services that aid in breaking down some of these barriers by reinforcing itself as an organisation that enables European businesses and researchers to interact seamlessly with Indian counterparts as well as keeping policy makers informed of challenges faced in such collaborations. The fruits of EBTC's efforts can be seen in the fact that 23 cooperation agreements have been facilitated between companies, in a number of cleantech areas, including those of energy efficiency software, floating solar platforms and real-time water quality monitoring. Interest in mutually beneficial technology and solutions continues to gather pace, and EBTC expects to see the still nascent cleantech sector growing at a promising pace."

271. In 2013, the EBTC became the lead coordinator of the Enterprise Europe Network India – the largest technology platform opening doors which connect SME's in India and Europe.

272. The EBTC has a "Cleantech database" which Indian companies or researchers can access to discover technology or innovation which can complete their business requirements. Hundreds of new technology profiles are added every week. The EBTC also has a Cleantech incubator which offers individual workstations in the EBTC's office premises.

273. The EBTC also set up a European Technology Experience Centre (in September 2013) which supports sustained knowledge exchange between EU and India to facilitate collaboration in Technology, Science, Research, Innovation and Business. The Centre brings together companies and researchers from the EU and India to generate new business opportunities and technology transfer. Indian businesses, local government representatives, policy makers and experts can also attend the training and capacity building programs on offer and interact with EU experts. The Centre allows for technologies to be demonstrated through various means including the use of computer demonstrations, audio-visuals, live presentation, case study demonstrations. The Centre can also be used to organise or carry out capacity building activities.

274. The EBTC also hosts a Research to Innovation to Business (RIB) initiative which aims to facilitate the process of converting EU research projects into innovative and sustainable business, by promoting links and creating networks between EU and India in research, business, institutions and entrepreneurs.

275. The EBTC Water partnership. Over the past 3 decades, the EU has restored the quality of European waters by significantly reducing the pollution from its urban, industrial and agricultural sectors. The knowledge and technological expertise that has enabled this restoration can be adapted and replicated in the Indian context. EBTC has become a strategic partner of the India Water Development Programme and helps to support the deployment of EU technology and expertise in IWDP's pioneering projects.

276. I would like to mention some concrete examples:

- x Aqua Q – an early warning system that detects bacteria and parasites in water. A collaboration between a Swedish company and an Indian Partner in Kolkata started in July 2013 and launched a new product on the Indian market. The device is specifically designed for the local conditions. An already existing Indian production line was adapted and local software was integrated into the project. Aqua Q worked with local people who understand the local conditions and needs.
- x Tranquil Aquabion - Every year, damage caused by limescale and corrosion in pipe lines used in potable, industrial, and waste water, applications, results in a large cost for buildings and industries. Within the Green Building sector this results in concerns over sustainability and high recurring costs. For nearly 25 years, the ION AQUABION group from Dusseldorf

277. A Memorandum of Understanding In February 2013, a Memorandum of Understanding (MoU), was signed between Ciel et Terre from France with Klystron Electronics Pvt. Ltd from Kolkata, and facilitated by the European Business and Technology Centre (EBTC). The technology involved is floating solar PV. Floating solar PV is a unique solution to address the combined issue of energy, water conservation and land availability. The Hydrelion system patented by Ciel & Terre is a reliable and eco-friendly way to save valuable land and convert a water area into a profitable large scale solar power plant (from 1 to 50 MW). Water aeration technology can also be fitted with the structure to enable purification of the water. Critical success factors for such a project include building a local supply chain, attaining an appropriate Power Purchase Agreement (PPA), power plant investors and operators. All of which are possible given the abundance of resources and potential in the region.

278. Mr. Ghosh (Executive Director, Klystron Electronics Pvt. Ltd,) emphasized that, "as the name suggests, floating solar technology does not require land for its installation, the Eastern as well as North -Eastern region needs energy and has an abundance of water bodies. With the availability of floating solar, the region can contribute to the compensation of energy requirement to certain extent, especially in the rural areas. Support will be required from all stakeholders for the diffusion of such a useful technology."

279. A recent proposal for collaborative research. Saint -Gobain Research India Ltd. (SGRI), an R&D centre of Saint Gobain based in Chennai, in collaboration with the Indo -French Centre For The Promotion Of Advanced Research (Cefipra), an autonomous body for bilateral cooperation in Science and Technology between France and India under its innovation program on "Sustainable habitat for hot and/ or humid climates", launched a joint call for proposals in November 2013. Proposals were invited from the Indian and French scientists/researchers of Indian and French research institutions for research proposed to be done in collaboration with SGRI.

280. Topics:

x Improvement of Energy

11.6 India

283. We thank the delegation of Ecuador for including this agenda item. I would also like to thank the delegation of the EU for highlighting their efforts in India through European Business and technology Centre. Since I am not aware of this initiative, I would not like to comment on this.

284. It is high time that the role of Intellectual Property is addressed in a constructive and balanced manner to address the issue of greenhouse gas emissions and climate change adaptation

and consequently support the efforts of countries in addressing climate change. This delegation believes that it is important to create an environment that is conducive to self - efforts being made by industry to address global environmental issues. From this perspective, Japan has been supporting this initiative.

302. As delegations will recall, in June of last year, the United States provided a review of a significant body of economic research and other data that demonstrated that green technology innovation is happening in both developing and developed countries, that voluntary technology transfer is occurring, and that IPR plays a significant and catalytic role in promoting such innovation and transfer. For the delegation that suggested today that voluntary technology transfer is not happening, we would refer that delegation to our intervention in June which refutes that assertion. Chile, the EU, Japan and Switzerland's interventions today further demonstrate, with facts, that voluntary technology transfer is occurring.

303. Despite the wealth of data confirming these findings, some delegations may still say that IPR protection and enforcement is not the only answer to the green technology question. And we agree, that despite the positive contributions of IPR to innovation and technology transfer, many non-IPR barriers continue to stand in the way of innovation and technology transfer.

304. As we discussed at the last meeting of this Council in October, there are numerous non-IPR obstacles standing in the way of our joint goal of promoting innovative solutions to our shared climate imperative.

305. In the context of the UN Framework Convention on Climate Change, 31 developing countries and least -

overcome several of the barriers identified in those Technology Needs Assessments. Today, we wanted to highlight a few of those mechanisms.

311. Travelling from Botswana to the United States, we will focus on another university-based mechanism that includes a vibrant climate change component. The US Association of University Technology Managers or AUTM, for example, is a nonprofit organization with an international membership of more than 3,000 technology managers from more than 300 universities, research institutions, teaching hospitals, as well as businesses and government organizations.

312. AUTM's technology managers represent their institutions and are primarily responsible for:

- x Identifying new technologies;
- x Protecting technologies through patents and copyrights; and
- x Forming development and commercialization strategies such as marketing and licensing to existing private sector companies or creating new startup companies based on the technology

313. AUTM operates several cutting -

320. Finally, I could view and access information on 24 U.S. "Solution Providers" that have experience and technological expertise in arsenic remediation in drinking water. With no shortage of environmental problems to solve, the Environmental Solutions Exporters Portal tailors solutions in an efficient and multidimensional fashion. ge

321. Moving from the United States to just up the street here in Geneva, WIPO has developed several innovative platforms to match member states' needs with IP -related resources. These include the WIPO Development Matchmaking Database and WIPO GREEN. The WIPO DMD, for

328. Speaking generally , have WTO delegations promoted an innovation environment within their borders through IPR protection and enforcement, or do financial disincentives and market barriers, such as local content requirements, frustrate green technology innovation and transfer ?

329. W

11.12 Australia

337.

11.15 Benin

355. This agenda item is as important as the others we have taken up during this session . I would like to underline the importance of the contribution of IP to the promotion of transfer of technology and innovation , and of the link to environmental issues, particularly climate change . For that reason , my delegation, following others who have spoken previously , would like to strongly recommend that the scientific community and researchers in the business world undertake and

11.20 Secretariat

361. The rules of procedure for meetings of the General Council, which in this respect also apply to the TRIPS Council, provide that "its shall be open to any Member to suggest items for inclusion in the proposed agenda up to, and not including, the day on which the notice of the meeting is to be issued", and that "requests for items to be placed on the agenda of forthcoming meetings shall be communicated to the Secretariat in writing, together with accompanying documentation to be issued in connection with that item". So this is the normal procedure when a delegation wants to put any additional items on the proposed agenda. Our practice has been that if the same delegation or some other delegation wants to revert to such a matter at a subsequent meeting, then it submits a new request. As you are aware, there are a number of themes to which the Council has returned several times, not necessarily at the request of the same delegation, but also by another delegation, or sometimes by groups of delegations. Of course the Council can take a decision by consensus to revert to such a matter at its next meeting. However, the normal and non-controversial procedure is, where a delegation wants to continue the discussion of such an item, that it submits a written request after which the item will be included on the proposed agenda.

11.21 Chair man

362. May I ask whether the Council, pursuant to Ecuador's suggestion, is willing to agree to have this item on the agenda of its next meeting. If not, Ecuador has every right to once again request it in writing.

11.22 United States

363. We need to fully consider the implications of this issue and would prefer to review this issue back in capital. We are perfectly happy to return to this agenda item if Ecuador submits a written request through the normal procedures.

11.23 Ecuador

364. We regret that a single Member of the Council is unable to join the consensus. I do not really understand it because, in various statements that have been made by the same Member, they have led us to believe that it is a matter of interest to them and we are very grateful for all of the examples that have been cited. We simply do not understand why taking up the same item at the next Council meeting is a problem. We have proposed the preparation of new studies and indicated that we will submit a revised version of our proposal on this topic. So we would urge the US delegate to agree that this item could be on the agenda for the next meeting, as happened in October at the last Council in which the United States was in agreement to deal with this item. There have been so many Members who have said that it is a topic of interest to them and therefore we would ask for the indulgence of the United States in enabling us to consider this item.

11.24 Chair man

365. I suggest that the Council take note of the statements made. Since delegations may exercise their rights under the provisions in a rational way, there is no need to have a discussion in the Council on the interpretation of the rules. So I would invite any interested delegation to submit a written request for the inclusion of any item of interest to them.

11.25 Ecuador

366. Ecuador would already like to indicate that it will put a request to the Secretariat at the appropriate time in order to continue consideration of this item.