



Rigorous empirical
research on
intellectual property

Green tech, patents, standards: how to achieve global climate neutrality by 2050

Host: Axel Ferrazzini, Managing Director, 4iP Council

Presenters:

- Dr. Tilman Breitenstein
- Dr. Claudia Tapia
- Sofia Pachera Gasparini



What do we do?



Non-Profit Activities



High Quality Academic Research



Education



Promotion Innovative SMEs



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to inspire SMEs



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European Court Decisions:



Which types of intellectual property do you need?

Filter table columns

?	PATENTS	COPYRIGHTS	DESIGNS	TRADE MARKS	TRADE SECRETS
What do they protect?	An invention: a new and creative way of doing something or solving a technical problem. See also	A work of original intellectual creation. See also	A new and original visual appearance of a product. See also	Distinctive signs: words, sounds, images, smells, etc. See also	Confidential information. See also
Examples of what is protected	Invention products and processes in all fields of business. For example of successful patents by EPO: See also	Books, music, films, software, architecture, designs, inventions, etc. See also	Product design, industrial design, computer icons, logos, etc. See also	Words, sounds, images, smells, etc. See also	Confidential information. See also
How are they rights protected?	Through application and grant by a patent office. See also	Automatic protection upon creation of the work. See also	Through application and grant by a design office. See also	Through application and grant by a trademark office. See also	Through application and grant by a trade secret office. See also
How long is my protection?	Up to 20 years. See also	Life of the author + 70 years after death. See also	Up to 25 years for registered designs. See also	Up to 10 years for trademarks. See also	As long as the information remains confidential. See also
Do I have to register it?	Yes, filing an application to a patent office is required. See also	No, copyright protection arises automatically upon creation. See also	Yes, filing an application to a design office is required. See also	Yes, filing an application to a trademark office is required. See also	No, trade secret protection arises automatically upon creation. See also



2 - NEGOTIATING
3 - FUNDING
4 - STRATEGIC VALUE

Explore how patents add value with our [interactive guide](#).

3 - COLLABORATION
4 - FUNDING

Explore the benefits of copyright with our [interactive guide](#).

4 REASONS 4 TRADEMARKS

- 1 - DIFFERENTIATION
- 2 - PROTECTION
- 3 - REPUTATION
- 4 - REVENUE

Explore the benefits of trademarks with our [interactive guide](#).

4 REASONS 4 DESIGN RIGHTS

- 1 - EXCLUSIVITY
- 2 - COMMERCIALISATION
- 3 - REPUTATION
- 4 - VALUE

Explore the benefits of design rights with our [interactive guide](#).

Case Law post CJEU ruling *Huawei v ZTE*

[Back to main 4IP Council site](#)



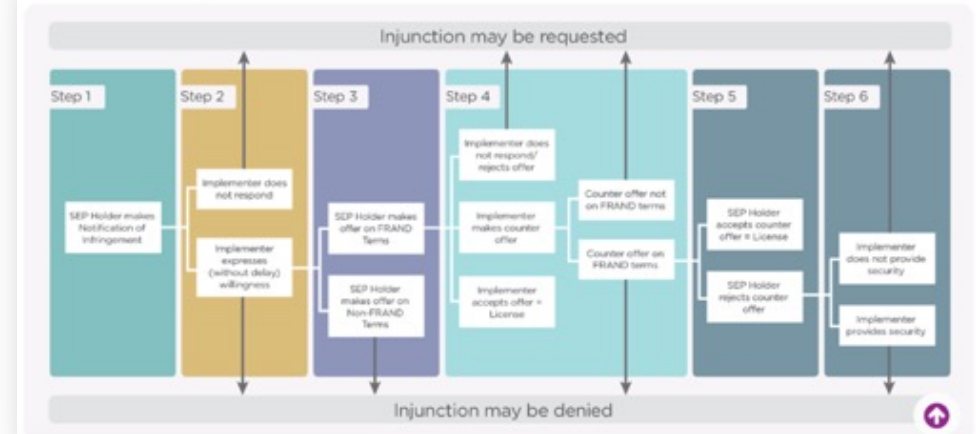
National Courts Guidance

Negotiating Licenses for Essential Patents in Europe

Increased clarity provided on the principles established by the Court of Justice of the European Union in *Huawei v ZTE*.

The Court of Justice of the European Union clarified, in *Huawei v ZTE* (Case No. C-170/13), European law relating to the availability of injunctive relief for infringements of FRAND-based standard essential patents. In doing so, the Court provided a legal framework focused on the good faith conduct to be expected of both parties. Since

Huawei v ZTE process



Green Tech, patents, standards: how to achieve global climate neutrality by 2050



Dr. Tilman Breitenstein

IP Lead Counsel for BASF's Nutrition and Health Division and has practiced IP in 5 countries all across the chemical industry. He is university lecturer on IP in Germany and France.



Dr. Claudia Tapia

Director IPR Policy and Legal Academic Research at Ericsson. Claudia's main responsibility is to lead the IP Policy Research team and its activities worldwide.



Sofia Pachera Gasparini

Junior Legal Counsel in a multinational company in the beverage industry with a focus on patents, IT, data protection and new technologies. Previously, she supported 4iP Council in research activities

The Climate Change Crisis

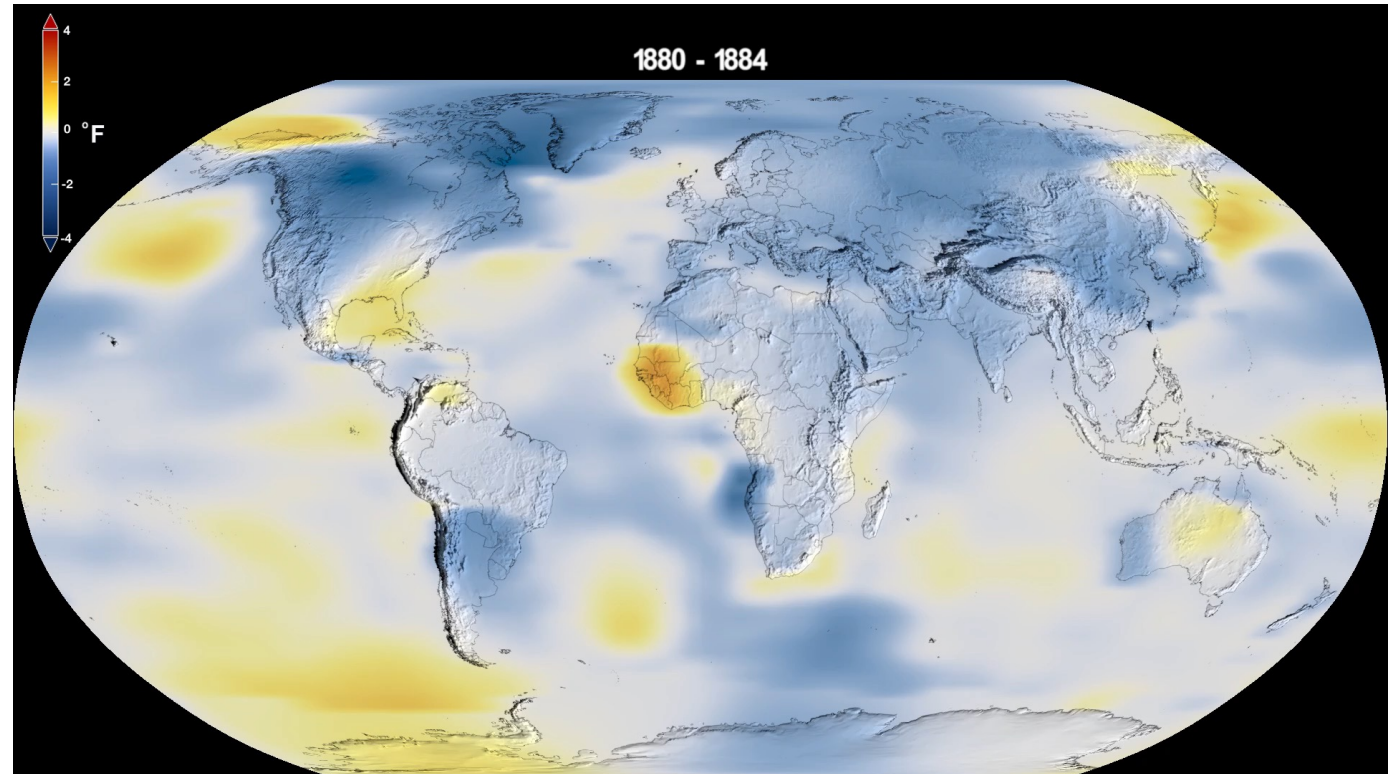


- **Severe** and **global** impact
- **Rapid** and **Immediate** actions

Paris Agreement (2015)



- 196 Countries
- Global Climate Neutrality by 2050



Data source: NASA/GISS

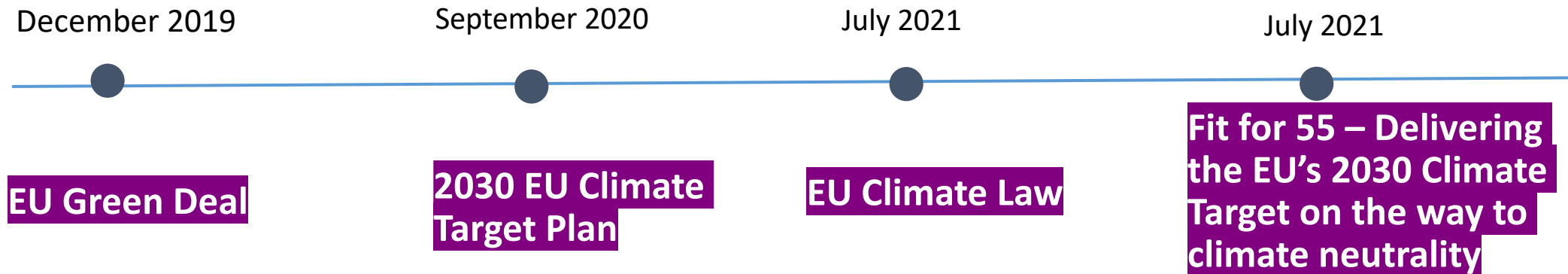
Credit: NASA's Scientific Visualization Studio

Global climate neutrality by 2050

1. Legal and Policy Instruments
2. Green Tech



Legal and Policy Instruments





Definition

1. Variety of technological fields
2. Common environmentally friendly purpose



Examples

Wind energy, electric cars, LED lighting, vertical farming

Development and Diffusion



1. R&D Investments

2. IP System



3. Global high quality and affordable Solutions

1. R&D Investments

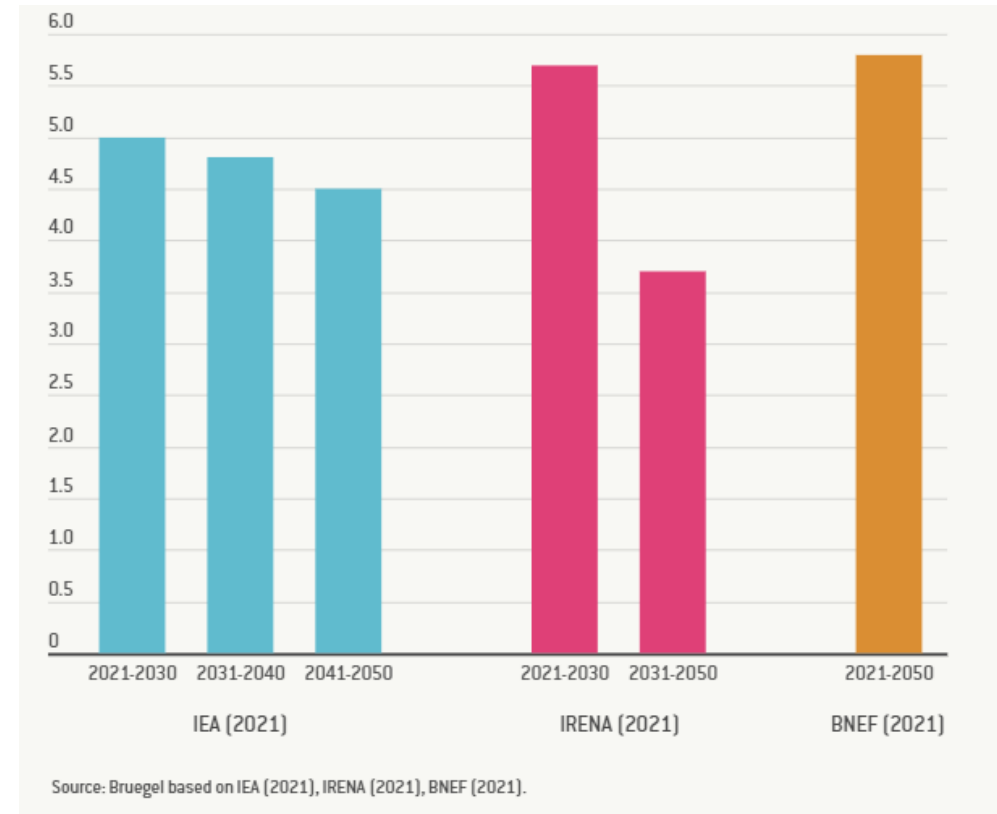
BETWEEN

\$ 3,1 Trillion

To

\$ 5,8 Trillion

PER YEAR



Lenaerts, K., S. Tagliapietra and G.B. Wolff (2021), *Bruegel Blog*, 25 August



2. IP System

Public goods

non excludable and non rivalrous

Market failure

difficult and costly to create

BUT

easy and cheap to replicate



IP System

- Balance of public and private interests
 - Economic incentives
 - Public disclosure
 - Technological progress





3. Solutions



- Cutting edge technologies
- Global solutions
- Affordable access

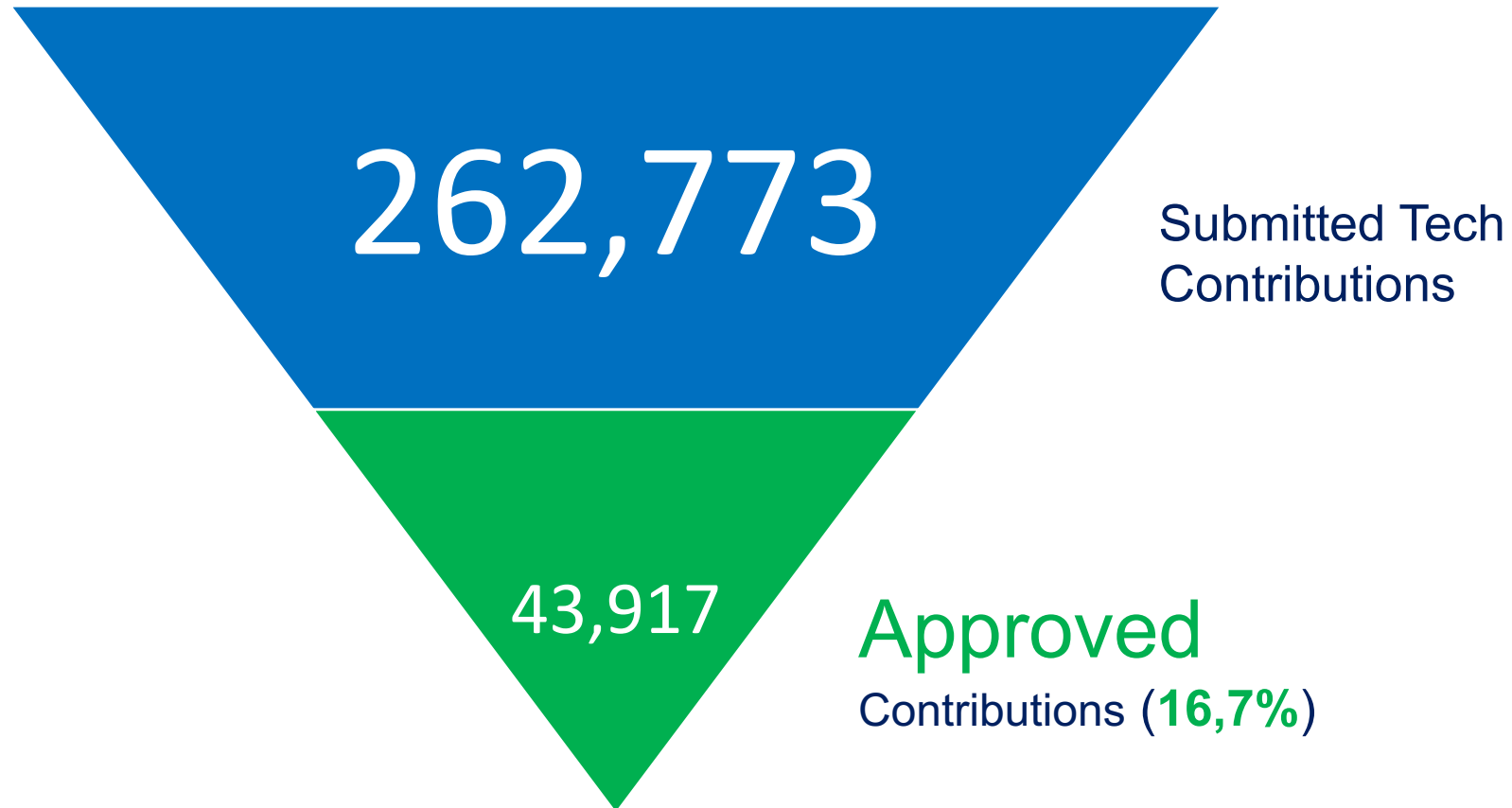
Standards



Standardisation allows for devices, systems and services “to **connect and interoperate** with each other, **boosting innovation**, and keeping ICT markets open and competitive.”



3G and 4G



3,452,040

working hours in
meetings

FRAND licensing negotiations

- Fair, Reasonable and non-discriminatory
- Bilateral
- Good Faith
- Flexibel
- Balance



World Trade Organisation Principles



Transparency



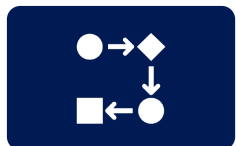
Openness



Impartiality and consensus



Effectiveness and Relevance



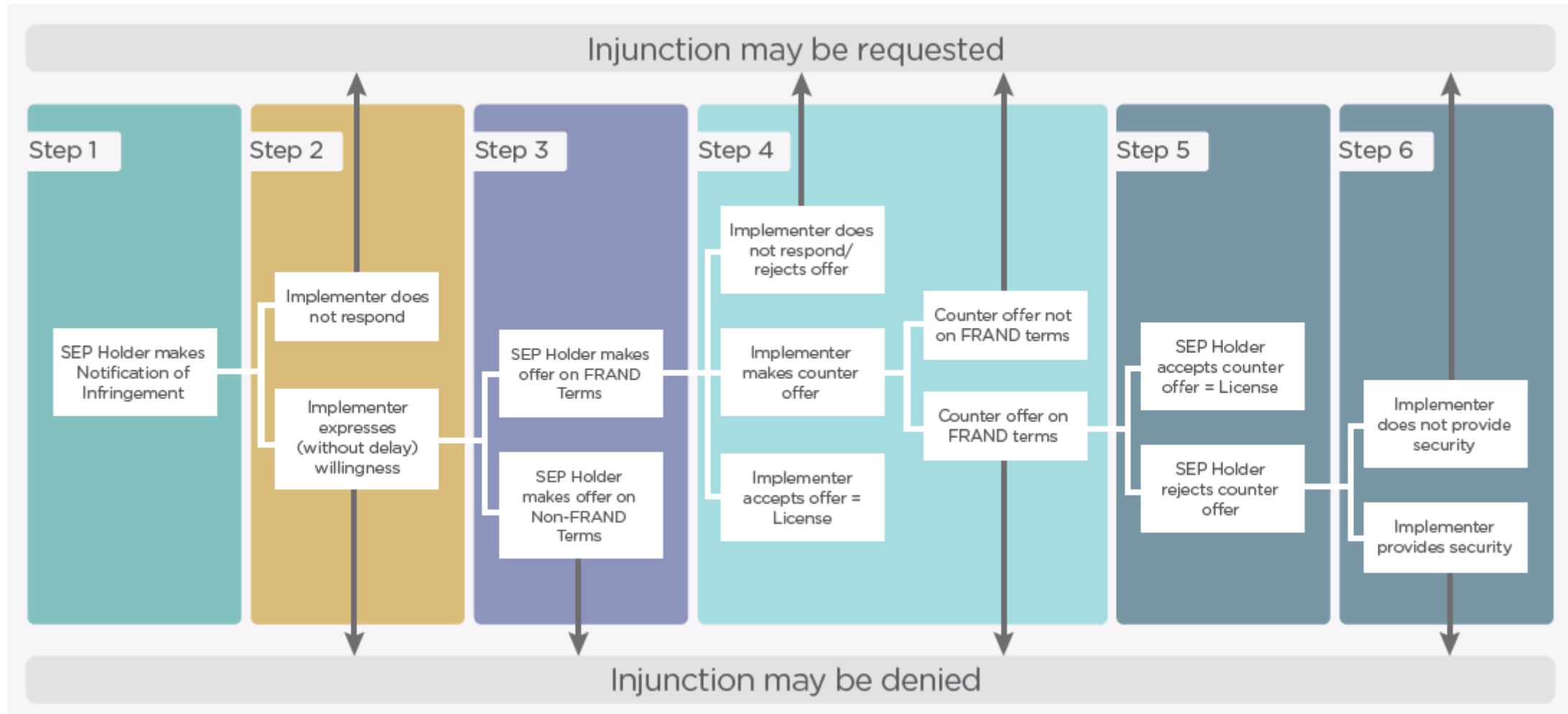
Coherence



Development Dimension

FRAND licensing – CJEU ruling

case C170/13 Huawei v ZTE on 16 July 2015



Conclusions



Thank You!

Q&A

Forthcoming Webinar:

Date	Title	Summary
23-06-2022 16h (CET)	How trade secrets can impact your business	Joint webinar organised by the EUIPO and 4iP Council. You will learn the essentials of Trade Secrets, the risks and advantages and the best way to use them for your business.

