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**The TRIPS of TRIPS**  
And the TRIPS of climate:

ANALYSIS TO COME: ALTHOUGH TRIPS IS A CHALLENGING ISSUE...

TRIPS IS A CHALLENGING ISSUE...

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**"The climate of TRIPS"**  
The TRIPS of Climate

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**The global warming of IP**

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- Specific legal obligations between States
- A growing sense of urgency = increase in emergency, reduce transaction costs
- Emerging intellectual property rights issues
- Adaptation technologies linked to right to health, shelter, food, ...
- National self-interest in wide diffusion elsewhere of clean technology
- Technologies highly diverse in character: are the essential medicines
- Diverse conceptions of transfer
- Adaptation or mitigation technologies?
- Emphasis on diffusion, assimilation, adaptation?

- In the 3rd quarter IP & technology seem to diverge!
- Do climate change mitigation and adaptation generate distinctive challenges for IP law, policy and administration?
- How to solve and/or to work with technology?

And in practice....?

Figure 1. Adaptation and mitigation case studies



Figure 2. Adaptation and mitigation case studies



Figure 3. Adaptation and mitigation case studies



Figure 4. Adaptation and mitigation case studies



Figure 5. Adaptation and mitigation case studies



Figure 6. Adaptation and mitigation case studies



Figure 7. Adaptation and mitigation case studies



Figure 8. Adaptation and mitigation case studies



Figure 9. Adaptation and mitigation case studies



Figure 10. Adaptation and mitigation case studies



- Cooperative action on technology
- consistent with their respective capabilities and national circumstances and priorities, to undertake dynamic, iterative identified innovation-driven approaches that:
    - Promote the establishment, under strengthening of national systems of innovation, including, as appropriate, national innovation, innovation centres,
    - Provide public- and private-sector partnerships,
    - Create the enabling environments to facilitate enhanced action on technology transfer and mobilise private-sector investment,
    - Develop and strengthen relevant institutional, technical and human capacity, including the capacity to attract, adapt and disseminate and apply and innovatively extend technologies.
  - Increase private and public, inter- and intra-sectoral, research, development and innovation (covered with current funds), working towards a long-term goal of global innovation-related research, development and dissemination by 2020, and increasing the flow of knowledge and skills from the innovation system, with a significant shift in emphasis towards safe and sustainable low-growth and existing technologies, especially renewable energy.

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# The Sequel to Chance Encounters

OR

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**The climate of TRIPS  
and the TRIPS of climate:**

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# **The climate of TRIPS and the TRIPS of climate:**

*situating the WTO TRIPS Agreement  
in policy debate on climate change*

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the small print

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- Not an institutional view
- Nor an authoritative account
- Work in progress

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A background question:

- If climate change is a system-wide challenge, what technical, background work is needed or useful from different specialised agencies to support policymakers?
- without exceeding mandate and meeting political expectations?

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- concerns effective
- legal action effects
- ... with po



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- Uruguay Round choice to address IP as part of a 'single undertaking' on trade law
- precipitates debate over legitimate role of IP standards in a trade law system
- broadening into debates over public health, food security, biodiversity, human rights – renewed debate over technology transfer
- at centre of a phase of intense scrutiny and sceptical review of the patent system as a means of promoting development and dissemination of needed technology...