

# List of Works Cited

## Articles:

- Ronald M. Daignault**, Carbon Offsets and Patent Protection for Business Methods After *IN RE BILSKI*, *CLEAN TECH LAW & BUSINESS* (2009)
- Estelle Derclaye**, Patent Law's Role in the Protection of the Environment – Re-Assessing Patent Law and Its Justification in the 21st Century, *IIC* 249 (2009)
- Graeme B. Dinwoodie** and **Rochelle C. Dreyfuss**, Diversifying Without Discriminating: Complying with the Mandates of the TRIPS Agreement, *13 MICH. TELECOMM. TECH. L. REV.* 445 (2007)
- Hideo Doi**, Japan's Green Technology Plan, *196 MANAGING INTELL. PROP.* 125 (2010)
- John F. Duffy**, Why Business Method Patents? (forthcoming, on file with author)
- John F. Duffy**, Rethinking the Prospect Theory of Patents, *71 U. CHI. L. REV.* 439 (2004)
- Bill Eggertson**, Can Renewables Take the Credit? *9 RENEWABLE ENERGY FOCUS*, 24-25 (Nov. 2008)
- William Fisher**, Theories of Intellectual Property *in* *NEW ESSAYS IN THE LEGAL AND POLITICAL THEORY OF PROPERTY* (Stephen Munzer ed., Cambridge University Press 2001)
- Damien Geradin**, Pricing Abuses by Essential Patent Holders in a Standard-setting Context: A View from Europe, prepared for the "Remedies for Dominant Firm Misconduct" Conference, University of Virginia (June 4-5, 2008)
- Michael Hasper**, Green Technology in Developing Countries: Creating Accessibility through a Global Exchange Forum, *1 DUKE L. & TECH. REV.* 1 (2009)
- Cameron Hutchison**, Does TRIPS Facilitate or Impede Climate Change Technology Transfer into Developing Countries? *3 UNIVERSITY OF OTTAWA LAW & TECHNOLOGY JOURNAL* 519 (2006)
- Mark D. Janis**, "Minimal" Standards for Patent-related Antitrust Law under TRIPS, *in* *INTERNATIONAL PUBLIC GOODS AND TRANSFER OF TECHNOLOGY UNDER A GLOBALIZED INTELLECTUAL PROPERTY REGIME* (Keith E. Maskus and Jerome H. Reichman eds., Cambridge University Press 2005)
- F. Scott Kieff**, IP Transactions: On the Theory & Practice of Commercializing Innovation (Stanford Law School John M. Olin Program in Law and Economics, Working Paper No. 311), at <http://ssrn.com/abstract=821327>
- Hee-Eun Kim**, Charting the Development of the Trademark Industry through INTA, *WORLD TRADEMARK REVIEW* 46 (June/July 2010)
- Hee-Eun Kim**, Illustrations of FRAND Licensing Principles in Law and in Court, Mar. 25, 2010 (unpublished manuscript) (on file with author)
- Hee-Eun Kim**, Changing Climate, Changing Culture: Adding the Climate Change Dimension to the Protection of Traditional Cultural Expressions, Jan. 24, 2011 (on file with author, forthcoming)
- Edmund W. Kitch**, The Nature and Function of the Patent System, *20 JOURNAL OF LAW AND ECONOMICS* 265 (1977)
- Michael Kremer** and **Heidi Williams**, PROMOTING INNOVATION TO SOLVE GLOBAL CHALLENGES: OPPORTUNITIES FOR R&D IN AGRICULTURE, CLIMATE CHANGE, AND HEALTH (The German Marshall Fund of the United States 2008)

- Chi Chung Lee, Yilin Hu and Markus W. Ribbe**, Vanadium Nitrogenase Reduces CO, 329 *SCIENCE* 642 (Aug. 6, 2010)
- Michael Lehmann**, Property and Intellectual Property – Property Rights as Restrictions on Competition in Furtherance of Competition, IIC (1989)
- Mark A. Lemley**, Intellectual Property Rights and Standard-Setting Organizations, 90 *CAL. L. REV.* 1889 (2002)
- Mark A. Lemley and Carl Shapiro**, Patent Holdup and Royalty Stacking, 85 *TEX. L. REV.* 1991 (2007)
- Rainer Moufang**, The Concept of “ORDRE PUBLIC” and Morality in Patent Law, in *PATENT LAW, ETHICS AND BIOTECHNOLOGY* (Geertrui Van Overwalle ed., Katholieke Universiteit Brussel 1998)
- Janis M. Mueller**, Patent Misuse through the Capture of Industry Standards, 17 *BERKELEY TECH. L.J.* 623 (2002)
- James Nurton**, Get Ready for the Clean Tech IP Boom, 182 *MANAGING INTELL. PROP.* 40 (2008)
- Karolina Schoeler**, Patents and Standards: The Antitrust Objection as a Defense in Patent Infringement Proceedings, in *PATENTS AND TECHNOLOGICAL PROGRESS IN A GLOBALIZED WORLD: LIBER AMICORUM JOSEPH STRAUS 177-196* (W. zu Waldeck *et al.*, eds. 2009)
- Carl Shapiro**, Navigating the Patent Thicket: Cross Licenses, Patent Pools, and Standard Setting, in *INNOVATION POLICY AND THE ECONOMY* 119-150 (Vol. I, Adam Jaffe, Joshua Lerner, and Scott Stern eds., MIT Press 2001), *available at* <http://haas.berkeley.edu/~shapiro/thicket.pdf>
- Urs Steiner Brandt and Gert Tinggaard Svendsen**, Switch Point and First Mover Advantage: The Case of the Wind Turbine Industry (Aarhus School of Business, Working Paper 04-2 ISSN1397-4831)
- Joseph Straus**, Biotechnology and Patents, 54 *CHIMIA NO.* 5, 293 (2000)
- Joseph Straus**, Patents on Biomaterial – A New Colonialism or a Means for Technology Transfer and Benefit-Sharing? in *BIOETHICS IN A SMALL WORLD* 45-72 (Felix Thiele and Richard E. Ashcroft eds., Springer 2005)
- Joseph Straus**, The Impact of the New World Order on Economic Development: The Role of the Intellectual Property System, 6 *J. MARSHALL REV. INTELL. PROP. L.* 1 (2006)
- James Thuo Gathii**, Balancing Patent Rights and Affordability of Prescription Drugs in Addressing Bio-Terrorism: An Analysis of In Re Ciprofloxacin Hydro chloride Antitrust Litigation, 13 *Alb. L. J. Sci. & Tech.* 651 (2003).
- Craig Waldman and Margaret Ward**, Antitrust Issues in Clean Technology, *THE ANTITRUST SOURCE* (Apr. 2010)
- Bettina Weiss**, Global PV Competition Creates Increased International Disputes, *at* [http://www.pvgroup.org/NewsArchive/ctr\\_041594](http://www.pvgroup.org/NewsArchive/ctr_041594) (last visited Jan 13, 2011)
- Meital Werner and Heinz Goddar**, Technology Transfer between Academy and Industry – a Comparison of the Situation in Germany and the United Kingdom, *LES NOUVELLES* 198 (Sep. 2009)
- Tim Wilson**, Undermining Mitigation Technology Compulsory Licensing, Patents and Tariffs (Institute of Public Affairs IPA Backgrounder 2008)

## Books:

- Henry William Chesbrough**, *OPEN INNOVATION: THE NEW IMPERATIVE FOR CREATING AND PROFITING FROM TECHNOLOGY* (Harvard Business School Press 2003)

- Daniel Gervais**, THE TRIPS AGREEMENT DRAFTING HISTORY AND ANALYSIS (Thomson Reuters (Legal) Limited 3rd ed. 2008)
- Paul Gipe**, WIND ENERGY COMES OF AGE (John Wiley & Sons, May 1995)
- Larry M. Goldstein and Brian N. Kearsey**, TECHNOLOGY PATENT LICENSING: AN INTERNATIONAL REFERENCE ON 21ST CENTURY PATENT LICENSING, PATENT POOLS AND PATENT PLATFORMS (Aspatore Books 2004)
- Fritz Machlup**, AN ECONOMIC REVIEW OF THE PATENT SYSTEM (U.S. Govt. Print. Off. 1958)
- James Manwell, Jon McGowan and Anthony Rogers**, WIND ENERGY EXPLAINED: THEORY, DESIGN AND APPLICATION (John Wiley & Sons, 2009)
- Ron Pernick**, CLEAN TECH REVOLUTION: THE NEXT BIG GROWTH AND INVESTMENT OPPORTUNITY (HarperCollins Publishers 2007)
- Nuno Pires De Carvalho**, THE TRIPS REGIME OF PATENT RIGHTS (Wolters Kluwer 3rd ed. 2010)
- Claudia Tapia**, INDUSTRIAL PROPERTY RIGHTS – TECHNICAL STANDARDS AND LICENSING PRACTICES (FRAND) IN THE TELECOMMUNICATIONS INDUSTRY (Carl Heymanns Verlag 2010)
- Michael Trimborn**, EMPLOYEES' INVENTIONS IN GERMANY: A HANDBOOK FOR INTERNATIONAL BUSINESS (Carl Heymanns Verlag 2008)

## Cases:

### *Europe:*

- Harvard/Onco-Mouse, T 0019/90 – 3.3.2 EPO Boards of Appeal (Oct. 3, 1990)
- Case C-418/01 IMS Health v. NDC Health, 2004 E.C.R. I-5039
- Case T-201/04 Microsoft v. Commission, 2007 E.C.R. II-3601
- Plant Genetic Systems N.V., et al. v. Greenpeace Ltd., T 0356/93 – 3.3.4, EPO Boards of Appeal (Feb. 21, 1995)
- Joined Cases C-241 and 241/91, P RTE and IRP v. Commission, 1995 E.C.R. I-743 (“Magill”)

### *United States:*

- Abridge v. Microsoft Corp., 995 F. Supp. 728 (S.D. Tex. 1998)
- BellSouth Advertising v. Donnelley Information, 719 F. Supp. 1551 (S.D. Fla. 1988) rev'd on other grounds 999 F.2d 1436 (11th Cir. 1993)
- Bilski v. Kappos, 561 U.S. \_\_\_ (2010)
- Brenner, Commissioner of Patents v. Manson, 383 U.S. 519 (1966)
- Enercon GmbH v. ITC, 151 F.3d 1365 (Fed. Cir. 1998)
- General Electric Company v. Mitsubishi Heavy Industries, Ltd. et al., No. 2:2009 CV 00229 (S.D. Tex. filed Sep. 3, 2009)
- General Electric Company v. Mitsubishi Heavy Industries, Ltd. et al., No. 3: 2010 CV 00276-F (N.D. Tex. filed Feb. 11, 2010)
- In re* Application of Anthony, 414 F.2d 1383 (C.C.P.A. 1969)
- In re* Bilski, 545 F.3d 943 (Fed. Cir. 2008)
- In re* Ciprofloxacin Hydro chloride Antitrust Litigation, 166 F. Supp. 2d 740 (E.D.N.Y. 2001)

*In re* Dell Computer Corp., 121 F.T.C. 616 (1996)  
*In re* Fisher, 421 F.3d 1365 (Fed. Cir. 2005)  
 Intergraph Corp. v. Intel, 195 F. 3d 1346 (Fed. Cir. 1999)  
 In the Matter of Certain Variable Speed Wind Turbines and Components Thereof, USITC Inv. No. 337-TA-641 (Mar. 2008), at 2009 ITC LEXIS 510  
 KSR International Co. v. Teleflex Inc., et al., 550 U.S. 398 (2007)  
 Leapfrog Enterprises, Inc. v. Fisher-Price, Inc., 485 F.3d 1157 (Fed. Cir. 2007)  
 Mitsubishi Heavy Industries, Ltd et al. v. General Electric Company, No. 5:10 CV 05087 (W.D. Arkansas. filed May 20, 2010)  
 Mitsubishi Heavy Industries, Ltd. v. General Electric Co. No. 6:10 CV 00812-JA-KRS (M.D. Florida. filed May 20, 2010)  
 Panasonic Corp. FTC Docket No. C-4274, File No. 091-0050, Jan. 6, 2010, *available at* <http://www.ftc.gov/os/caselist/0910050.shtm>  
 Rambus Inc. v. Infineon Techs AG et al., 318 F.3d 1081 (Fed. Cir. 2003)  
 Rambus Inc. v. Federal Trade Commission, 522 F.3d 456 (D.C. Cir. 2008)  
 Union Oil Co. of Cal. v. Chevron U.S.A. Inc., 34 F.Supp.2d 1222, 1224 (C.D. Cal. 1998)  
 United States v. Dell Corp. 1998 FTC LEXIS 30 (1998)  
 William T. Graham, et al. v. John Deere Co. of Kansas City, et al., 383 U.S. 1 (1966)

## **Governmental, Non-Governmental or Inter-Governmental Sources:**

*ANSI (American National Standards Institute):*

ANSI Patent Policy, *at* <http://publicaa.ansi.org/sites/apdl/ANSI%20Patent%20Policy.doc>

*ASTM (American Society for Testing and Materials):*

ASTM, Regulations Governing ASTM Technical Committees (issued Oct. 2010), *at* <http://www.astm.org/COMMIT/Reg.pdf>

*AWEA (American Wind Energy Association):*

AWEA, Small Wind Turbine Performance and Safety Standard (AWEA Standard 9.1 – 2009), *available at* <http://www.awea.org>

*CBD:*

Secretariat of the CBD, The Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization (2002)

*CENELEC (European Committee for Electrotechnical Standardization):*

CEN/CENELEC, CEN/CENELEC Guide 8: CEN-CENELEC Guidelines for Implementation of the Common IPR Policy (Patents and Other Statutory Intellectual Property Rights Based on Inventions), Jan. 2010, *at* [http://ftp.cenorm.be/BOSS/Reference/Guides/CEN\\_CLC/CEN\\_CLC\\_8.pdf](http://ftp.cenorm.be/BOSS/Reference/Guides/CEN_CLC/CEN_CLC_8.pdf)

## *EPO:*

**Benoît Battistelli**, Director General, EPO, The Patent System and the Climate Change Challenge, Geistiges Eigentum im Gespräch: Klimawandel und “grüne Technologien” - Herausforderung für das Patentsystem [the Conference on Intellectual Property in Discussion: Climate Change and “Green Technology” – Challenge for the Patent System], DPMA (July 22, 2010) (Ger.).

EPO, ANNUAL REPORT 2009 (June 2010)

EPO, CASE LAW OF THE BOARDS OF APPEAL OF THE EUROPEAN PATENT OFFICE (5th ed. 2006)

EPO, GUIDELINES FOR EXAMINATION IN THE EUROPEAN PATENT OFFICE (2010)

EPO, Classification Scheme for Clean Energy Technologies, at <http://www.epo.org/topics/issues/clean-energy/classification.html> (last visited Sep. 7, 2010)

EPO, Patents and Clean Energy, at <http://www.epo.org/topics/issue/clean-energy.html> (last visited Sep. 6, 2010)

EPO, UNEP, ICTSD and OECD, Patents and Clean Energy: Bridging the Gap Between Evidence and Policy: Final Report (2010)

Press Release, EPO, Tagging Clean Energy Patents (June 11, 2010), at <http://www.epo.org/topics/news/2010/20100611.html>

## *European Commission:*

Press Release, European Commission, EUROPA Antitrust: Commission Confirms Sending a Statement of Objection to Rambus, European Commission Memo 07/330 (Aug. 23, 2007)

European Commission, Guidelines on the Applicability of Article 101 of the TFEU to Horizontal Co-operation Agreements, European Commission Doc. SEC (2010) 528/2 (May 4, 2010)

## *ICTSD:*

**Frederick M. Abbott**, INNOVATION AND TECHNOLOGY TRANSFER TO ADDRESS CLIMATE CHANGE: LESSONS FROM THE GLOBAL DEBATE ON INTELLECTUAL PROPERTY AND PUBLIC HEALTH (ICTSD 2009)

**Ahmed Abdel Latif**, ICTSD, Patents and Clean Energy Project Overview and Licensing Survey Results, Presentation at the Patents and Clean Energy Side Event in Bonn (June 9, 2010) (on file with author)

**John H. Barton**, INTELLECTUAL PROPERTY AND ACCESS TO CLEAN ENERGY TECHNOLOGIES IN DEVELOPING COUNTRIES: AN ANALYSIS OF SOLAR PHOTOVOLTAIC, BIOFUEL AND WIND TECHNOLOGIES (ICTSD 2007)

ICTSD, Accelerating Trade in Climate-friendly Goods and Services, at <http://www.ictsd.org/climate-change/accelerating-trade-and-diffusion-of-climate-friendly-goods-and-services> (last visited Aug. 12, 2010)

## *IEA (International Energy Agency) and ISO (International Organization for Standardization):*

IEA and ISO, International Standards to Develop and Promote Energy Efficiency and Renewable Energy Sources: A Common Position Paper (June 2007)

### *IEC (International Electrotechnical Commission):*

ITU-T, ITU-R, ISO, IEC, Guidelines for Implementation of the Common Patent Policy for ITU-T/ ITU-R/ ISO/ IEC, *available at* <http://www.iec.ch/tctools/patent-guidelines.htm>

IEC, List of IEC Patent Declarations Received by IEC, *at* <http://www.patents.iec.ch> (last visited Jan. 17, 2011)

### *IPCC:*

IPCC, CLIMATE CHANGE 2007: SYNTHESIS REPORT (2007)

### *ISO:*

Press Release, ISO, Tackling Environmental Challenges with the ISO 14000 Family of International Standards, ISO Ref.: 1283 (Jan. 11, 2010)

### *JPO:*

INPIT, Patent Licensing Database, *at* <http://www.ryutu.inpit.go.jp/en/db/index.html> (last visited Aug. 13, 2010)

JPO, JPO ANNUAL REPORT 2009 (2010)

### *OECD:*

**Antoine Dechezleprêtre, Matthieu Glachant, Ivan Haščić, Nick Johnstone and Yann Ménière**, INVENTION AND TRANSFER OF CLIMATE CHANGE MITIGATION TECHNOLOGIES ON A GLOBAL SCALE: A STUDY DRAWING ON PATENT DATA (OECD 2008)

**Nick Johnstone, Ivan Haščić and David Popp**, RENEWABLE ENERGY POLICIES AND TECHNOLOGICAL INNOVATION: EVIDENCE BASED ON PATENT COUNTS (Springer 2009)

**Alfred A. Oteng-Yeboah**, Deputy Director General, Council for Scientific and Industrial Research, Ghana, The Challenges Faced by Emerging and Developing Countries Regarding Eco-innovation and on Policies to Remedy These Challenges: The Case of MEAs, Presentation at the Global Forum on Environment on Eco-Innovation, OECD (Nov. 5, 2009)

**Cristina Tébar Less and Steven McMillan**, Achieving the Successful Transfer of Environmentally Sound Technologies: Trade-Related Aspects (OECD Trade and Environment, Working Paper No. 2005-2 COM/ENV/TD(2004)33/FINAL, 2005)

### *SAC (Standardization Administration of the People's Republic of China):*

Draft Regulations on the Administration of Formulating and Revising National Standards Including Patents (issued Nov. 2009), *at* <http://www.sac.gov.cn/templet/default/ShowArticle.jsp?id=5298>.

### *SEMI (Semiconductor Equipment and Materials International):*

Governing SEMI Standards Committees, Regulations (issued Mar. 2, 2010), *at* [http://www.semi.org/cms/groups/public/documents/web\\_content/p041894.pdf](http://www.semi.org/cms/groups/public/documents/web_content/p041894.pdf)

## *SIPO:*

Fa Ming Zhuan Li Shen Qing Ti Qian Shen Cha De Zan Xing Guan Li Ban Fa [Interim Administrative Measures for Early Examination of Invention Patent Applications], Section II: Reasons for Applying Expedited Examination

## *UKIPO:*

UKIPO, Green Channel for Patent Applications, *at* <http://www.ipo.gov.uk/p-pn-green.html> (last visited Aug. 10, 2010)

Press Release, UKIPO, Green Patent Database Launched (June 4, 2010), *at* <http://ipo.gov.uk/about/press/press-release/press-release-2010/press-release-20100604.html>

UKIPO, Green Channel Patent Applications, *at* <http://www.ipo.gov.uk/types/patent/p-os/p-gcp.htm> (last visited Aug. 11, 2010)

UKIPO, Patent Backlogs and Mutual Recognition: An Economic Study by London Economics (Jan. 2010)

UKIPO, Patents Fast Grant Guidance, *at* <http://www.ipo.gov.uk/p-fastgrantguide.pdf> (last visited Aug. 10, 2010)

## *UN:*

**H.E. Apisai Ielemia**, General Debate at the 63rd U.N. General Assembly, 2 (Sep. 26, 2008), transcript *available at* [http://www.un.org/ga/63/generaldebate/pdf/tuvalu\\_en.pdf](http://www.un.org/ga/63/generaldebate/pdf/tuvalu_en.pdf)

U.N., Chapter V Technology Transfer and Climate Change *in* WORLD ECONOMIC AND SOCIAL SURVEY (2009)

## *UNFCCC:*

UNFCCC, TECHNOLOGIES FOR ADAPTATION TO CLIMATE CHANGE (2006)

UNFCCC, Glossary of Climate Change Acronyms, *at* [http://unfccc.int/essential\\_background/glossary/items/3666.php](http://unfccc.int/essential_background/glossary/items/3666.php) (last visited Jan. 17, 2011)

Fact Sheet: Why Technology Is So Important, [http://unfccc.int/press/fact\\_sheets/items/4989.php](http://unfccc.int/press/fact_sheets/items/4989.php) (last visited July 15, 2010)

UNFCCC, Feeling the Heat, [http://unfccc.int/essential\\_background/feeling\\_the\\_heat/items/2914.php](http://unfccc.int/essential_background/feeling_the_heat/items/2914.php) (last visited July 18, 2010)

UNFCCC, EXPERT GROUP ON TECHNOLOGY TRANSFER, FIVE YEARS OF WORK (2007)

Conference of the Parties on its 7th Session, Marrakesh, Morocco, Oct. 29 - Nov. 10, 2001, 4/CP.7 Development and Transfer of Technologies, UNFCCC Doc. FCCC/CP/2001/13/Add.1 (Jan. 21, 2002)

Conference of the Parties on its 13th Session, Bali, Indonesia, Dec. 3-14, 2007, Decision 1/CP.13 Bali Action Plan, UNFCCC Doc. FCCC/CP/2007/6/Add.1 (Mar. 14, 2008)

Ad Hoc Working Group on Long-term Cooperative Action under the UNFCCC on its 8th Session, Copenhagen, Denmark, Dec. 7-15, 2009, agenda item 3, UNFCCC Doc. FCCC/AWGLCA/2009/17 (Feb. 5, 2010)

UNFCCC AWG-LCA, Oct. 27, 2008, Proposal by the G77 and China for a Technology Mechanism under the UNFCCC included in Ideas and Proposals on the Elements Contained in Paragraph 1 of the Bali Action Plan, Paper No. 1: Antigua and Barbuda on behalf of the Group of 77 and China, 6-9, UNFCCC Doc. FCCC/AWGLCA/2008/MISC.5 (Oct. 27, 2008)

Conference of the Parties on its 15th Session, Copenhagen, Denmark, Dec.7-19, 2009, Decision 2/CP.15 Copenhagen Accord, UNFCCC Doc. FCCC/CP/2009/11/Add.1 (Mar. 30 2010)

Conference of the Parties on its 3rd Session, Kyoto, Japan, Dec. 1-11, 1997, Decision 2/CP.3 Methodological issues related to the Kyoto Protocol, UNFCCC Doc. FCCC/CP/1997/7/Add. 1 (Mar. 25, 1998)

**Christiana Figueres**, Executive Secretary, UNFCCC, Interview at the Ministerial Meeting convened by the Swiss and Mexican Governments on Climate Change Finance (Sep. 3, 2010)

### *UNITAID:*

UNITAID Executive Board Special Session on Patent Pool Implementation Plan, UNITAID Doc. EB11/SSPP/2010/R1 (Feb. 5, 2010), *available at* <http://www.unitaid.eu/en>

### *USEPA:*

EPA, Fact Sheet: EPA's Environmental Technology Verification Program (Oct. 2008)

Press Release, EPA, EPA Awards \$5.6 Million to Spur New Clean Diesel Technologies (July 22, 2010)

### *USPTO:*

Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of *BILSKI v. KAPPOS*, 75 Fed. Reg. 43922, 43925 (July 27, 2010)

Pilot Program for Green Technologies Including Greenhouse Gas Reduction, 74 Fed. Reg. 64666, 64666 (Dec. 8, 2009)

Elimination of Classification Requirement in the Green Technology Pilot Program, 75 Fed. Reg. 28554, 28555 (May 21, 2010)

USPTO, Green Petition Report Summary (updated Aug. 2, 2010 and reported July 26, 2010), *at* [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)

U.S. Dep't of Justice & Fed. Trade Comm'n, Antitrust Enforcement and Intellectual Property Rights: Promoting Innovation and Competition (2007)

### *WIPO:*

WIPO, Climate Change and the Intellectual Property System: What Challenges, What Options, What Solutions? (2009), *at* [http://www.wipo.int/export/sites/www/patentscope/en/life-sciences/pdf/ip\\_climate.pdf](http://www.wipo.int/export/sites/www/patentscope/en/life-sciences/pdf/ip_climate.pdf)

**Francis Gurry**, Director General, WIPO, WIPO's Role in Green Technology, Speech at the Conference on Intellectual Property and Public Policy Issues, WIPO (Geneva, July 13, 2009)

**Antony Taubman**, WIPO, The Climate of IP and the IP of Climate: an Overview of the Policy Issues, Side Event UNFCCC COP 14 (Poznan, Dec. 1-12, 2008)

WIPO, WORLD INTELLECTUAL PROPERTY INDICATORS (2009)

WIPO, WORLD PATENT REPORT – A STATISTICAL REVIEW (2008)

WIPO, PATENT-BASED TECHNOLOGY ANALYSIS REPORT: ALTERNATIVE ENERGY (2009)

WIPO, Photovoltaic Technology Sunny Side Up, WIPO MAGAZINE, June 2009

WIPO, The Green Debate: IP Perspectives: What Color Is IP? WIPO MAGAZINE, June 2010



- WIPO Committee on Development and Intellectual Property (CDIP) Fifth Session (Apr. 26–31, 2010), Patent Related Flexibilities in the Multilateral Legal Framework under Their Legislative Implementation at the National and Regional Levels, WIPO Doc. CDIP/5/4 (Mar. 1, 2010) and as revised in WIPO Doc. CDIP/5/4 Rev. (Aug. 18, 2010)
- WIPO Standing Committee on the Law of Patents 13th Session, Exclusions from Patentable Subject Matter and Exceptions and Limitations to the Rights, Mar. 23-27, 2009, WIPO Doc. SCP/13/3 (Feb. 4, 2009)
- WIPO Standing Committee on the Law of Patents 2nd Session, Information concerning Fee Reductions by the Offices, Apr. 12-23, 1999, WIPO Doc. SCP/2/6 (Mar. 17, 1999)
- WIPO, Medium Term Strategic Plan 2010-15: Revised Draft (July 29, 2010)
- Meeting of International Authorities under the PCT 17th Session, agenda item: Preferential Treatment for International Applications relating to “Green” Technologies, WIPO Doc. PCT/MIA/17/5 (Jan. 21, 2010)
- Report of the 17th Session, WIPO Doc. PCT/MIA/17/12, WIPO (Feb. 11, 2010)
- IPC E-Forum Project C456, WIPO, *available at* <http://www.wipo.int/ipc-ief>, at Annex 1 (Apr. 17, 2009)
- Lutz Mailänder**, WIPO, IPC – a “Sound” Tool for Environmentally Sound Technologies?, Presentation at the WIPO IPC Workshop, WIPO Doc. IPC/WK/GE/10 (Feb. 9, 2010)
- WIPO Expert Determination, *at* <http://www.wipo.int/amc/en/expert-determination/> (last visited Aug. 11, 2010)
- WIPO Standing Committee on the Law of Patents 14th Session, Technical Solutions to Improve Access to, and Dissemination of, Patent Information, Jan. 25-29, 2010, WIPO Doc. SCP/14/3 (Dec. 18, 2009)
- WIPO Standing Committee on the Law of Patents 14th Session, Transfer of Technology, Jan. 25-29, 2010, WIPO Doc. SCP/14/4 (Dec. 2009)
- WIPO, KIPO Activities Targeted at the SMEs Sector, *at* [http://www.wipo.int/sme/en/best\\_practices/kiipo.htm](http://www.wipo.int/sme/en/best_practices/kiipo.htm) (last visited Aug. 16, 2010)

### *World Bank:*

- World Bank, 10 Years of Experience in Carbon Finance: Insights from Working with the Kyoto Mechanisms (2010)

### *WTO:*

- World Trade Organization General Council, Decision of 30 August 2003, WT/L/540 and Corr.1 Panel Report, Canada—Patent Protection of Pharmaceutical Products, Para. 7.94, WT/DS114/R WTO, TRADE AND CLIMATE CHANGE: WTO-UNEP REPORT (2009)

## **Reports:**

- Copenhagen Economics and the IPR Company, Are IPR a Barrier to the Transfer of Climate Change Technology? (Jan. 19, 2009)
- DB Climate Change Advisors, INVESTING IN CLIMATE CHANGE 2010: A STRATEGIC ASSET ALLOCATION PERSPECTIVE (2010)
- Joint Venture Silicon Valley Network, CLIMATE PROPERTY: A GREENPRINT FOR SILICON VALLEY (Feb. 2009)

**Bernice Lee, Ilian Iliev and Felix Preston, WHO OWNS OUR LOW CARBON FUTURE? INTELLECTUAL PROPERTY AND ENERGY TECHNOLOGIES (Chatham House 2009)**

Renewable Energy Policy Network for the 21st Century (REN21), *Renewables 2010 Global Status Report* (2010)

## News media:

### *Bloomberg:*

**Ben Sills**, Iberdrola, Gamesa Win Wind Contract From Kenya Utility in \$26 Million Deal, BLOOMBERG, <http://www.bloomberg.com/news/2011-01-07/iberdrola-gamesa-win-wind-contract-from-kenya-utility-in-26-million-deal.html>

### *Reuters:*

**Scott Malone**, Google Joins \$5 Billion US Offshore Wind Grid Project, REUTERS, Oct. 12, 2010, <http://www.reuters.com/article/idUSTRE69B0ZA20101012>

### *The New York Times:*

**Keith Bradsher**, China Racing Ahead of U.S. in the Drive to Go Solar, N.Y. TIMES, Aug. 24, 2009, <http://www.nytimes.com/2009/08/25/business/energy-environment/25solar.html>

**Sewell Chan and Keith Bradsher**, U.S. to Investigate China's Clean Energy Aid, N.Y. TIMES, Oct. 15, 2010, <http://www.nytimes.com/2010/10/16/business/16wind.html>

**Elisabeth Rosenthal**, African Huts Far From the Grid Glow With Renewable Power, N.Y. TIMES, Dec. 24, 2010, <http://www.nytimes.com/2010/12/25/science/earth/25fossil.html>

Enron Acquires Zond, A Major Wind-Power Company, N.Y. TIMES, Jan. 7, 1997, <http://www.nytimes.com/1997/01/07/business/enron-acquires-zond-a-major-wind-power-company.html>

### *Press Releases:*

Press Release, FTC, FTC Charges Unocal with Anticompetitive Conduct Related to Reformulated Gasoline, FTC Docket No. 9305 (Mar. 4, 2009)

Press Release, FTC, Dual Consent Orders Resolve Competitive Concerns about Chevron's \$18 Billion Purchase of Unocal, FTC's 2003 Complaint against Unocal (June 10, 2005)

Press Release, IBM, IBM Pledges 500 U.S. Patents to Open Source in Support of Innovation and Open Standards (Jan. 11, 2005)

Press Release, IMS Research, Chinese Supplies Top IMS Research's PV Cell and Module Supplier Rankings in Q3,10 (Jan. 4, 2011)

Press Release, IMS Research, IMS Research's Solar Module Rankings: Suntech Reaches the Top in Q2 (Aug. 26, 2010)

Press Release, IMS Research, First Solar Remains Largest Supplier in First Quarter (June 7, 2010)

Press Release, iSuppli, Chinese Companies Dominate Solar Manufacturing Spending in 2010 (Nov. 18, 2010)

## The Internet, Electronic Media and Other Nonprint Resources:

- Timothy J. Burger**, Chuck Pushes Plan to Let Other Firms Make Cipro, N.Y. DAILY NEWS, Oct. 19, 2001, [http://www.nydailynews.com/archives/news/2001/10/19/2001-10-19\\_chuck\\_pushes\\_plan\\_to\\_let\\_oth.html](http://www.nydailynews.com/archives/news/2001/10/19/2001-10-19_chuck_pushes_plan_to_let_oth.html)
- Cleantech Definition: Clean is More Than Green, <http://cleantech.com/about/cleantechdefinition.cfm> (last visited Aug. 30, 2010)
- Eco-Patent Commons Responds to Critics, AIPPI CONGRESS NEWS, Sep. 10, 2008, *available at* <http://www.managingip.com>
- GreenXchange (beta), <http://greenxchange.force.com> (last visited Aug. 14, 2010)
- Heslin Rothenberg Farley & Mesiti P.C., Clean Energy Patent Growth Index (June 3, 2010), *available at* <http://www.cleanenergypatentgrowthindex.com>
- Liang Ji**, Underwriters Laboratories Inc (UL), Introduction to PV Standard Organizations (2009)
- IHS Consulting, Selected Wind Energy Standards & Documents (2008), *at* <http://engineers.ihs.com/news/standards/wind-energy.htm>
- Eric Lane**, In Wind Patent War, Mitsubishi Fires Back at GE with Antitrust and Patent Infringement Suits, GREEN PATENT BLOG (June 7, 2010, 7:39 PM), *available at* <http://www.green-patentblog.com>
- Eileen McDermott**, Flu Crisis Could Lead to Compulsory Licenses, MANAGING INTELL. PROP., May 3, 2009, <http://www.managingip.com/Article/2193267/Search-Results/Flu-crisis-could-lead-to-compulsory-licences-full-version.html>
- Photovoltaic Standards (2011), *at* <http://www.pvresources.com/en/standards.php>
- Catherine Saez**, UN Climate Talks Find Make-Do Solution; IP Rights Dismissed, INTELLECTUAL PROPERTY WATCH (Dec. 14, 2010, 5:25 PM), *available at* <http://www.ip-watch.org>
- Don Tapscott**, Davos: Nike and Partners Launch the GreenXchange, BUSINESSWEEK, Jan. 27, 2010, *available at* <http://www.businessweek.com>

## Other Unpublished or Forthcoming Sources:

- Letter from Mark S. Anzani, VP and Chief Technology Officer, IBM, to TurboHercules SAS (Mar. 10, 2010), *available at* [http://www.turbohercules.com/TH\\_IBM\\_Letters](http://www.turbohercules.com/TH_IBM_Letters)
- Eric Bland**, Gasoline from Thin Air? DISCOVERY NEWS, Aug. 5, 2010
- Josef Drexl**, Seminar at the Munich Intellectual Property Law Center: Intellectual Property and Competition Law (Summer 2010) (on file with author)
- Karin Hoisl**, Lecture at the Munich Intellectual Property Law Center: Intangible Asset Valuation (May 2010) (unpublished manuscript) (on file with author)
- International Chamber of Commerce (ICC), Submission on the Review and Assessment of the Effectiveness on the Implementation of Articles 4, Paragraph 1(c) and 5, of the Convention, (2009)
- JIPA, Proposal of Green Technology Package Program (Executive Summary), *at* <http://www.jipa.or.jp/english/opinion/pdf/GTPP.pdf> (last visited July 17, 2010)
- F. Scott Kieff**, Lecture at the Munich Intellectual Property Law Center: Pharmaceuticals and IP (Summer 2010) (on file with author)
- Wendy Neal, Ashok Gadgil and Josephin Mutugu**, Panel Discussion at the Conference on Intellectual Property Rights and Technology Transfer in the U.N. Climate Negotiations, University of California, Berkeley (Oct. 27, 2009)

**Chief Judge Randall R. Rader**, U.S. Court of Appeals for the Federal Circuit, Obviousness after KSR: Cases and Analysis (2010) (on file with author)

**Mark Sajewycz**, Ogilvy Renault, Patenting Clean Technologies: Trends, Issues and Strategies (Jan. 21, 2010)

**Stanisław Soltysiński**, Lecture at the Munich Intellectual Property Law Center: License Contract Drafting (June 22-25, 2010) (on file with author)