

VII. Conclusion

General discussion of the role of IP in the context of climate change tends to focus on several proposals made during the international climate change negotiations. However, the present review of the international environmental regime, the patent system including patent law, patent policy and patent information, private initiatives for technology transfer, and aspects of competition law suggests a richer scope for experimentation on the broad potential of IP for helping to resolve the climate change problem. Within the structured and comprehensive approach which this paper attempts to take, a number of specific issues appear of particular interest to the opportunities and limitations of IP in this context. These issues include controversial aspects of patent offices' actual or contemplated preferential treatment of green technology inventions, in terms of technical fields, patenting criteria and environmental influence; the role of IP information; and competition law concerns.

For IP to fulfil its potential in addressing the climate change issue, a multifaceted approach is needed. Solutions can come not only from the law as such but from a range of government policies and private initiatives locally and internationally stimulating innovation. As every approach has its own limitations, it is important not to exclude but to combine options. No matter how these options are combined, this paper suggests that a core function of the IP system in the climate change context is the optimization of information provision to technology users. Emerging collaborative initiatives for knowledge-sharing mechanisms can be emulated and used as a starting point for further multilateral efforts.³⁴⁸ Human survival, we are often reminded, depends on the improvement of environmental technology and technology sharing³⁴⁹ – putting a high premium on an optimally functional IP system in the broadest sense.

348 *Supra* note 24.

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

