

LES Germany

WIPO Conference on Green Technologies— IP, Technology Transfer and Dispute Resolution in the Energy Sector

By Judith Schallnau

The University of Bonn and the World Intellectual Property Organization's Arbitration and Mediation Center (WIPO Center), together with the Licensing Executives Society International (LESI)—Chemicals, Energy, Environment and Materials Committee, the European Industrial Research Management Association (EIRMA) and the European IPR Helpdesk organized a Conference on Green Technologies—IP, Technology Transfer and Dispute Resolution in the Energy Sector which was held at the University of Bonn, Germany, on September 6, 2013.

Ninety-four participants from 20 countries attended this conference, which provided an overview of green technologies and intellectual property (IP) in the energy sector, IP risk protection strategies, technology transfer options and alternative dispute resolution (ADR) mechanisms such as mediation and arbitration.

The opening session by Ms. Wanna Tanunchaiwatana, Finance, Technology and Capacity Building Programme, UNFCCC, Prof. Dr. Christa E. Müller, Deputy Rector for Public and International Relations, University of Bonn, and Ms. Judith Schallnau, Legal Officer, WIPO Arbitration and Mediation Center, was followed by a session on green technologies and IP.

Mr. Achim Krebs, Chair LESI Chemicals, Energy, Environment and Materials Committee, Haseltine Lake, provided an overview of technologies in the energy sector, patenting worldwide and the entities involved. Mr. Heribert Schmidt, Senior Scientist, Fraunhofer Institute for Solar Energy Systems ISE, presented his patenting and licensing experience of a prize-winning invention in the photovoltaic sector.

In the following session on technology transfer and IP risk protection, Mr. Halvor Manshaus, Partner, Schjødt Attorneys, explained IP protection strategies in cross-border collaborations, such as in international licensing, dispute prevention practices as well as the impact of international IP treaties and conventions on new technology markets.

Ms. Judith Schallnau presented WIPO's ADR mechanisms including (expedited) arbitration, mediation and expert determination by reference to IP-related energy and licensing WIPO case examples. She also provided an overview of costs, time, best practices and trends in the use of such ADR mechanisms based in particular on a recent WIPO Survey on Dispute Resolution in Technology Transactions (<http://www.wipo.int/amc/en/center/survey/results.html>).

Mr. Stefan Knottnerus-Meyer, Head Legal Department, Enercon GmbH, described the business significance of IP in some renewable energy areas, with a focus on wind energy. He provided an



Panelists discuss Green Technologies in Bonn, Germany.

overview of patent litigation in the wind energy sector, IP in commercial contracts and trends in the use of arbitration and mediation. Mr. Chris Wittmann, Senior Legal Counsel, Energy Sector, Wind Power Division, Siemens, described the evolution of the wind power business, different types of commercial agreements and the relevant IP as well as dispute resolution practices.

Mr. Bruce Gailey, former Chief Litigation Counsel, Alstom Ltd., shared his experience in drafting dispute resolution clauses as well as some strategic considerations in choosing dispute resolution mechanisms and in deciding about the launch of arbitration proceedings. Mr. Hans Christian Schomerus, IP Counsel, Philips Deutschland GmbH, Intellectual Property & Standards, described an IP licensing program in Philips' lighting sector, negotiations and dispute resolution provisions.

Specific conference topics included IP dispute resolution in Asia and energy research funding opportunities. Focusing on IP mediation, arbitration and litigation in China, Mr. Matthias F. Meyer, Partner, Bird & Bird provided details about current developments, and Mr. Knottnerus-Meyer shared his experience with patent disputes in the wind energy sector in India. Mr. Degenhard Peisker, Head German National Contact Point, EU-Funding Programs Energy/FP7, Project Management Agency Jülich, provided an overview of energy research funding options in the European Union and worldwide.

For the University of Bonn and LESI, Ms. Sandra Scholl and Mr. Achim Krebs contributed to the excellent organization and content of the conference. Ms. Camille Roy, EIRMA, and Mr. Roberto d'Erme, European IPR Helpdesk, contributed to the promotion of the event.

Information on the conference proceedings and materials is available at: <http://www.wipo.int/amvents/conferences/2013/bonn/program/>. ■