

Guillaume Henry
Joël Ruet
Matthieu Wemaëre



Sustainable development & INTELLECTUAL PROPERTY

Access to technologies in developing countries

GENERAL CONCLUSION

Ultimately, the dissemination of sustainable development tools and practices and even more so innovation in this field, depend on economic interactions at multiple levels, from enterprises to States, through the intermediaries, much like a network node: ecosystems comprising businesses on the one hand, stakeholders having a link with a certain territory on the other hand.

In such a dynamic context, this study has attempted to refute the idea that industrial property prevents the progression of sustainable development and has sought to demonstrate that on the contrary, it generates a host of new practices, by suggesting two opportunities:

- For countries and territories who are recipients of technologies and know-how, the current opportunity to implement a long-term attractiveness strategy and connect to innovation networks by being in phase with the diversity of industrial property tools. In this way, technology can be grafted into these countries or territories.
- For originators and more generally industrial property users, the opportunity to make use of the sustainable development approach to review and renew their practices.

This overlap is seemingly small but could generate many interfaces for evolution.

Without referring back to the conclusions of each part of this study, here we really would like to look at their interconnection, starting with an overview of the question of energy efficiency and access to modern energy sources, from the issue of forests to world urbanisation.

Today, most countries or organizations in the ‘originators’ category implement programmes to co-preserve the environment and co-innovate with South countries.

The United Nations Organization has set up the “Sustainable Energy for All” initiative, the aim of which is to deal with both development and climate change (in this case, concerning access to electricity).

Similarly, the European Union has set the “20-20-20” targets as a sustainable development model: ensure 20% of EU energy is from renewable sources by 2020, 20% improvement in energy efficiency and a 20% cut in greenhouse gas emissions¹²⁴. Article 9 of the EU directive provides for the possibility of joint projects between Member States and third countries.

¹²⁴ See Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC. See also: Communication from the Commission of 13 November 2008 - Energy efficiency: delivering the 20% target, COM(2008) 772 final.

“Intellectual property and sustainable development may well be commencing a new era in their interactions.”

In France, the French Development Agency (AFD) is also active. In 2011, the Association of Power Utilities of Africa (APUA, formerly UPDEA), contacted the AFD to set up training for electricity companies on the possibility of pooling their resources on this matter¹²⁵. A first seminar was held in 2012 in Yamoussoukro in Ivory Coast, where some fifty HR executives from 16 African companies were present. To a large extent, this initiative will be grafted onto capacities already in place in some recipient countries: The Institut Supérieur d'Ingénierie with sub-regional scope (West Africa), 2iE (International Institute for Water and Environmental Engineering) in Burkina Faso, the Institut National Polytechnique Félix Houphouët-Boigny (INP-HB) in Ivory Coast, or the Institut Polytechnique in Senegal.

The new transmitters, the emerging countries, are also more and more present.

The promotion of the Brazilian family-run agricultural model was firstly based on technical cooperation programmes with Portuguese-speaking African nations; this model then spread to neighbouring countries. The installation of an office operated by Brazilian agronomic agency Embrapa in Accra (Ghana) in 2007, enabled Brazil to appear as a sustainable development model according to an AFD report¹²⁶. The same report cites the example of the Chinese government which has initiated dialogue on the sustainable management of forests and the export of certified wood products. There remains a long road ahead, between declaring intentions to adopt a sustainable development approach and respect international standards (FLEGT, APV) and taking the 'laissez-faire' option of non-interventionism. But the authors underline that observation of standards is progressing in terms of exports to Europe. In our opinion it is more interesting that South countries themselves (Gabon for wood, Bolivia for minerals, etc.) are progressing towards models that seek to impose transformation on site,

125 Confrontations Europe - Meeting of the EU-Africa(s) working group in Paris on 16 December 2013 on the topic: Energy infrastructures and regional integration in West and Central Africa: speech by Bernard Duhamel.

126 *L'Afrique et les grands émergents*, report by Jean-Raphaël Chaponnière, Dominique Perreau, Patrick Plane, AFD, April 2013.

with the transfer of technology and know-how, while respecting national standards: COFCO and its sustainably managed forest concessions (CFAD) is the first Chinese company to adhere to the Gabon union of forest operators (UFIGA).

Beyond the interactions between originator enterprises in emerging countries and developing countries, emerging countries themselves have developed a genuine support policy. In May 2014 following the visit of Li Keqiang to Africa, low-carbon cooperation was highlighted as a priority component of cooperation between China and Africa. China already has modern laboratories in Africa: in 2012, six Chinese Special Economic Zones in Africa (CSEZA) existed, in Mauritius, Egypt, Nigeria (two CSEZA in this country), Zambia and Ethiopia. In Mauritius and Ethiopia the local governments are partners and shareholders in the projects¹²⁷.

These few examples demonstrate the degree of proliferation. Although many questions of governance are not settled, they do however reveal a dynamic nature to be taken into account to identify solutions at the sessions of the Conference of the Parties to the UNFCCC, locate markets for enterprises, or achieve genuine sustainable development in the field.

Intellectual property and sustainable development have ignored each other for a long time. So now their stakeholders have started working together, intellectual property and sustainable development may well be commencing a new era in their interactions.

127 See *Chinese influence on urban Africa*, Liu Xuan and Benoît Lefèvre, http://www.sciencespo.fr/affaires-urbaines/sites/default/files/Xuan%20LIU_Publication_IDDR1.pdf, 2012. This important study completes two other earlier studies on the matter: Deborah Brautigam and Tang Xiaoyang, *African Shenzhen: China's special economic zones* (2011); Brautigam, Farole and Tang Xiaoyang, *China's Investment in African Special Economic Zones: Prospects, Challenges and Opportunities*, the World Bank, 2010.

SUSTAINABLE DEVELOPMENT & INTELLECTUAL PROPERTY

Access to technologies in developing countries

Intellectual property and sustainable development are two separate universes which often ignore each other or meet with distrust.

This work shows that fruitful dialogue is not only possible but essential.

The world of sustainable development and access to clean technologies by developing countries may make highly effective use of patents and trademarks to optimise, or enable, technology transfer.

For intellectual property stakeholders, the field of clean technologies is a source of innovative ideas (creation of technology markets, better information) that are likely to serve as models in all areas of innovation.

The authors have illustrated the work with enlightening practical examples that demonstrate just how much this dialogue is needed.