

Practical Advice for Implementing and Managing CERC TMPs for Greater US – China Cooperation on Energy and Clean Technologies

**为加强美中在能源和清洁技术领域的合作
关于实施和管理中美清洁能源联合研究中心
技术管理计划的实用建议**

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An Overview 概述

- China and US are Inextricably Linked and Share a Common Future
中国和美国有着密不可分的联系，两国有着共同的未来
- A Call for Greater Cooperation
加强合作的呼吁
- Practical Advice for Implementing and Managing TMPs (and cooperative project agreements)
- 关于实施和管理技术管理计划(及合作项目协议)的实用建议



China and US are Inextricably Linked in a Common Energy Future - 1

中美两国在能源领域有着密不可分的联系和共同的未来 - 1

- China and the US are #1 and #2 in the world:
中国和美国在下列方面分列全球第一和第二：
 - Economic might
经济实力
 - Industrial capacity
工业生产能力和
 - Energy production and usage
能源生产和消耗
 - Need for new generation
新能源的需求
 - Coal usage (US – ~54%; China – ~80%)
煤炭消耗(美国--~54%；中国---~80%)
 - Carbon emissions
碳排放

China and US are Inextricably Linked in a Common Energy Future - 2

中美两国在能源领域有着密不可分的联系和共同的未来 - 2

- China and US also share a golden opportunity for political and economic leadership regarding climate change
中国和美国还共同拥有在气候变化方面起到政治和经济主导作用的难得契机
- China and the US must work together to accelerate innovation and commercialization of energy and clean technologies:
中国和美国务必携手加快能源和清洁技术的创新和商业化：
 - Drive technology innovation
促进技术创新
 - Finance R&D, facilities, and projects
资助研发、设施及项目
 - Build pilot and first commercial projects
建立试点和首批商业化项目
 - Reduce cost
降低成本

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Asia Clean Energy
Innovation Initiative

An Opportunity for Greater Cooperation – 1 **加强合作的机遇 – 1**

To accelerate the commercialization of energy and clean technologies, the US and China should:

为加快能源和清洁技术的商业化，美中两国应当：

- 1. Create stable legal and regulatory environments**
创造稳定的法律和监管环境
- 2. Price carbon**
对碳排放定价
- 3. Create markets for renewable energy and energy efficiency**
为可再生能源和能源效率创造市场
- 4. Advance smarter energy infrastructure**
推广更加智能的能源基础设施
- 5. Invest in first commercialization projects**
投资首批商业化项目

An Opportunity for Greater Cooperation – 2 加强合作的机遇 – 2

6. Incentivize innovation and allow for return of profits
激励创新，允许利润回归
7. Protect intellectual property – both US and Chinese
保护知识产权—美国和中国共同的任务
8. Encourage and ensure fair and open competition
between private enterprises, not governments
鼓励并确保私营企业(而非政府)间公平公开的竞争
9. Reject economic nationalism (“*Buy American*” is stupid)
拒绝经济民族主义(“*购买美国货*”政策是愚蠢的)
10. Encourage cross-border joint ventures (contractual and equity)
鼓励创办跨国合资企业(合资经营和合作经营)

Practical Advice for Implementing and Managing CERC TMPs - 1 关于实施和管理CERC 技术管理计划的实用建议-1

- Create a safe place in which trust can be built and agreement can be reached (with a strong non-disclosure, non-circumvention agreement)
- 营造安全的环境，以便建立信任并达成协议（通过签订严格的保密和反规避协议）
- Clearly identify what each party brings to the table (document background IP and other contributions)
- 明确各方所出的贡献（基础知识产权和其他贡献）
- Don't reinvent the wheel on base documents, but recognize that forms are only starting points
- 不要基于基础文件闭门造车，但是要意识到文件只是起点
- Require lawyers to be problem-solvers, not just problem identifiers (educate them to the business objectives and tell them to find a way to get there)
- 要求律师解决问题，而不仅仅是发现问题（教会他们要达到的商业目标是什么，并让他们找到实现的途径）

Practical Advice for Implementing and Managing CERC TMPs – 2 关于实施和管理CERC 技术管理计划的实用建议-2

- Strive for fair balance of allocation of IP rights, economic benefits, and risks; if one party wins too much, the deal will fall apart
- 力求公平均衡地分配知识产权、经济收益和风险；如果一方要获取太多，交易就无法达成
- Align interests to drive long-term positive behavior (*i.e.*, share the benefits, share the risks)
- 令各方利益协调一致，以促进长期良性的行为（即，共享收益，共担风险）
- Expressly require communication and cooperation on an on-going basis.
- 明确要求持续的沟通与合作

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