

# 中美清洁能源联合研究中心知识产权项目未来发展

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**摘要：**王汉坡律师强调了知识产权问题在国际科技合作中的重要性，指出在合作中要注意科学有效的管理和充分有效的知识产权分配。针对中美清洁能源联合研究中心知识产权未来发展，王律师提出了具体的建设性的建议。

**Abstract:** Mr WANG Hanpo highlighted the importance of intellectual property in international science and technology collaboration, pointing out that effective management and appropriate IP allocation is needed in joint research projects. He also put forward constructive suggestions for future CERC IP projects.

王汉坡律师认为在国际科技合作项目中，知识产权问题是一个非常重要的问题。中美清洁能源领域的合作是商业化目的很强的一个合作项目。从项目研发到商业化的整个创新链条中知识产权问题都会自始至终的存在。他认为在合作过程中要注意两点：第一是有效的科学的管理；第二是充分有效的知识产权权利分配和利用。此次研讨会是对前一阶段中美清洁能源联合研究中心知识产权工作的一个小结，同时也是我们下一步工作的一个起点。中方下一步希望与美方相关的部门和单位在知识产权方面有更紧密且具体的合作，能够更直接、有效的服务于整个项目的研发和商业化活动。王律师介绍说：会议之前与中美清洁能源论坛的 Dennis Bracy 先生以及他的同事们，多次交换意见和协商，双方一致认为在中美清洁能源合作机制下，除了这三个联盟外，应该有一个横向的服务机制，就知识产权问题为三个联盟提供必要的服务与支持。希望通过知识产权的这个平台及时了解世界各国在清洁能源领域研发的一些新动向与进展，用知识产权的服务来指导研发工作。对于中美清洁能源联合研究中心知识产权未来发展，王汉坡律师提出了以下几点建议：

一是开展知识产权管理预案的专项研究，目的是向中美双方的项目承担单位提供知识产权服务，提高知识产权管理和保护的能力，以便更好的保障参加清洁

能源项目单位知识产权权益；

二是设立中美清洁能源联合研究中心知识产权合作委员会（或知识产权工作小组），目的在于共同规划中美两国在清洁能源领域知识产权合作与发展方面的创新模式，共同解决合作过程中出现的问题，促进相互了解，努力为两国合作拓展新的领域与渠道，提供新的市场机会与条件，提高两国合作的安全性、时效性和持续性。

三. 这个工作组的工作内容可以包括：

1、配合联盟及其成员单位充分有效地执行《关于中美清洁能源联合研究中心合作议定书》及其《知识产权附件》，以及《关于知识产权利用的技术管理计划》。掌握中美各自保护知识产权及其它相关的法律和政策和国际保护现状及今后的发展趋势。

2、建立清洁能源方面的知识产权信息和分析系统。对世界主要国家清洁能源研究的知识产权状况进行必要的调查和信息整理，确定项目研发的知识产权竞争优势态势；

3、为联盟成员之间的项目合作提供知识产权咨询服务；

4、为联盟成员提供知识产权方面的培训和专利信息交流平台；

5、借鉴发达国家强势企业普遍实施的专利池战略(PATENT POOL)，以现有的联盟构架为基础，即给现有联盟赋予其知识产权管理功能，建立中美联盟成员的知识产权资源共享和专利交叉许可，营造高效率 and 易操作的中美清洁能源专利流转平台；

6、协调联盟及其成员间知识产权争端，建立相关的知识产权争议解决机制及其它。

# **Prospects of CERC IP projects**

**WANG Hanpo**

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Mr. WANG Hanpo thinks IP is a vital issue in international science and technology collaboration. The China-US joint efforts on clean energy aims at commercialization. Each link of the innovation chain, from R&D to commercialization, faces the IP issue. WANG stresses that effective management and appropriate allocation and utilization of IP is extremely important in international projects. He considers this workshop a milestone for CERC-IP activities. In the future, the Chinese partners look forward to having closer and more specific cooperation with the American counterparts so as to facilitate project R&D and commercialization. Prior to the workshop, WANG had a few discussions with Mr. Dennis Bracy and his colleagues on putting in place a new mechanism to provide IP service to the three consortia under CERC. CERC may use the IP platform to get the updates on clean energy R&D in the world and use this information to guide its own R&D. WANG also put forward a few suggestions for future IP activities under CERC:

1. Conduct specialized research on IP management plan to provide IP service to project contractors, building up their capacity in IP management and protection in a bid to safeguard their IP interests;

2. Establish CERC IP cooperation committee (or CERC IP task force) in order to paint the blueprint for China-US clean energy IP cooperation and development, solve problems arising in cooperation, enhance mutual understanding, expand new areas and channels, provide new market opportunities and realize safe, timely and sustainable collaboration between the two countries.

3. Responsibilities of the task force:

1) Facilitate the three consortia and their members to effectively implement the "CERC Cooperation Protocol", its IP Annex and "Technology Management Plan" regarding IP Exploitation"; understand the current laws and regulations on IP protection in China, the US and other countries, and the future prospects.

2) Set up a clean energy IP information and analysis system. Collect information on clean energy related IP to analyze the competition environment for research projects;

3) Provide IP counseling to members of the three consortia;

4) Provide IP training and patent information to members of the three consortia;

5) Establish IP resource sharing and patent cross licensing mechanism based on CERC framework and the Patent Pool practice, so as to create a highly efficient and operational circulation platform for clean energy patents between China and the US;

6) Set up IP dispute resolution mechanism and settle IP disputes among consortia and their members.