U.S. - China Clean Energy Research Center
中美清洁能源研究中心

CERC IP:
Accomplishments
Potential Highlights
Challenges

6th Steering Committee Meeting
U.S.-China Clean Energy Research Center
July 11, 2014

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華中科技大學
Huazhong University of Science and Technology

中美清洁能源论坛
US-CHINA Clean Energy Forum

U.S. - China Clean Energy Research Center
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IP is cornerstone of sharing & joint innovation

- **The CERC Protocol - IP Annex requires allocation of "A Right" to each country for joint innovation, encourages real "joint innovation".**
- **Joint innovation & sharing of the best Background IP - will only happen if rights are clear & protected**
- **CERC's IP focus: enabling sharing & joint innovation through…**
  - mutual understanding
  - clarity as to rights through mutual agreement in contracts
  - tools and technical support to achieve these goals

PROTOCOL

between

THE DEPARTMENT OF ENERGY OF

THE UNITED STATES OF AMERICA

and

THE MINISTRY OF SCIENCE AND TECHNOLOGY AND

THE NATIONAL ENERGY ADMINISTRATION OF

THE PEOPLE'S REPUBLIC OF CHINA

FOR COOPERATION ON A CLEAN ENERGY RESEARCH CENTER

The Department of Energy of the United States (USDOE), as a Party, and the Ministry of Science and Technology (MOST) and the National Energy Administration (NEA) of the People's Republic of China, as one Party, collectively hereinafter "Parties",

NOTING the Agreement between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology signed January 31, 1979, as amended and extended (hereinafter "the S&T Agreement"), and the Joint Press Statement of the First Strategic and Economic Dialogue in July 2009,

NOTING the concurrence of the National Development and Reform Commission of the People's Republic of China (hereinafter "China") in the cooperative activities planned by the Parties;

I Previous Accomplishments

- **1.Joint, Bilingual creation of Technology Management Plans**
  - ACTC IP group drafted, negotiated and provide technical assistance for three consortiums to sign their TMPs

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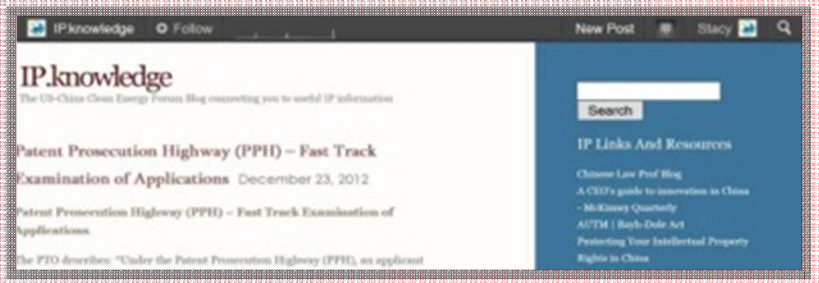
- **2. Annotated TMP:**
  Bilingual key to understanding the TMPs

- **CEF IP.knowledge Website**



www.ipknowledge.org
（currently English-only）

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3.U.S.-China Joint IP Workshop & Training

IP Basic knowledge, March 5-6, 2012, Haikou, China

NANCY KREMMERS,
US PATENT AND TRADEMARK OFFICE

WANG HANPO,
BEIJING HUAYI LAW FIRM

BENJAMIN BAI,
ALLEN & OVERY

PROF. YU XIANG, CERC IP
PROJECT CHINESE DIRECTOR,
HUAZHONG UNIVERSITY OF
SCIENCE AND TECHNOLOGY

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IP Practice

February 26-27, 2013, Stanford University

Dr. JIN Xiaoming, Director-General, Department of International Cooperation, China Ministry of Science and Technology

COUNSELOR LIU ZHIMING
China CERC Director

DR. ROBERT MARLAY
US CERC DIRECTOR

(L to R) Dr. ZHAO Gang, Director, Chinese Academy of Science and Technology for Development, Ministry of Science and Technology, with Frank LANDGRAFF (GE Energy IP Counsel)

STACY BAIRD, DIRECTOR, IP PROGRAM, US-CHINA CLEAN ENERGY FORUM

(L to R) GUO Wei, Department of Science, Education, Culture and Health, Legislative Affairs office of the State Council with HE Jing (Anjie law firm) and William Latta, (LP Amina)

II Current Work Focus

- Survey participants to understand current IP issues
- Consider different needs of each consortium & develop strategy for IP protection for each
- Case Studies: Analyze cases on IP and knowledge sharing in the three consortia's specific technology fields, shares successes and best practices.

III Next Stage Work Plan & Potential Highlights

1. **Develop《IP and technology transfer guide》**
2. **Establish, maintain, training on the use of patent and Non-patent data base**
3. **Strengthen Intellectual Property training and services for ACTC participants, search and analyze core patents and key technologies in related technical fields.** --- For the joint innovation and technology transfer.

Proposed Joint Work Plan: Accelerating US-China Innovation

- Substantially expand real-time legal technical assistance
- Design contract template based on TMP and best practice to help participants develop project agreement
- Develop an IP Training/Education Program
- Identify & pilot innovative approaches to protecting, sharing & enabling joint innovation
- Technical support to consortiums, helping to better understand patent landscape and identify research direction
- Consider obstacles to knowledge sharing (e.g., classified information, geological data exchange, import/export controls) and propose solutions.
- Assess IP practice under the CERC model for applicability to other fields and S&T agreements.

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Potential Highlight 1

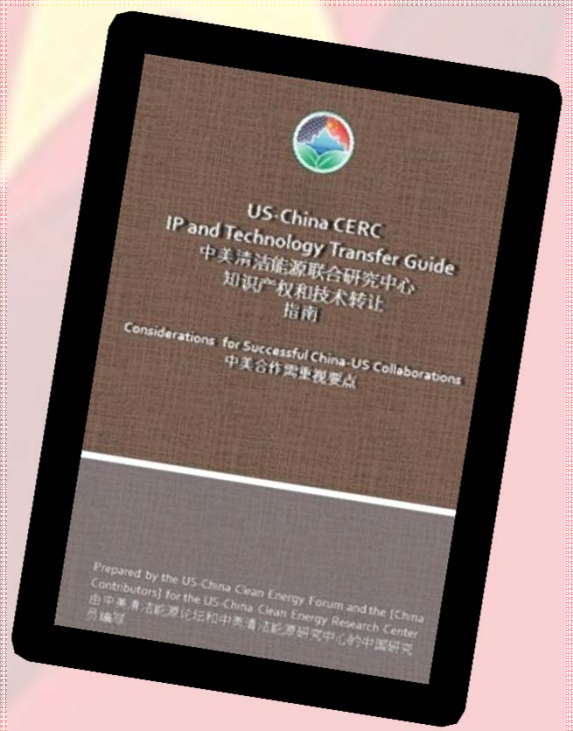
- ***CERC IP and Tech Transfer Guide (for non-lawyers)***

(for non-lawyers)

- **Simple-to-use**

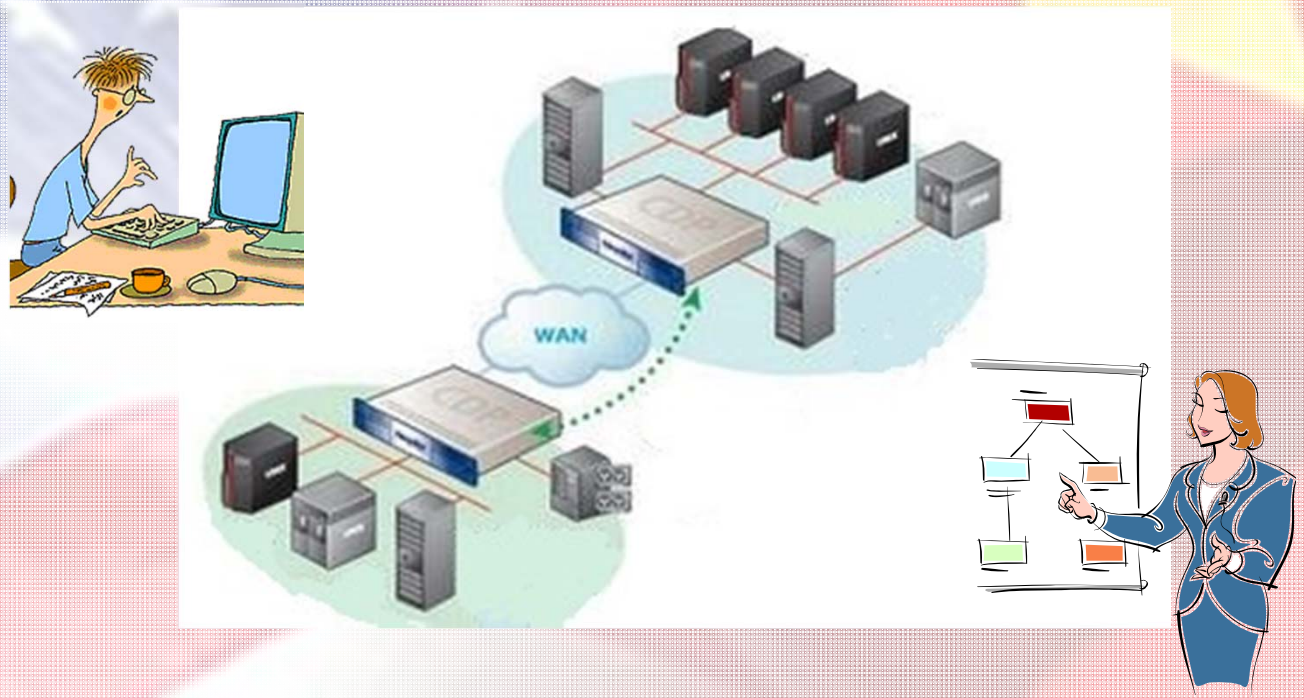
2 pages monographs for Researchers & SME Executives

- **Web-based version**



Potential Highlight 2

- **Establish, maintain and train on the use of patent and Non-patent data base**



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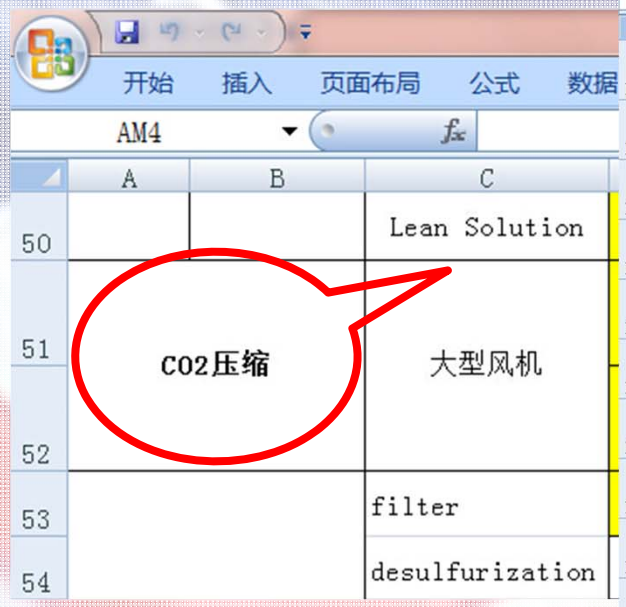
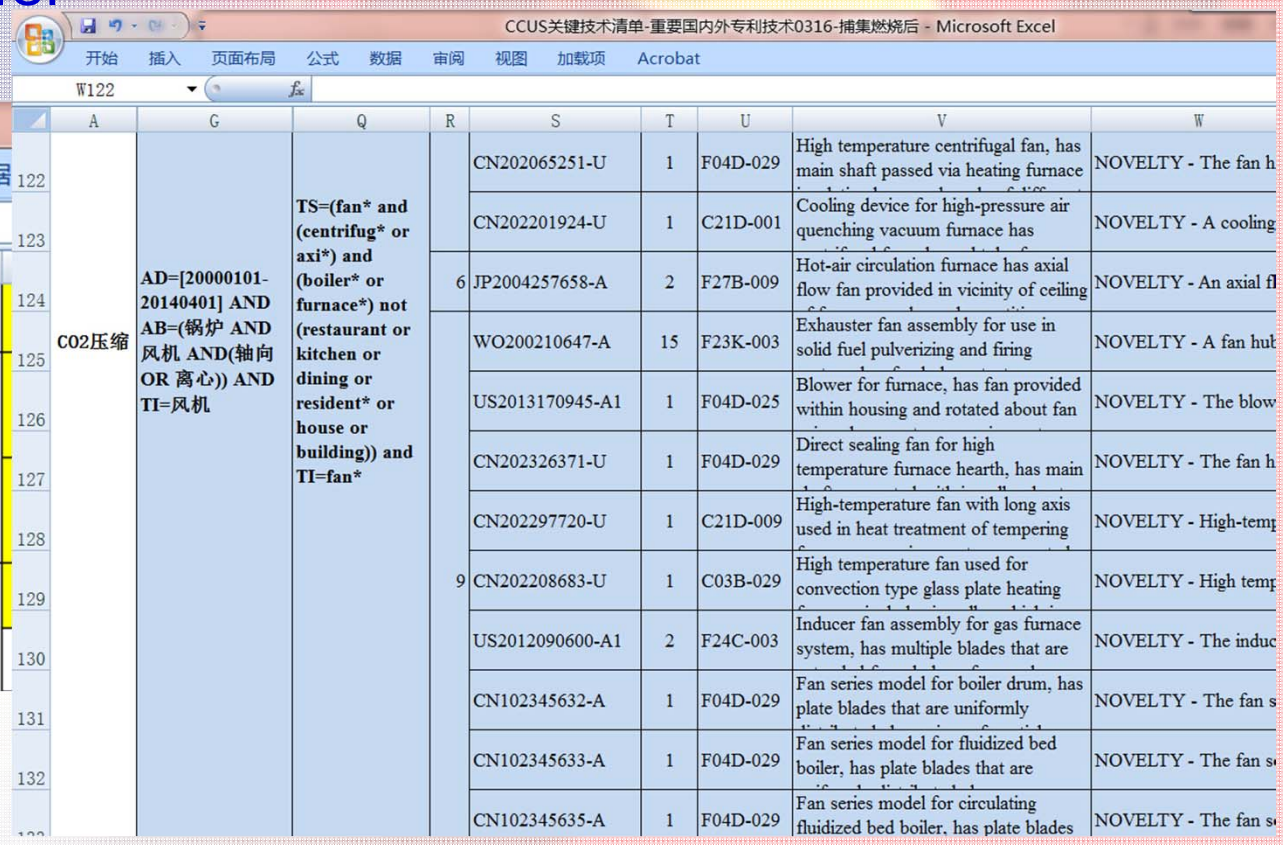
Potential Highlight 3

- **Search and analyze core patents and key technologies in related technical fields.-** For the joint innovation and technology transfer





IV Challenges & Countermeasures

- **1. TMP is a framework agreement. <u>Participants need IP agreements</u> for their projects and need <u>expanded legal technical support</u>.-** Enterprises demands guiding through strengthening training
- **2. Participant's IP management is uneven, CERC needs more manpower and support to enhance it for sustainability.-**Encourage enterprises to participate and invest, guarantee sustainable development for the project

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Thank you!

CERC IP

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