

Objectives

OBJECTIVE 1

Financing the innovations is a way to ‘shape’ the market. With investment decisions, public and private investors can direct the R&D resources towards desirable innovation activities.

Which tools should be used in investment regulation and public financing systems of innovations to promote environmental sustainability?

OBJECTIVE 2

Regulating Innovation via driving investments towards certain (more desirable) innovations is a way to fix the market.

How could the call for sustainability be embedded into the private law system for it to act as a major driver in fostering sustainable innovations?

OBJECTIVE 3

Sustainability transitions rely on complex innovation processes, involving multiple organizations across innovation ecosystems. In this transition, sustainable licensing and tec. transfer practices are important for both the diffusion adoption of key technologies and innovations in the market (market making).

What’s the role of private law in promoting deployment, use and transfer of sustainable innovations, and more sustainable business models?

Analysis

Input:

Financing Innovations

Market Shaping

Innovation Process:

Regulating Innovations

Market Fixing

Output:

Sharing/Licensing/
Tech transfer

Market Making

Steps of Innovation Process

Results

- The current private law system emphasizes economic efficiency, failing to prioritizing sustainability
- In various areas in private law changes could be implemented to better incentivise sustainable innovations. E.g.:
 - Ban from IPR protection of unsustainable inventions;
 - Stronger protection, longer duration, or quicker examination (fast track) for incentivizing sustainable innovations;
 - Right to repair for IPR protected items;
 - New sustainability related exceptions in IPR.

IPR and competition law tools can be used to promote access and use of sustainable technologies by addressing obstacles that exclusive rights and their licensing may pose. E.g.:

- New tools for co-creating via new IPR structures, new licensing models and/or new contractual structures;
- Compulsory licensing could address specific, limited obstacles to sustainability improving practices within bounds of international law;
- Sustainability could be a relevant consideration in IPR enforcement (E.g. availability of injunctive relief).

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