

World Intellectual Property Day celebrates “innovation for a green future”, but what’s the meaning of “innovation for a green future”?

22 Apr 2020 | Fabrice Mattei

Every year, April 26 marks World Intellectual Property Day (WIPD), when thousands of people around the globe celebrate the role of Intellectual Property (IP) rights in encouraging innovation and creativity. This year, The World Intellectual Property Organization (WIPO) puts “innovation” at the heart of its efforts to shape a “green future”. The terms “innovation” and “green future” are so ubiquitous that it can be hard to pin down, especially as they relate to our everyday lives. In this article we are trying to shed some light and open some windows.

### What’s innovation?

At least we should all agree that the word “innovation” is derived from the Latin word “innovare” which means “into new”. Other than that, I am afraid it’s difficult to find any consensus on what “innovation” should encompass. The literature mentions a wide range of fluctuating definitions. For example, Costello defines innovation as “doing something different”, other authors define it as a “mind-set, a way of thinking beyond the present and in to the future” and other definitions for innovations is that it is a process of getting new tools into a given social environment to change behavior.

Innovation is a word that we regularly hear in the business world in relation to new product or process (e.g. strategy, management techniques etc). Generally, it’s assumed that innovation can create opportunities to persistent growth in companies.

Scott Berkun defined “innovation is significant positive change” which is better than “doing something different” or “growth” since you may have growth even in the absence of “positive change”.

Based on this thinking, innovation could be defined as a process of creating value (“significant”) by applying solutions to address meaningful problems (“positive change”).

In the context of WIPD, innovation for green future could mean “process of creating value by applying solutions to support green future”, but then what “green future” means?

### What’s green future?

The expression has turned into something of a buzzword whose application is so nebulous that it often feels useless.

There is no definition of “green future”. We hear of “green bonds”, “green brands”, “green energy” etc. The adjective conveys an environmentally friendly dimension. In this context, “green future” should encompass tackling climate change, as affirmed in the Paris Agreement on Climate Change (Article 10) which states “accelerating, encouraging and enabling innovation is critical for an effective, long term global response to climate change and promoting economic growth and sustainable development.”

In conclusion, WIPD is understood as celebrating the process of creating value that leads to something meaningful for the environment.

### How IP could help?

There is no doubt the IP system offers a wide panel of options ranging from open innovation to trade secrets to foster innovations. IP rights provide not only economic benefits but also social and environmental incentives (e.g. geographical indications, traditional knowledge, ABS system) to help in protecting and diffusing technical and social innovations to the places of greatest needs. Article 27.2 of the TRIPS Agreement provides some level of safeguard against carbon intensive innovations by allowing WTO’s members to exclude from patentability inventions

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### Way forward

Earlier on we have defined "innovation for green future" as "a process of creating value that leads to something meaningful for the environment." This could create a basis for thinking of new IPRs having a new set of criteria adapted to "green future", for example:

- Optimization requirement - Innovations don't necessarily need to be new to contribute or impulse green future, optimization of solutions could meet the objective of "green future" (e.g. climate change supply chain optimization), which is in line with the technology transfer mechanisms under the Paris Agreement on Climate Change.
- Meaningful problem solving requirement - Usually patents solve a "technical problem" That's not to say "non-technical problem" isn't valuable. Could solving a "meaningful problem" then become an acceptable condition for protection?
- Value - This condition focuses on the outcome rather than the process and If you don't know whether something is innovative until after the fact, it's difficult to apply the condition proactively. Should we then assume, in a climate change urgency situation as we are now, that processes to address climate changes do necessarily create value, in the same way as it is more or less assumed that most inventions meet the technical application requirement.



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