



Mr Karel De Gucht
Commissioner for Trade
Directorate General Trade
European Commission
BE-1049 Brussels

24 April 2012

Dear Commissioner De Gucht,

The upcoming United Nations Conference on Sustainable Development (UNCSD or "Rio+20") in June 2012 will offer a chance to the European Commission and EU Member States to advance and build further support for European and global sustainability policies and strategies, leverage Europe's first mover advantage in many of these areas and promote and encourage its economic and commercial interests.

We support the "Rio+20" conference's objectives of poverty alleviation, sustainability, natural disaster planning and prevention which should be pursued through well-structured and effective mechanisms. Both public and private-sector technology investment are essential to achieving those objectives. However, we are concerned about the unfounded and unacceptable arguments of some emerging countries that Intellectual Property Rights (IPRs) constitute a barrier to the development, dissemination and broader use of technology, rather than a critical enabler. This is why we urge you to reject any requests to weaken or otherwise "re-balance" IPRs.

The sheer volume of investment needed to achieve the broad range of Rio+20 objectives is substantial and estimates reach hundreds of billions of euros. Costs may be reduced by improving technology but private sector involvement will be essential. In clean technology sectors, for example, which drive many of the Rio+20 issues, roughly two-thirds of investment in new and improved technologies comes from private sources. Any long-term agenda must leverage such private investments and enable and encourage them to the greatest possible extent.

IPRs allow innovators to capture the value of R&D activity, provide private companies with a means to distinguish their products from those of their competitors, and offer the commercial and economic incentives and assurances for firms and innovators to share technology, know-how and the ability to use it. Trade, foreign direct investment, commercial cooperation, and a range of other, market- and commercially-based actions are of primary importance. Any IPR weakening is counter-productive, fundamentally unjustified and lacks empirical support. IPRs are a primary development and sustainability tool, not a barrier. They are also well-regulated in the WTO and other international bodies.

In view of the above, proposals to weaken IPRs have no place in the Rio+20 context but may provide a dangerous distraction to the core negotiations. We urge you to take



a consistent and strong stance that IPR protection should not be weakened and that IPRs are kept off the Rio+20 agenda. As in the United Nations Framework Convention on Climate Change, we believe that a positive, constructive technology and sustainable development agenda should be pursued instead of a negative agenda focused on undermining IPRs.

We look forward to working with you in the lead-up to Rio+20 and remain available to discuss our position further with you.

A similar letter is being sent to Commissioners Potočník and Hedegaard.

Yours sincerely,

Philippe de Buck