



November 5, 2009

To the Parties of the Convention,

We write today on behalf of an international coalition of biotechnology industry organizations and stakeholder representatives. Together, we have been actively following the negotiations of the United Nations Framework Convention on Climate Change (UNFCCC, or “Convention”). Indeed, we support the UNFCCC’s efforts to create a global framework for climate change mitigation and adaptation, and look forward to working with UNFCCC Member States to achieve the Convention objectives. However, our industry is concerned that the language of the treaty on Long-term Cooperative Action (LCA) would result in disincentives to realizing the benefits of biotechnology. Additionally, several references within the negotiating text of the LCA call for a weakening or a complete dismissal of Intellectual Property (IP) protection. If implemented, these provisions would severely damage the ability of technology providers to effectively develop and deploy technologies in support of climate change mitigation.

The biotechnology industry is engaged in cutting-edge research and development (R&D) of health care, agricultural, industrial, and environmental biotechnology products and processes. These innovations are revolutionizing patient treatment, greatly expanding our ability to feed a growing world population, improving land-use efficiency, reducing our dependence on fossil fuels, and leaving a cleaner environment for future generations.

Biotechnologies play a key role in reducing greenhouse gas emissions (GHGs), improving quality of life, and driving economic opportunity. To that end, agricultural biotechnology products are already helping to address today’s challenges of climate change, water scarcity, malnutrition, and the diminishing availability of suitable land for agriculture, all of which have the greatest impact on the world’s poor and hungry. Industrial biotechnology also provides great climate benefits. It is the key to producing clean, renewable alternatives to petroleum-based fuels and products, and can greatly reduce the energy consumption and greenhouse gas emissions from a wide range of industrial processes and consumer applications by enhancing efficiency, reducing waste, and capturing and converting carbon dioxide, creating millions of jobs in the process. Therefore, our industry is a major contributor to meeting the overarching goals of sustainable development: social development, economic growth, and environmental protection.

Our ability to provide the tools needed to achieve the UNFCCC Member State objectives hinges on the growing awareness amongst Member States of the benefits that biotechnology can provide, as well as the capacity to safeguard and reward innovation through a strong IP framework; a framework that fosters predictability for investment, commercialization, and diffusion of new technologies. Unfortunately, the LCA revised negotiating text would result in disincentives to recognizing the full impact and promise of the biotechnology industry and would result in a legal environment that smothers this industry. The text is replete with provisions that would weaken intellectual property rights, the very lynch-pin of our industry. In fact, several proposals specifically call for a *prohibition on patents* or for the *compulsory licensing of patents* on biotechnology inventions, including fields of technology that may relate to genetic or



biological resources. There are also numerous references which cite IP as a “barrier” to technology deployment, transfer, and access in developing countries. Yet it is precisely through these protections that green technologies, green jobs, and a greener and more environmentally sustainable earth will be created.

The biotechnology industry calls on governments to maintain and enforce strong protection for intellectual property rights and other market mechanisms that have already spurred the creation of hundreds of new medicines, reduced the environmental footprint of agriculture, and provided new sustainable energy sources. As Parties to the Convention negotiate the text of the LCA framework, it is important to consider the following:

- Creating incentives for technology transfer by reducing tariffs and strengthening intellectual property;
- Stimulating local innovation through engagement with the private sector;
- Building capacity to absorb technology, including training and other workforce development programs;
- Building voluntary partnerships involving industry and other stakeholders, including Public-Private Partnerships;
- Avoiding undue restrictions on the use of genetic tools, to allow new products to come to market; and,
- Emphasizing technology neutrality. To meet the drastic reductions in greenhouse gas (GHG) emissions needed to halt climate change, a suite of solutions will need to be available; any particular solution will be dependent on a case-by-case analysis of the problem. The text or annexes to the text should be inclusive of all technologies that may contribute to the adaptation or mitigation to climate change.

The successful development of biotechnologies and their rapid deployment of climate change mitigating technologies throughout the global economy could advance the UNFCCC’s goals of both sharply reducing greenhouse gas emissions and encouraging cleaner and more sustainable energy and agricultural resources. The biotechnology industry urges you to value the vital contribution that biotechnology solutions can make to achieve these goals by giving the above recommendations your strongest consideration.

Sincerely,

Members of the International Biotechnology Climate Coalition:

AfricaBio, Agro-Bio (Colombia), All India Biotech Association, All India Crop Biotechnology Association, ASEBIO, AusBiotech, Belgian Biotechnology Industry Organization, Bio Deutschland, BioIndustry Association, BioSingapore, BIOTEC Canada, Biotechnology Industry Organization (BIO), Black Sea Biotechnology Association, CropLife Canada, CropLife International, EuropaBio, German Association of Biotechnology Industries (DIB), Hungarian Biotechnology Association, Japan Bioindustry Association, Nederlandse Biotechnologie Associatie, NZBIO, Swiss Biotech Association, SwedenBIO