



MAX-PLANCK-GESELLSCHAFT



Universität  
Augsburg  
University



TECHNISCHE  
UNIVERSITÄT  
MÜNCHEN

THE GEORGE  
WASHINGTON  
UNIVERSITY  
LAW SCHOOL  
WASHINGTON DC

## MIPLC Studies

Edited by

Prof. Dr. Christoph Ann, LL.M. (Duke Univ.)  
Technische Universität München

Prof. Robert Brauneis  
The George Washington University Law School

Prof. Dr. Josef Drexl, LL.M. (Berkeley)  
Max Planck Institute for Intellectual Property and  
Competition Law

Prof. Dr. Thomas M.J. Möllers  
University of Augsburg

Prof. Dr. Dres. h.c. Joseph Straus,  
Max Planck Institute for Intellectual Property and  
Competition Law

Volume 13

Hee-Eun Kim

# The Role of the Patent System in Stimulating Innovation and Technology Transfer for Climate Change

Including Aspects of Licensing and Competition Law



**Nomos**

**MIPLC**

Munich  
**Intellectual  
Property**  
Law Center

Augsburg  
München  
Washington DC

A Thesis submitted to the Munich Intellectual Property Law Center in partial satisfaction of the requirements for the degree of Master of Laws in Intellectual Property (LLM.IP).

Date of submission: September 17, 2010

Thesis directed by Prof. Dr. jur. Christoph Ann LL.M.

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the Internet at <http://dnb.d-nb.de>.

a.t.: Munich, Univ., Diss., 2010

ISBN 978-3-8329-6522-8

1. Auflage 2011

© Nomos Verlagsgesellschaft, Baden-Baden 2011. Printed in Germany. Alle Rechte, auch die des Nachdrucks von Auszügen, der fotomechanischen Wiedergabe und der Übersetzung, vorbehalten. Gedruckt auf alterungsbeständigem Papier.

This work is subject to copyright. All rights are reserved, whether the whole or part of the material is concerned, specifically those of translation, reprinting, re-use of illustrations, broadcasting, reproduction by photocopying machine or similar means, and storage in data banks. Under § 54 of the German Copyright Law where copies are made for other than private use a fee is payable to »Verwertungsgesellschaft Wort«, Munich.

*To my family*



## Acknowledgment

I am grateful to everyone who has contributed to this work. I thank the community of the Munich Intellectual Property Law Center (MIPLC) for providing its students with such a supportive environment for IP law studies and research: in particular, Prof. Dr. jur Christoph Ann as my LL.M. thesis supervisor, and Prof. Dr. Josef Drexl, Prof. Dr. Heinz Goddar, Dr. Henning Große Ruse-Khan, and Prof. Dr. Dres. h.c. Joseph Straus for their guidance.

I also wish to acknowledge Ms. Xi Chen of the State Intellectual Property Office of the People's Republic of China (SIPO), Dr. Dörte Otten-Dünnweber of the German Patent and Trademark Office (DPMA), Mr. Tatsuya Tada of the Japan Patent Office (JPO), Mr. Peter Willimott of IP Australia, and Mr. Wonkil Yoon of the Korean Intellectual Property Office (KIPO) for helpful information on policies of patent offices.

I am also thankful to Prof. Mark Lemley at Stanford Law School for allowing me to further develop the theme of Chapter VI of this book during my first quarter at Stanford.

Mistakes and omissions are solely mine. I would very much appreciate receiving any thoughts or comments at [hkim1121@gmail.com](mailto:hkim1121@gmail.com).

Stanford, Summer 2011

*Hee-Eun Kim*