



The Secretary of Energy
Washington, D.C. 20585

May 5, 2009

The Honorable F. James Sensenbrenner, Jr.
Ranking Republican Member
Select Committee on Energy Independence
and Global Warming
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Sensenbrenner:

Thank you for your April 3, 2009, letter regarding the Administration's policies on the protection of intellectual property rights (IPR).

As a scientist, I believe strongly in the importance of preserving intellectual property rights as an incentive for investment and innovation. What I referred to in my remarks at Brookhaven – as I have in numerous other public speeches – is the opportunity to jointly develop technology and intellectual property through shared investment in research. These joint efforts will allow several nations to share the costs and benefits of intellectual property they jointly fund, helping avoid disputes over intellectual property rights and speeding the world's transition to a clean energy economy.

For example, many nations are funding research and development of carbon capture and sequestration technologies, from the United States to China to Australia to United Arab Emirates to several countries in Europe. Collaboration and cooperation in this area holds the potential to pilot different experimental technologies in different countries and then learn from the successes and failures of these pilot projects as we improve the technology so it can be broadly deployed. Co-development of these technologies could reduce the cost and allow for faster implementation in heavily coal dependent nations – which could significantly reduce future greenhouse gas emissions for the benefit of the entire world.

In international research collaborations, there are many examples of collaborating countries agreeing to share technical information and IPR for the mutual benefit of all participating parties. In those, private entities often voluntarily participate in such collaborations with their attendant requirements to share information and



possibly IPR. One recent example of collaboration and sharing of IPR and information is the ITER project to build an international thermonuclear experimental reactor involving seven national entities, representing one half of the world's population.

The Department of Energy has a long history of utilizing the grant of private IPR as a deployment incentive to university, nonprofit and industrial partners who develop technologies as part of their participation in the Department's programs. I hope to greatly improve the transfer of technology at all levels.

Sharing of IPR does not mean a lack of respect for or an abandonment of IPR and should be done where the sharing is mutually beneficial to all collaborating parties. Sharing can, for example, be achieved by an exchange of nonproprietary information, royalty free or royalty bearing cross licensing, a patent pool in which private parties voluntarily share IPR to foster utilization of standardized technologies, open source software distribution or allowing copyrighted scientific articles to be freely translated. Sharing of some information and IPR may very well inure to the commercial benefit of the supplying entity by opening new markets for engineering services and component sales.

The important point is that the energy challenge is global, and increases in energy efficiency or the utilization of more environmentally friendly energy technologies is of mutual benefit to all countries. Consideration of ways to promote the use of beneficial technologies benefits the United States.

If you have any questions, please contact me or Ms. Betty A. Nolan, Senior Advisor, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,



Steven Chu

cc: The Honorable Ron Kirk
United States Trade Representative