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## **WIPO WORKSHOP ON SMALL AND MEDIUM-SIZED ENTERPRISES (SMES) AND INDUSTRIAL PROPERTY**

organized by  
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in cooperation with  
the National Industrial Property Institute (INPI) of Brazil

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SUPPORT FOR SMES IN USING THE INTELLECTUAL  
PROPERTY SYSTEM: EXPERIENCES OF OTHER REGIONS

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1. One of the activities of the Small and Medium-Sized Enterprises Division of the WIPO International Bureau consists in compiling information on policies, programs and strategies adopted by various institutions around the world with a view to assisting SMEs in the use of the intellectual property system. The aim of this activity is to identify experiences which have had a real impact in bringing the intellectual property system closer to SMEs. The experiences in question are disclosed in order to facilitate interaction between the institutions dealing with said activities and so that these experiences may serve as a model and be adapted to the economic and institutional contexts of other countries.

2. In May and June 2001, a questionnaire was sent to industrial property offices, government SME coordination bodies, chambers of commerce and other institutions, in which information was sought on the activities carried out by each institution in relation to promoting the use of intellectual property by SMEs. A series of contacts with institutions, both formal and informal, followed the questionnaire, designed to obtain more information on the initiatives, understand participation mechanisms and become familiar with the results obtained.

3. From the compilation of “best practices”, a number of general observations may be made on the trends in this area. Firstly, the traditional function of intellectual property offices in relation to the registration of intellectual property rights is complemented more and more by a series of additional services, especially information and promotion services aimed at current and potential users of the intellectual property system and, in particular, SMEs. Mr. Tschudin of the Swiss Federal Intellectual Property Institute describes the new function of the Swiss Federal Institute as a “provider of services” for the enterprise sector. The services provided are no longer limited to registration services but meet broader needs of the enterprise sector<sup>1</sup>. Ms. Nora Pérez Rodríguez of the Information Department of the Cuban Industrial Property Office (OCPI) refers to a “radical change” in the task of industrial property offices which have decided to increase their information services for a specialized audience<sup>2</sup>. In Australia, the Intellectual Property Office established, in 1996, a *Marketing* Department with the aim of carrying out promotion and training activities aimed at the general public, with special attention being paid to SMEs.

4. Secondly, in some countries the government bodies responsible for promoting the development of SMEs have begun to attach greater importance to intellectual property including subjects relating thereto in some of their activities and services for SMEs. This has resulted, above all, in the following types of programs: (a) innovation promotion programs; (b) sectoral programs designed to promote the development of particular sectors regarded as priorities; (c) export promotion programs; (d) training programs and courses for enterprises on various aspects of enterprise management; (e) funds established to promote research and development and technology transfer by SMEs. The inclusion of information technology services, intellectual property modules in enterprise training programs, practical guides for SMEs on intellectual property and other initiatives of this type, have meant that intellectual property is no longer perceived as an isolated subject of little importance for SMEs, but as an important component within a package of services offered by the institutions in question to SMEs.

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<sup>1</sup> R. Tschudin, paper given to the WIPO International Bureau, Geneva, Switzerland on March 21, 2002.

<sup>2</sup> Information Department, Specialized Enterprise Sector Service, support for technological and commercial innovation of Cuban enterprises, June 2001, Cuba.

5. Thirdly, the increasing cooperation between the various bodies responsible for providing support for SMEs, or which participate in the national innovation system, such as universities, research centers, industrial property offices, incubators, chambers of commerce, employers' associations, inventors' associations, and risk-capital funds have, in some cases, allowed the subject of intellectual property for SMEs to be dealt with within a broader framework for promoting the development of SMEs and with greater coordination between the institutions.

6. Below is described a series of national experiences regarding promotion for effective use of the intellectual property system by SMEs. In order to facilitate exposure, the programs in question have been divided into five categories or areas of participation, depending on the main objectives of each program.

a) Intellectual property awareness-raising and training initiatives

Intellectual Property Office of Australia (IPAustralia)

7. In 1996, the Intellectual Property Office of Australia (IP Australia) established a Marketing Department, the main aim of which was to disseminate the use of the intellectual property system by Australian enterprises, inventors and researchers. The initiatives of IP Australia for small and medium-sized enterprises encompassed the following activities:

- Intellectual property guides: each year more than 35,000 intellectual property information files are distributed. The information files include guides on the procedure for applying for patents, utility models, marks and drawings, and industrial models. The files are distributed free of charge.
- Multimedia products: IP Australia has devised three CD-ROMS for SMEs. The first one, called *Get Smart with IP*, is a quick guide as to how to administer intellectual property, and gathers experiences from six Australian case studies, interviews with intellectual property experts, and information on the sites that may be accessed so as to receive assistance on various intellectual property matters. The second, *IP Navigator*, is a simple intellectual property guide. Based on a fictitious case study, this CD-ROM offers some ideas on the development of effective strategies for protecting and promoting intellectual property in the commercial operations of enterprises. Finally, *IP Toolbox* is a complete guide on intellectual property, and its management and strategic uses in business. It is the product of collaborative efforts between IP Australia and various studies by lawyers and enterprises specializing in enterprise accounting and the management of marks.
- Case studies: IP Australia compiles between 30 and 40 case studies each year on enterprises and inventors that have been successful as a result of using the intellectual property system. The case studies have been published on the IP Australia website, included in multimedia products, and used in press articles, journals and other forms of communication, with a view to promoting effective and appropriate use of the intellectual property system by SMEs.
- Practical information on the website: the IP Australia website contains a large amount of practical information for employers, including a section on intellectual property strategies for your enterprise," written in a simple style. One of IP Australia's latest activities has been to address SMEs through groups of specialists in advisory activities for enterprises

(for example, accountants, legal advisors and communication professionals). In this context, a new section has been developed on the website, *IP Manager*, intended for commercial advisors. Another section of the website, *IP Access*, allows the reader to identify himself, in accordance with his institutional or professional profile, and the program indicates which pages of the IP Australia website might be of interest (see [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)).

- Seminars for SMEs: IP Australia organizes regular seminars specially designed for SMEs. It arranges the seminars and ensures that professional speakers participate in them. The speakers range from patent attorneys to accountants. One or more enterprises from the corresponding geographical region are requested to recount its experiences on the use of the intellectual property system, in the form of a case study.

#### The Indian Ministry for Small-Scale Agricultural and Rural Industries

8. In June 2001, the Indian Ministry for Small-Scale Agricultural and Rural Industries began a series of awareness-raising seminars in different cities in India. The initiative began with a pilot scheme to determine the extent of the interest in the Indian enterprise sector in this type of initiative. Two one-day seminars were held initially for SMEs, in Bangalore and Jaipur, where intellectual property was introduced from an employer's point of view. The WIPO International Bureau participated actively in the organization of and arrangements for the seminars, and assisted the Ministry in selecting speakers for forthcoming seminars. 14 seminars have already been held in 14 Indian cities, in which around 2,100 people have participated, mainly employers. The interest shown by employers (demonstrated through participation in the events in question and the responses to evaluation questionnaires) was much greater than foreseen and the Ministry is considering broadening the initiative for this year.

9. New activities would include:

- organization of seminars for SME "*clusters*" or industrial districts;
- the inclusion of intellectual property in public enterprise training programs;
- in cooperation with the United Nations Industrial Development Organization (UNIDO) and the WIPO International Bureau, the preparation of intellectual property guides for certain specific sectors, i.e. the "*machine tools*" and toy sector.

#### Korean Intellectual Property Office (KIPO)

10. The Korean Intellectual Property Office (KIPO) has established Patent Information Centers in 18 chambers of commerce throughout the country. The Patent Information Centers provide information on intellectual property for local inventors and SMEs. Each one includes a professional sent by the KIPO, who is trained to assist employers in using patent databases and in filing applications for patents, marks, and industrial designs. The information available on the KIPO website is also accessible from the computers installed in the Patent Information Centers for those who do not have Internet access. This includes "online" training programs, access to the patents and marks database, and general information on intellectual property,

and the services offered by KIPO. All the services provided by the Patent Information Centers are free of charge.

11. In addition, videoconference seminars are organized approximately once a month, during which 18 chambers of commerce are connected to the central KIPO headquarters in Daejeon, from where presentations are given on various aspects of intellectual property for SMEs, inventors and researchers.

12. Other KIPO promotion and awareness-raising activities include:

- inclusion of intellectual property in the training programs of employer training institutes;
- cooperation with 30 large Korean enterprises for the training of small and medium-sized employers on subjects relating to the management of intellectual property assets;
- organization of seminars for SMEs in cooperation with chambers of commerce, the Korean SME Federation and other SME associations.

b) Technological information services

#### Industry Canada

13. *Industry Canada* is a department of the Canadian Federal Government which deals with the promotion of Canadian industrial development. Its Internet site *Strategis* (<http://strategis.ic.gc.ca/>) is a reference point not only for Canadian enterprises but also for foreign enterprises owing to the variety and highly developed level of its content.

14. One of the recent initiatives of *Industry Canada*, on its website *Strategis*, is the program *Business Intelligence Express* (BIX). The program consists in providing technological information on patents for enterprises operating in specific sectors. The program focussed initially on the metal and mineral processing sector, which includes approximately 8,000 Canadian enterprises. Through BIX, these enterprises may access patent information easily from the major developed countries involved in this sector, use the interactive intellectual property guides available on the *Strategis* site, and subscribe to a monthly newsletter containing the latest news on patents and marks, of interest to this sector. Recently, the BIX program was extended to the biotechnology and forestry industry sectors, which are considered to be priorities for *Industry Canada*<sup>3</sup>.

#### Novimpresa Project (Italy)

15. The Novimpresa Project operates within the *Area di Ricerca* or science park located in Trieste, Italy. One of the main activities of the Novimpresa Project is to provide technological information for enterprises in the region of *Friuli Venezia-Giulia*, so as to assist them in their development. The information contained in the patent documents is one of the sources used by the Project to advise enterprises on subjects related to innovation and technological development. Owing to its operation as a "*PATLIB center*," or patent library of

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<sup>3</sup> For more information, see the *Strategis* website at: <http://strategis.ic.gc.ca/>

the European Patent Office, the Novimpresa Project has a broad patent database and staff specializing in patent searches.

16. The main technological information services include:

- Information for innovation: information is provided on the prior art in particular sectors together with technological information based on patent documents, specialized journals, technology databases and other sources.
- Technology audits: short-term schemes, designed to analyze the strengths and weaknesses of an enterprise from the point of view of technology.
- Assistance with the adoption of innovation: longer-term schemes in which future enterprise strategies are sought, technological problems are individualized and possible solutions are sought, as well as market analyses being conducted. R&D experts are hired to carry out these tasks, along with the use of applied technologies and enterprise administration.
- Sectoral studies: detailed analyses for specific sectors on prior art, international guidelines, information on markets and the competitive environment.

c) Financial assistance

Spain:

17. In order to alleviate the financial burden relating to patent applications and to promote the protection of intellectual property assets by Spanish enterprises, different public administrations in Spain provide grants and subsidies. Most of these grants form part of broader programs for the promotion of a particular economic sector or grants for the globalization of enterprises based in a particular region.

18. The assistance programs include, *inter alia*<sup>4</sup>:

- “Soft” loans by the Center for Industrial Technology Development (CDTI): the CDTI Technology Promotion Projects are specially designed for Spanish enterprises that engage in patent activities abroad and fund, with soft or interest-free loans, activities such as: (a) national, European and international patent applications; (b) mark registration; (c) legal support for technology transfer contracts; (d) professional training for technology transfer projects; (e) production of prototypes for the promotion of technology transfer.

The maximum amount of the loan is 60 per cent of the cost of the project, with a naught per cent interest rate and a three-year non-payment of interest and debt period. The capital has to be reimbursed within a five-year period at an annual rate of 20 per cent.

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<sup>4</sup> More detailed information on each of these programs and also on other grants provided both by the State and by autonomous communities is available on the website of the Spanish Patents and Marks Office: [www.oepm.es](http://www.oepm.es) under “Public Grants.”

- Subsidies under the Foreign Trade Initiation Plan: designed for Spanish SMEs which have their own product or service and non-consolidated exports not exceeding 30 per cent of total turnover. The expenditure which may be covered by subsidies includes the registration of patents and marks abroad, covering the fees of an industrial property agent. The enterprises participating in this program may obtain a grant of up to 80 per cent of expenditure. In order for an enterprise to benefit from this subsidy, the enterprise should put in a place a “globalization plan.” For that purpose, an expert in cooperation with the Foreign Trade Institute devises the plan in question, taking into account the possibilities of the enterprise and the needs of the international market in which it will begin to export its products.
- Company Tax Deductions: Law No. 55 of December 29, 1999 includes a package of deductions for scientific research and technological innovation activities. The expenditure generated by the acquisition of foreign technology in the form of patents, *know-how* or designs may therefore be subject to a deduction of between 10 and 15 per cent of the costs incurred.
- Grants provided by autonomous communities: a number of autonomous communities provide grants linked to: (a) R&D projects in a particular sector of special interest to the region; (b) broader export-assistance programs or; (c) programs designed to increase the competitiveness of regional enterprises, for example by making improvements to the design of its products.

Grants generally cover the costs relating to applications for patents, marks and industrial designs and, in some cases, also the costs of acquiring patented technologies and *know-how*.

#### Korean Intellectual Property Office (KIPO)

19. On December 28, 2000, the Korean Intellectual Property Office (KIPO) and the Korean Association of Patent Attorneys (KPAA) signed a commercial cooperation agreement so as to undertake joint tasks through which SMEs are provided with free patent management services, from the phase preceding the filing of applications to the granting of the patent. The aim of the agreement was to prepare the ground for small and medium-sized enterprises to obtain patent rights for the first time, so as to make activities profitable and economical.

20. Currently, more than 700 patent agents in the whole of Korea provide free consultation services for SMEs which meet the requirements necessary to be considered such, in accordance with Article 2 of the Framework Law on Small and Medium-Sized Enterprises.

21. During 2000, the KPAA received around 600 applications from SMEs and 230 SMEs finalized the application filing process, or were involved in that process, as a result of the assistance from the free services provided by agents appointed by the KPAA.

22. The SMEs which need to use this free consultation service must receive confirmation from the KIPO as to their legal position as small and medium-sized enterprises, while the inventions for which protection is sought must be the first that intend to register. Once approval to participate in the program is received, SMEs must communicate with the KPAA (<http://www.kipa.or.kr>) in order to obtain the data required to contact one of its agents.

23. In addition, the KIPO provides reductions in fees for SMEs, in order to promote the activities relating to the creation and acquisition of intellectual property rights. Any SME, apart from “microenterprises,” which satisfies the requirements of the “Framework Law on Small and Medium-Sized Enterprises,” to be considered such, is entitled to a reduction of 50 per cent in the application fee, including the fee for examination and initial registration, applicable to patents, utility models and industrial designs. As regards microenterprises, defined under the “Special Law on Support for Microenterprises,” a reduction of 70 per cent in the fees mentioned in the Fee Regulations is provided.

### Singapore

24. The Patent Application Fund (PAF) provides financial assistance to cover part of the costs of patent applications, for example expenses relating to drafting, applications and legal matters. Its aim is to encourage individuals and SMEs in Singapore to seek official protection for intellectual property rights.

25. The PAF was set up in 1992 by the National Science and Technology Council of Singapore, which is administered by the Intellectual Property Office. The Fund finances 50 per cent of the legal, administrative and other expenditure relating to the patent application process, up to a maximum of US\$30,000 for each invention. The Fund’s assistance may be sought by any enterprise whose shareholders include at least 30 per cent Singaporean citizens, as well as any permanent resident. Other requirements are that the research work carried out to obtain the invention has been done in Singapore and that applications are filed with the PAF in the two years following the original patent application.

26. The number of patent applications filed by Singaporean residents increased from 145 in 1995 to 516 in 2000. The PAF has made a considerable contribution to the increase in patent applications through financial assistance to enterprises and independent inventors seeking patent protection for their inventions.

#### (d) Personalized intellectual property advisory services

### Enterprise Ireland

27. Through the intellectual property assistance program, *Enterprise Ireland*, a government body responsible for promoting the development of Irish enterprises, has provided support for inventors and SMEs since 1998. The main program activities can be summarized as follows:

- Advice for the protection of inventions

28. All applicants may obtain advice of a general nature. However, detailed advice and funding for obtaining patents may be provided only for Irish enterprises working in the manufacturing sector or providing services at the international level. *Enterprise Ireland* examines the invention and, if it is considered promising, offers initial advice to the applicant and recommends a series of activities to develop, protect and market the invention.

29. *Enterprise Ireland* usually gives preference to applicants who have not filed a patent application prior to using the intellectual property assistance program, since it can therefore be sure that the patent application is filed at the appropriate time and that the process will be synchronized with the technological and commercial development of the invention. Although

the program does not provide legal advice and applicants are recommended to contact a patent attorney, an indication is given of the sites on which the requisite information may be obtained, cooperation with patent-related searches is provided, and advice offered regarding the procedures for granting patents and on technical matters relating to the invention.

*Enterprise Ireland* also offers information on how to apply for patents abroad through the Patent Cooperation Treaty administered by WIPO.

- Funding of patents

30. Where *Enterprise Ireland* considers that there are possibilities of obtaining patent protection and sufficiently detailed production and marketing plans have been presented, it funds the procedure for obtaining patents in Ireland and abroad. At the beginning, the financial assistance may cover up to 100 per cent of the costs of the process of obtaining the patent, but will decrease as the project advances. Once the initial phases have been completed, grants are subject to an agreement with the inventor or the enterprise in order to divide up the royalties or income derived from the sales of the patented product or process. The percentage of royalties received by *Enterprise Ireland* is usually reduced and is negotiated on a case-by-case basis.

- Advice for the development and marketing of inventions

31. The staff of the intellectual property unit offer advice for the technical development of inventions and, on occasions, send applicants technical specialists from other departments of *Enterprise Ireland*. Marketing advice is also an important part of the program. Inventors are assisted in the search for possible holders of licenses for inventions, and are provided with advice on negotiations and the process of obtaining licenses.

32. *Enterprise Ireland* receives an average of 150 to 200 applications per year. All applicants receive some kind of advice, but around 50 per cent benefit from detailed advice with a view to obtaining patents, and to technical and commercial development. Each year five to ten new projects are funded<sup>5</sup>.

#### Foundation for Finnish Inventions

33. The Foundation for Finnish Inventions supports and promotes the development and use of Finnish inventions. A large part of the Foundation's activities consists in providing legal advice and financial support for obtaining patents.

34. The Foundation is an important source of advice and support for independent inventors, as well as for researchers and SMEs in Finland. Its activities are grouped together in six categories corresponding to the six phases of development of inventions:

- promotion of inventive activities;
- assessment of inventions (market prospects, novelty and inventive capacity, commercial potential and so on);

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<sup>5</sup> For more information on the activities and services of *Enterprise Ireland* and, more specifically, on the intellectual property assistance program, see [www.enterprise-ireland.ie](http://www.enterprise-ireland.ie)

- advisory services (advice specifically focussed on inventions, intellectual property rights and other matters);
- funding of protection for inventions (patents and other intellectual property rights);
- funding of product development (planning and design, prototype development, technical and commercial advice); and
- funding of marketing (includes advice on licensing).

35. A significant part of the Foundation's activities relates to advisory services. The Foundation offers advice to enterprises on a whole series of issues, ranging from technical questions specific to inventions to the evaluation of the commercial potential of a product, and including assistance with the development of prototypes and legal advice in obtaining a patent and the granting of licenses. This includes advice on patent applications abroad through the Patent Cooperation Treaty administered by WIPO. Since its establishment in 1971, the Foundation has provided guidance for around 150,000 clients.

36. Funding for the development and marketing of inventions is usually provided according to one of these four methods:

- Keksi funding: covers initial expenditure relating to the development of the invention, up to a maximum of 8000 euros. No reimbursement is required.
- Funding of grants: used to pay the cost of obtaining patents, and the development and marketing of products. Entails an obligation to reimburse the Foundation, depending on the success of the project and the income received by the inventor. Interest is not paid.
- Subsidies: small sums of money with no reimbursement obligation.
- Loans: granting of capital for operations in the initial phases of marketing an invention for inventors and SMEs.

37. The amount of funding ranges between 1500 and 100,000 euros, depending on the nature of the invention and its commercial prospects. Most of the funds for Foundation operations come from the Ministry of Trade and Industry of Finland.

38. The Foundation pays particular attention to protection for inventions by means of intellectual property rights, especially patents. The inventive spirit and, in general, the patentability of an invention are considered to be key criteria in selecting the projects which the Foundation will finance. In addition, inventors and SMEs receive legal assistance for protecting patents in Finland and in potential export markets, as well as advice for the development of an intellectual property strategy for the invention. Finally, in the marketing phase guidance is provided on the granting of licenses and an inventions market exists (accessible on line at [www.innofin.com](http://www.innofin.com)), designed to bring together inventors and possible license holders.

39. Over the years, the Foundation for Finnish Inventions has received 16,000 funding applications, 2000 of which have obtained financial support, including funding for the procedure for obtaining patents. To date, 500 new products have been commercially exploited with the aid of the Foundation, directly through the inventor or employer, and as part of a license agreement.

### Cuban Industrial Property Office (OCPI)

40. The Cuban Industrial Property Office (OCPI) offers a package of industrial property information and advisory services to SMEs through the Specialized Enterprise Sector Service (SESE). As part of this service, the OCPI Information Department acts as a representative between enterprises and the technical sections of the Office which play an active role in the Department. Any SME which expresses the need to use this service may do so.

41. SESE services comprise:

- assessment of enterprise industrial property activity;
- prior art searches;
- industrial property training and advice;
- proposals and advice for selecting marks, names and commercial slogans;
- research on marks and other distinctive signs;
- advice for the establishment of the National Industrial Property System in the enterprise environment;
- courses and conferences.

42. SESE offers personalized advice for enterprises, corresponding to their industrial property needs. The general aims of this service are to:

- promote technological innovation;
- focus technology management according to global trends;
- become familiar with threats, strengths, weaknesses and opportunities in the competitive environment;
- contribute to the corporate and commercial image of the enterprise;
- revise commercial strategies.

43. The assessment service is free of charge for all enterprises. The service consists in evaluating and developing the in-house intellectual property strategy in SMEs. The fees for searches with information analyses, as well as for the creation of marks, trade names and commercial slogans, and analysis of the commercial and historical environment of marks are calculated on the basis of the number of hours worked. The Information Search and Document Copying services use the official rates.

44. As part of the service, an experimental program was launched with five selected enterprises. The program offers the enterprises the undivided attention of an industrial property specialist who is part of the OCPI working team.

45. Similarly, the OCPI assists enterprises applying for patents and marks abroad through the Patent Cooperation Treaty and the Madrid System for the International Registration of Marks respectively, both of which are administered by WIPO.

e) Assistance with the use of intellectual propertyJapan:

46. The Japanese Patent Office (JPO) estimated that each year approximately 660,000 patents are maintained in force through the payment of annual fees. A large number of patents are for inventions which have great market potential and which have a chance of being marketed by enterprises with the capacity and resources to do so. The JPO has taken the initiative of promoting and facilitating the transfer of technology to SMEs which could benefit from the technologies available on the market.

47. JPO initiatives in this area consist in:

- creating a database on technologies which may be licensed. Thus, the JPO seeks to strengthen the market for the transfer of technology between enterprises, and from universities and research centers to enterprises.
- organizing “technology fairs” for employers, researchers and inventors so as to provide a place where licensors and licensees can meet and exchange ideas. In 2000, approximately 680,000 people participated in the “technology fairs.”
- Preparation of “patent maps” for certain technology sectors for *start-up* enterprises which wish to enter a specific sector.
- Support for technology licensing offices in universities and research centers, which were set up as a result of the Law on Promotion of Technology Transfer from Universities to Industries, which entered into force in 1998.

Hong Kong Productivity Council

48. The Hong Kong Productivity Council (HKPC) carries out a series of activities designed to facilitate access for SMEs to the intellectual property system. One of these consists of a technology market or *TechMart*. The HKPC headquarters has an area of 600 m<sup>2</sup> devoted to the exhibition of products and projects which may be licensed. In the exhibition hall, thematic events are usually organized to promote the marketing of new technologies in particular sectors.

49. The technology market includes a network of members which are grouped together in four main categories: (1) technology providers; (2) employers and industrialists; (3) purchasers; (4) inventors. Member enterprises have “online” access to databases where other enterprises exhibit their projects, commercial plans and areas of interest, and seek members for their own projects. The technology market can be accessed on the Internet at: <http://www.hktechmart.com/>.

50. The technology market also has services for assessing intangible assets (patents, marks, *know-how* etc.) for enterprises, as well as a competition intelligence service for enterprises, developed together with *Dialog*, which includes technological information and useful information on markets for enterprises by sector.

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