

## TERMS OF REFERENCE

[name]

for

Preparing a Chapter on the Legislative, Regulatory, Policy and Institutional Mechanisms in Support of Technology Licensing in [country]

- I. The Consultant will prepare a text which will be the basis for a Chapter on the Legislative, Regulatory, Policy and Institutional Mechanisms in Support of Technology Licensing in [country].
- II. The objective of this chapter is to complement “Exchanging Value - Negotiating Technology Licensing Agreements, A Training Manual.” The Chapter, incorporated into Exchanging Value, will provide practical information of interest to licensors and licensees of technology in [country]. It will thus provide general guidance on country specific issues, including social and cultural factors, in negotiating technology license agreements that will facilitate such licensing agreements not only within [country] but also between [country] enterprises, or Government agencies with foreign technology owners who are willing to license their technologies.
- III. The chapter should address the practical concerns of, among others, the local industry, government officials and publicly-funded agencies, including higher educational institutions that are or would be interested in the licensing of technology, university technology transfer offices or in teaching or training of undergraduate or graduate students of technology transfer at the university level.
- IV. The chapter would be around 30 A4 size pages excluding annexes, and would consist of the following information as well as any other information that may be considered relevant by the consultant and approved by WIPO.
  - (a) Introduction – This section would provide a general overview of the political, economic and social background of [country] to understand the negotiating and technology transfer environment. In particular, it should provide an overview of the national intellectual property laws and institutional framework and discuss its effectiveness in stimulating economic growth through providing incentives for inventive and innovative activity. It should also provide information as to whether the country is working towards attracting foreign investment, particularly foreign technology through licensing to stimulate economic growth and develop its own innovative capacity. It should also address the issue as to whether efforts are being made to stimulate local inventive and innovative activity and whether there are policy mechanisms in place to encourage local transfer of technology, particularly from universities and public research and development institutions to local industry. In addition, government efforts to develop human resources and skills, particularly in the area of science and technology, law and management, should be mentioned. In this regard, relevant policies in areas such as economic development, science and technology, research and development, export development, foreign investment, innovation promotion, education etc., should be identified and copies provided for in

the annex. WIPO, on its part, shall provide the consultant with information available in WIPO on the [country] intellectual property laws and institutional framework.

- (b) Relevant legislation and regulations in [country] pertaining to licensing of technology such as relevant intellectual property laws, restrictions in licensing in or out of any technologies, recordation or registration requirements for validity of licensing agreements, governmental approval process(es), if any, for foreign direct investment, foreign collaborations, setting up of joint ventures, mergers and acquisitions with foreign partners/companies, repatriation of lumpsum and royalty payments, conditions of entering into such agreements, tax laws, etc.;
  - (c) Relevant government authority (ies) charged with the responsibility for such matters and its (their) contact details;
  - (d) Relevant experiences in licensing (case studies) whether by government, universities, public research institutions or private sector;
  - (e) Mechanisms in place for enabling, managing and facilitating such transfers such as institutional intellectual property management policies, technology transfer policies, technology licensing offices, etc;
  - (f) National statistics on royalty payments etc.;
  - (g) Local assistance programs of relevance such as “matchmaking” between buyers and sellers of technology, assistance in selection and evaluation of technology and in negotiation and other advisory services, training programs, etc.;
  - (h) Useful national, sub-regional and regional networks and links for facilitating technology transfer or licensing; and
  - (i) Availability and use of funding mechanisms in the area of technology licensing.
- V. A draft synopsis of the areas to be covered with a brief description of each area should be provided within one month of the date of appointment and a first draft text within two months from the date of receiving WIPO’s comments on the synopsis. The final text, incorporating comments received from WIPO, shall be submitted within two months of the receipt by the Consultant of WIPO’s comments on the first draft text of the Chapter.
- VI. The consultant may be required to present his work during a national workshop to be organized in [country] on the subject of technology licensing during [year and month to be identified].

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