

>> Transfer of Technology SCP/14/4

Encouraging creativity and innovation



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Transfer of Technology: Overview

- “Transfer of Technology” (ToT) in the context of innovation
- How to acquire new technology?
 - To create technology by oneself
 - To acquire technology from others



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

International Transfer of Technology

- Many agree that international transfer of technology plays an important role in stimulating innovation and development.
- Less agreement is found on how to achieve this.



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Policy Challenges for Further Enhancement of the ToT

Examples

- Many forms of technology transfer (spill-over effect, imitation) are difficult to measure
- Complexity of the process of the ToT
- Finding a synergy between policy considerations and business behaviors in the market



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

The Role of the Patent System

- Granting limited exclusive rights
- Public disclosure of inventions
- Economic studies → no conclusive evidence (positive/negative)
- Challenges
 - Clear definition of the scope and ownership of a patent
 - Information asymmetry --- accessibility of patent information
 - Reduce transaction costs --- enabling environment to promote licensing, clear rules, quality of patents
 - Designing the exclusive rights in a manner that meets the public policy goal



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

The International Regulatory Framework

- TRIPS Agreement
- Multilateral environment agreements (CBD, UNFCCC)
 - Provisions explicitly addressing transfer of technology
 - Provisions that may have indirect implications



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Patent Laws: Legal Framework and Flexibilities

- (1) Defining the technology to be transferred
 - ownership and inventorship of patent
 - clear scope of claims (drafting and interpretation)
- (2) Dissemination of technology and publication of legal status
 - disclosure requirement
- (3) Licensing of technology
 - voluntary patent licenses
 - license of rights



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Patent Laws: Legal Framework and Flexibilities

(4) Safeguarding the interests of technology users

- exclusions from patentable subject matter
- exceptions and limitations to patent rights
- exhaustion of rights
- application of competition law

(5) Supportive environment in the patent system

- higher predictability of the validity of patents
- high quality services offered by IP professionals
- financial accessibility to the patent system



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Public-Private Partnerships

Better collaboration between public and private institutions in order to accelerate the commercialization of the publicly-funded basic research results

- ownership of the public-funded research
- licensing policies of universities and public research institutions



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Technical Tools and Institutional Frameworks

- The relevance of patent information in various stages of the ToT
- documents SCP13/5 and SCP/14/3



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

Development and Transfer of Technology

- Access to new technology is crucial in effectively responding to global challenges, including development
- WIPO Development Agenda
- CDIP Projects



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION