

Standing Committee on the Law of Patents

Thirtieth Session
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WIPO'S EXPERIENCES ON CAPACITY BUILDING ACTIVITIES RELATING TO NEGOTIATING LICENSING AGREEMENTS

Document prepared by the Secretariat

INTRODUCTION

1. With respect to the agenda item, "Patents and Health", the Standing Committee on the Law of Patents (SCP), at its twenty-ninth session, held in Geneva from December 3 to 6, 2018, agreed that the Secretariat, as well as invited relevant institutions, would share their experiences on capacity building activities relating to negotiating licensing agreements at the thirtieth session of the SCP. This document illustrates the experiences of the International Bureau of WIPO on its capacity building activities in this area.

SUCCESSFUL TECHNOLOGY LICENSING (STL)

2. Based on the WIPO Successful Technology Licensing Manual¹, licensing capacity building programs are held under the flagship of "Successful Technology Licensing (STL)". The Manual addresses, in a user-friendly way, two aspects of licensing, i.e., key terms and negotiation techniques. A new edition was issued in 2010 with the part on pro-competitive licensing, adding the issues regarding competition law and licensing.

3. The duration of the STL program is four to five days, where 50% of the content focus on theoretical explanations, and another 50% devote to simulation of negotiations, mostly on locally developed technologies. Both basic and advanced courses are available. Since the capacity on licensing is useful for understanding IP commercialization strategies, the program is often offered as part of other programs, such as IPR management, technology transfer and IP commercialization.

¹ WIPO Publication No. 903. See <https://www.wipo.int/publications/en/details.jsp?id=296&plang=EN>.

4. Participants are predominantly national and regional academic institutions, although participants from businesses, including small- and medium-sized enterprises (SMEs) often attend the training, particularly when the program covers the areas of biotechnology, pharmacology and health.
5. Basic courses of the STL program has contributed to upgrade the capacity of trainees to understand benefits and risks of IP licensing. Advanced courses enhance the ability of participants to contribute to licensing negotiations of their institutions and to assist drafting contracts.
6. During the last five years, eight STL training courses have been held: five Regional, one Sub-Regional and two National trainings were held in Brazil, Georgia, Indonesia, Mexico, the Philippines, the United States of America and Viet Nam. Three of them were relevant to the biotechnology and pharmaceutical sectors: a Regional training for R&D institutions in the health sector in Mexico, a Regional training for members of WIPO Re:Search (institutions in the area of neglected diseases) in the United States of America and a Regional training for the agro sector in Brazil.

WIPO ACADEMY

7. Though the Academy's Portfolio of courses does not include a specific course dedicated exclusively to patent licensing, it offers a number of distance learning and face-to-face courses on industrial property, which cover this topic with various levels and depths.
8. Some professional development courses, which have been regularly held with partner organizations, focus on IP, technology transfer and licensing. Some other courses address licensing issues in conjunction with IP management, commercialization and strategies.
9. A yearly WIPO-INPI-CEIPI Advanced Training Course on IP, Transfer of Technology and Licensing has been organized for several years in Strasbourg, France, with the objective to enhance skills and knowledge of technology managers and scientists from research and development (R&D) institutions and universities from developing countries, in dealing with transfer of technology and licensing.
10. WIPO-CNIPA Training Course on Management and Commercialization of Intellectual Property (IP) Assets is a one-week training course that has been organized in China each year since 2016. It aims at enhancing skills of officers dealing with management of IP from R&D institutions and relevant public entities, in understanding different steps that lead to efficient commercialization of IP assets.
11. Since 2016, WIPO-NIPMO Workshop on IP Innovation Policy has been held in South Africa to enhance the skills and knowledge of officials from public institutions dealing with innovation policy and intellectual property strategies. The workshop touches upon licensing issues in the context of IP management and university-industry collaboration.
12. While there is no course focusing on patent licensing only, DL Courses on Intellectual Property Management (DL-450) and the International Course on IP Asset Management go into licensing issues with a special focus on types of licensing agreements, provisions, and negotiation strategies.
13. DL-450 focuses on intellectual property management and addresses the management of IP in general, and in particular patents and technology licensing in detail. It builds the blocks of knowledge needed prior to technology licensing identifying the forms of technology transfer and

important terms in a license agreement. Starting 2019, the course has been customized for the African Intellectual Property Organization (OAPI) region, accommodating the specific needs of the region.

14. The Advanced International Certificate Course on IP Asset Management following the distance learning IP Panorama and the DL-450, responds to the lack of high-quality training courses for servicing the worldwide growing demand for practical courses on the effective management of IP assets for business success. It aims to strengthen the knowledge, skills and competence of persons in educational/training institutions and research institutions, entrepreneurs, managers and advisors of micro-enterprises and small and medium sized enterprises (SMEs) etc. The workshop includes: (i) a mini-negotiation game for licensing; and (ii) a practical case on strategic IP management.

15. All the WIPO Summer School programs include sessions on technology transfer and licensing as well as practical simulation exercises on licensing negotiations. The WIPO-South Africa Advanced Summer School on Intellectual Property and Transfer of Technology, the WIPO-USA Summer School on Intellectual Property and the WIPO-University of Geneva Summer School on Intellectual Property focus particularly on this topic. In addition, in recent years, the WIPO Academy has supported courses on this topic offered by other educational institutions, such as the UC Davis Licensing Academy and the IP Transaction Summer Program offered by Bucerius Law School. Furthermore, all the WIPO Joint Master's degree programs comprise patent licensing as a regular topic in their respective curricula.

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