Intellectual Property, Innovation and Transfer of Technology: Implementation of the TRIPS Agreement

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TRIPS Article 7 Objective: a balanced and effective IP system

• The protection and enforcement of IPRs should contribute to
  • the promotion of technological innovation and
  • to the transfer and dissemination of technology;
  • to the mutual advantage of producers and users of technological knowledge and
  • in a manner conducive to social and economic welfare, and to a balance of rights and obligations.
TRIPS Article 66.2: transfer of technology to LDCs

Developed country Members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base.
LDCs and LLDCs in the WTO

• Members:
  Afghanistan, Angola, Bangladesh, Benin, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Democratic Republic of the Congo, Djibouti, Gambia, Guinea, Guinea Bissau, Haiti, Lao PDR, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Senegal, Sierra Leone, Solomon Islands, Tanzania, Togo, Uganda, Vanuatu, Yemen, and Zambia.

• Acceding countries:
  Bhutan, Comoros, Equatorial Guinea, Ethiopia, Sao Tomé and Principe, Serbia, Somalia, South Sudan, Sudan, and Timor-Leste

* LLDCs in red
Implementation of TRIPS Article 66.2

Decision of 19 February 2003

• Developed country Members shall submit annual reports on actions taken or planned
• They shall provide new detailed reports every third year and,
• In the intervening years, provide updates
• These reports shall be submitted prior to the last Council meeting scheduled for the year in question
Incentive programmes reported from 2003 to 2016 by developed country Members

• Environment/Water incentives
• Public health incentives
• Intellectual property
• Agriculture/Food incentives
• Energy incentives
• Education incentives
• MSMEs/Business incentives
• Financial incentives
• Construction/Infrastructure incentives
• Aid relief incentives
• Information Technology (IT)
• Standardization/Metrology
• Trade includes capacity building in any area of international trade,
• Mining comprehends any aspect of mining activities including regulation,
• Manufacture
Sectors where incentives provided in 2003 and in 2016
Cumulative counts of LDCs mentioned in the 221 reports from 2003 to 2016 (1)

[Bar chart showing cumulative counts for selected LDCs, with counts ranging from 7 to 135.]
Cumulative counts of LDCs mentioned in the 221 reports from 2003 to 2016 (2)

• Top 10 LDCs
  • Mozambique (135), Tanzania (131), Uganda (129), Cambodia (129), Zambia (117), Bangladesh (112), Niger (112), Nepal (111), Mali (119) and Burkina Faso (107)

• Three least mentioned
  • Yemen (7), Afghanistan (8), Liber (9) and Samoa (10)

* LLDCs in red
TRIPS Council’s work on the implementation of Article 66.2

• Two substantive issues remained unresolved
  • A lack of a common definition of technology transfer coupled with a lack of common understanding of the type of incentive required for effective technology transfer. ....
    • technology transfer was a process involving/requiring physical objects or equipment.
    • Incentives for technology transfer could encompass financial incentives, a grant facility, a loan, a tax exemption scheme, an investment, but they could also include technical advice, training, infrastructure-related to programmes and the like.
    • supporting the business environment by strengthening intellectual property protection is one of several effective measures to promote technology transfer by private sector.
  • Need for greater clarity in defining and circumscribing the beneficiaries of Art. 66.2.

• WTO Workshop on the Implementation of Article 66.2 of the TRIPS Agreement: Incentives for Technology Transfer
A series of discussions in the WTO TRIPS Council on different aspects of the interplay between IP and innovation since 2012

- Small and Medium-Sized Enterprises
- Cost-Effective Innovation
- Contribution of IP to Facilitate the Transfer of Environmentally Rational Technology and Intellectual Property and Sports
- University Technology Partnerships
- Innovation Incubators
- Promoting Awareness;
- Women and Innovation
- The Role of IP in Financing Innovation
- Entrepreneurialism and New Technologies
- Education and Diffusion
- Sustainable Resource and Low Emission Technology Strategies
- Regional Innovation Models
- Inclusive Innovation and MSME: Collaboration, Growth, Trade
- The Societal Value of IP in the New Economy – IP Improving Lives
- Public-Private Collaborations in Innovation
WTO Working Paper on LDCs, Transfer of Technology and the TRIPS Agreement

By

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https://www.wto.org/english/res_e/reser_e/ersd201801_e.htm
Thank you!