

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

Sixth Session

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PROJECT ON INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER: COMMON CHALLENGES - BUILDING SOLUTIONS (RECOMMENDATIONS 19, 25, 26 AND 28)

Document prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its Fifth Session held from April 26 to 30, 2010, while considering the project document on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions contained in CDIP/4/7, agreed to task the Secretariat with the preparation of a revised project proposal, taking into consideration the discussions held on that matter as well as the agreed elements from the Non-Paper contained in Paper No. 1 dated March 12, 2010.
2. The annex to this document contains the above-mentioned revised project proposal.
3. *The CDIP is invited to consider and approve the Annex to this document.*

[Annex follows]

DEVELOPMENT AGENDA RECOMMENDATION(S) 19, 25, 26 and 28

1. SUMMARY	
Project Code:	DA_19_25_26_28_01
Title:	Intellectual Property and Technology Transfer: Common Challenges - Building Solutions
Development Agenda Recommendation(s):	Recommendation 19: To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO. Recommendation 25: To explore IP-related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate. Recommendation 26: To encourage Member States, especially developed countries, to urge their research and scientific institutions to enhance cooperation and exchange with research and development (R&D) institutions in developing countries, especially LDCs. Recommendation 28: To explore supportive IP-related policies and measures Member States, especially developed countries, could adopt for promoting transfer and dissemination of technology to developing countries.
Brief Description of Project:	The project will include a range of activities that will explore possible initiatives and IP-related policies for promoting technology transfer, the dissemination and facilitation of access to technology for development, particularly for the benefit of developing countries, including LDCs. This project is a stage 1 in a more comprehensive undertaking by WIPO on issues of technology transfer and the implementation of Cluster C of the Development Agenda. If The project will consist of five progressive phases towards with the objective to developing a New Platform for Technology Transfer and IP Collaboration compilation. The Platform refers to an integrated set of realistic and ,non-controversial, mutually acceptable agreed and favorable concrete suggestions, recommendations and possible measures needed for fostering favorable to international technology transfer and IP collaboration. The project includes the following activities: (i) the organization of five Regional Technology Transfer Consultation Meetings; (ii) the elaboration of a number of peer-reviewed analytic studies, including economic studies and case studies on international technology transfer, that will provide inputs for the High-Level Expert Forum; (iii) the organization of a High Level International Expert Forum on "Technology Transfer and IP: Common Challenges - Building Solutions" to analyze the needs in the area of technology transfer and <u>make proposals for the above-mentioned compilation of suggestions, recommendations and possible measures a New Platform for Technology Transfer and IP Collaboration.</u> The composition criteria and terms of reference (TORs) of the High Level Forum would be decided upon by Member States; (iv) the creation of a Web Forum on "Technology Transfer and IP: Common Challenges - Building

	Solutions"; and (v) the incorporation of any adopted set of <u>suggestions or recommendations</u> resulting from the above activities into the WIPO programs, after consideration by the CDIP and possible recommendation to the General Assembly.
Implementing Program(s):	18
Links to other related Program(s) / DA Project(s):	Innovation and Technology Transfer Section, Patents and Innovation Division, Innovation and Technology Sector, Economics and Statistics Division; Global Challenges Division. Project on Innovation and Technology Transfer Support Structure for National Institutions. Links to WIPO programs 1, 8, 9, 10 and 18.
Links to Expected Results in the Program and Budget:	<u>Greater awareness of the legal principles and practices of the patent system, including the flexibilities existing in the system, and enhanced understanding and further clarification of current and emerging issues that arise in relation to patent-related matters (Program 1)</u> <u>Development Agenda (DA) principles further mainstreamed into the Organization's programs and activities, including its normative work (Program 8)</u> <u>Effective implementation of the DA through concrete projects and activities (Program 8)</u> <u>National IP policies/strategies and country action plans that are in line with national development plans and priorities (Program 9)</u> <u>Enhanced capacity of IP professionals and creation of a critical mass of IP specialists/experts (Program 9)</u> Stronger, empirically well founded policy dialogue between governments, international organizations, civil society actors, and the private sector on current and emerging global issues touching on IP (Program 18). Member States' capacity and understanding of innovation and technology management and transfer has been enhanced (Program 18).
Project Duration:	27 months
Project Budget:	Non-personnel costs: Sfr. 1,193,000 Personnel costs: Sfr. 507,000

2. PROJECT DESCRIPTION

2.1. Introduction to the issue/concern

Concerns about the access to and transfer of knowledge and technology between different actors on the national (university - private sector - industry) and the regional/international levels are becoming increasingly important, not only because creativity and innovation are crucial for competitiveness and economic growth in the knowledge based economy, but also because they may be part of the solution in some of the issues raised by complex contemporary problems and needs, for example, in the fields of climate change, health, food security or in the attempts to reduce the knowledge and technology gap between countries.

Transfer of technology refers broadly to a series of processes enabling and facilitating flows of skills, knowledge, ideas, know-how and technology among different stakeholders such as university and research institutions, international organizations, IGOs, NGOs, private sector entities and individuals, as well as international technology transfer among countries. Transfer of technology, which is often considered to include the absorption of new technologies, is sometimes also considered to involve the transfer of concrete knowledge for the manufacture of products, the application of a process or for the rendering of a service granting the improvement of domestic as well as the international competitiveness in the economic market.

The fullest, freest access and the effective use of new and existing technologies enable developing countries and LDCs to improve their economic standards and living conditions. In fact, since technology transfer increases the stock of knowledge of the transferee, not only are the selection and acquisition of new technologies important, but also their effective use will be critical as a base for further development and exploitation of new products, processes or applications. The development and dissemination of appropriate, affordable and sustainable technology and the transfer of such technology on mutually agreed terms, are crucial for the achievement of the MilleniumMillennium Development Goals.

The WIPO Pproject, ~~in its first phase (stage 1), will consists~~ of the following five components:

1. Organization of five regional consultation meetings in consultation with Member States on the "New Platform for Technology Transfer and IP Collaboration";
2. Elaboration of a number of peer-reviewed analytic studies, including economic studies and case studies on international technology transfer, that will provide inputs for the High-Level Expert Forum;
3. Organization of a High-Level International Expert Forum on "Technology Transfer and IP: Common Challenges – Building Solutions" to further facilitate access to knowledge and technology for developing countries and LDCs and propose a compilation of realistic and mutually agreed suggestions, recommendations and possible measures favorable to international technology transfer and IP collaboration New Platform for Technology Transfer and IP Collaboration. The Platform could be defined as an integrated set of realistic, non-controversial, mutually acceptable and favorable substantial measures needed for fostering international technology transfer as well as IP collaboration.
4. Creation of a Web Forum on "Technology Transfer and IP: Common Challenges Building Solutions"; and
5. Incorporation of any set of suggestions or recommendations resulting from the above activities into the WIPO programs, after consideration by the CDIP and possible recommendation to the General Assembly of any adopted set of recommendations resulting from the above activities into the WIPO programs.

In addition, the project should be closely coordinated with other tasks from WIPO Divisions such as the Economics and Statistics Division which could integrate the outcomes of this project in the form of 'boxes' into WIPO's annual economic flagship publication. The Global Challenges Division could also assimilate it into their efforts in this area.

2.2. Objective(s)

The objectives of this project are framed by recommendations 19, 25, 26 and 28. In particular, the project will use a "step-by-step" approach involving new partners (technology managers, scientists, legal and business people and civil society organizations) and explore intellectual property-related policies and new initiatives necessary to promote the transfer and dissemination of technology, benefiting developing countries in particular, together with the establishment of international IP collaboration.

Target beneficiaries include: National Governments through Government officials in various areas and policy-makers, universities and research institutions, industry, IP experts and technology managers.

2.3. Delivery Strategy

- Preparation of a project paper including a detailed description of the above-mentioned components, to be provided to the CDIP;
- Organization of five Regional Technology Transfer Consultation Meetings in different regions of the world, including some for in developed countries, in prior consultation with Member States in Geneva, and involving different stakeholders in the area of technology transfer, including other relevant UN organizations (e.g. UNCTAD, UNIDO, WHO, ITU, CBD). Inter-regional roundtables should also be included in the Regional Meetings. Member States should also be consulted;
- Elaboration of a number of peer-reviewed analytic studies, including economic studies and case studies on international technology transfer, that will provide inputs for the High-Level Expert Forum, including, in particular:
 - (a) a series of economic studies on IP and International Technology Transfer. These studies would focus on areas that have received less attention in the available economic literature and on identifying possible obstacles and suggesting possible ways in which technology transfer could be enhanced. These studies should not be redundant with existing internal (in other WIPO committees such as SCP) or external (from other organizations) studies on technology transfer;
 - (b) a study that will provide information on existing intellectual property right (IPR) related policies and initiatives found in the public and private sector of developed countries to promote technology transfer and R&D capacity in developing countries, including international IP standards pertaining to technology transfer such as the use of flexibilities in international IP agreements: patentability, exceptions to exclusive rights, disclosure requirements, compulsory licenses, and anti-competitive practices (such as the "Project on Intellectual Property and Competition Policy" described in Recs. 7, 23, 33);
 - (c) a series of case studies of cooperation and exchange between R&D institutions in developed countries and R&D institutions in developing countries as well as a database of links to national institutions that already offer technology transfer opportunities or may offer such possibilities R&D technology transfer possibilities from developed countries;
 - (d) a study on Favorable Incentive Policies for businesses to become partners in technology transfer processes at the national and international level;
 - (e) an analysis of transfer of technologies issues relating to existing and emerging issues, but also issues of traditional concern to DCs and LDCs in order to identify their needs in certain specific regions or sub-regions;
 - (f) a series of studies looking at alternatives for R&D efforts and support to innovation aside from the currently existing patent system [as well as open source models and their contribution to technology transfer and other models addressing the problem of brain drain]; and

- (g) a review of the patent landscaping reports being prepared under the Project on "Developing Tools for Access to Patent Information" (CDIP/4/6), with a view to identifying the possibilities of international transfer of technology in these areas. Similar analysis of patent landscaping, from the viewpoint of technology transfer, in the areas of food and agriculture should also be undertaken.

The analytic studies need to start with a literature review of existing work and efforts done in the field of technology transfer by other International Organizations, such as UNCTAD, UNEP, UNIDO, WHO, WTO among others. A list of issues which need to be addressed should be pre-defined as required by Development Agenda recommendations 30 and 40, and as explicitly raised at the Open Forum on the DA projects hosted by WIPO on 13 and 14 October 2009. These economic studies would also be coordinated with other DA studies such as the "Project on Intellectual Property and Socio-Economic Development" described in Recs.35 & 37 (CDIP/5/7).

- Elaboration of a concept paper on building solutions as the basis for discussion at the High Level International Expert Forum;
- Preparation and provision of materials, modules, teaching tools and other instruments resulting from recommendations adopted at the Expert Meeting, and inclusion of such results into the global WIPO capacity building framework. This may include contents and concrete country projects related to the design and development of the necessary infrastructure for IP asset management in relation to technology transfer;
- Organization of a High Level Expert Forum in the form of an international conference to initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs, including in emerging areas, as well as, other areas of special interest for developing countries, taking into account recommendations 19, 25, 26 and 28. The Forum would provide a framework for an open dialogue among independent experts from both developed and developing countries knowledgeable in public and private sector technology transfer. In addition to the specific areas indicated in recommendations 19, 25, 26 and 28, the experts may identify further issues related to improving technology transfer and to propose potential solutions. In particular, the experts should debate on technology transfer supportive IP-related policies by developed countries. The objective would be to obtain high-level expert recommendations as a basis for the creation of the above-mentioned compilation of suggestions, recommendations and possible measures for promoting technology transfers "New Platform for Technology Transfer and IP Collaboration". The Platform could be defined as an integrated set of realistic, non-controversial, mutually acceptable and favorable substantial measures needed for fostering international technology transfer as well as IP collaboration.

The High-Level Expert Forum should also benefit from consultations with Member States. Concerning the composition of the High-Level Experts Forum, the top experts worldwide on the different aspects of the subject would need to be selected by WIPO according to fair selection criteria approved by Member States to ensure the project's progress. Details will be furnished in the project paper to be provided to the CDIP, as stated above.

- Creation of a Web Forum on "Technology Transfer and IP: Common Challenges - Building Solutions" within the framework of the portal on Innovation and Technology Transfer Support Structure for National Institutions to be established in the context of the project for Recommendation 10 in consultation with Member States and other stakeholders; and
- Any new activities or initiatives required for Member States' adoption and implementation of the New Platform would be outside of the scope of this project and may be integrated into WIPO's regular program activities on innovation and technology transfer. The incorporation of any set of suggestions or recommendations resulting from the above activities into the WIPO programs, subject to consideration by the CDIP and possible recommendation to the General Assembly.

Potential risks include ensuring that the project appropriately addresses the issue in different contexts;

in particular, bearing in mind the different levels of development. In order to mitigate this risk, national and regional consultations with different stakeholders throughout project delivery will be essential.

Long-term sustainability presupposes and requires the resources, both substantive and IT-related, to regularly update the contents of the Web Forum.

3. REVIEW AND EVALUATION

3.1. Project Review Schedule

1. Monitoring reports, a first in six-months and a second in 18-months after the initial report, will indicate whether outputs and targets have been reached and what progress has been made towards the achievement of the project objectives; and
2. A final self-evaluation report will be established at the end of the project, evaluating the degree of the achievement of the project and best ways of the inclusion of such results into the global WIPO capacity building framework.

3.2. Project Self-Evaluation

Project Outputs	Indicators of Successful Completion (Output Indicators)
1. Project paper	Draft document ready within three months from approval of the project.
2. Organization of Regional Technology Transfer Consultation Meetings.	Meetings organized within three months from the conclusion of the project paper; — Feedback by participants; and — Comments from Member States consultations.
3. Studies, case studies and analyses.	Completion of the studies and analyses within the established timeframe and the standards required by the terms of reference (TORs).
4. Organization of High-Level Expert Forum.	High-Level Expert Forum organized within six months from the completion of studies; — High-level attendance to the Forum; — Positive feedback from participants on concept paper and studies; and — Forum results in adoption of a <u>list of suggestions, recommendations and possible measures for promoting technology transfer</u> New Platform on Technology Transfer and IP after consultations with Member States.
5. Web Forum established and used.	— Web Forum operational within twelve months; — Number of web forum users and qualitative feedback from web forum users; and — Compilation and analysis of public opinion discussions posted on the Web Forum.
6. Strengthened existing activities within WIPO, which foster access to knowledge and technology.	Incorporation of any adopted set of recommendations resulting from the activities of the Project into the WIPO programs.

Project Objective(s)	Indicator(s) of Success in Achieving Project Objective (Outcome Indicators)
Exploration of new ways of establishing international IP collaboration, enhanced understanding and consensus on possible IP initiatives or policies to promote technology transfer.	— Feedback from the Committee on the extent to which understandings of the issues have been enhanced and project objectives have been met; — Adoption and concrete use of the <u>suggestions, recommendations and possible measures for promoting technology transfer New Platform</u> by Member States; — Feedback on the content by the users via the <u>Interactive Platform Web Forum</u> and evaluation questionnaires; — Widespread use of the medium by developing countries and LDCs.

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BUDGET (non-personnel resources)¹

Table 1 – Project Budget by Cost Category and Year

Cost Category	Budget (Swiss Francs)			
	Year 1	Year 2	Year 3	Total
<i>Travel and Fellowships</i>				
Staff Missions	40,000	80,000		120,000
Third-party Travel	280,000	300,000		580,000
Fellowships				
<i>Contractual Services</i>				
Conferences	20,000			20,000
Experts' Honoraria	90,000	90,000		180,000
Publishing	5,000	5,000		10,000
Others	141,000	142,000		283,000
<i>Equipment and Supplies</i>				
Equipment				
Supplies and Materials				
TOTAL	576,000	617,000		1,193,000

BUDGET (personnel resources, where applicable)

Table 2 – Project Budget by Cost Category and Year

Cost Category	Budget (Swiss Francs)			
	Year 1	Year 2	Year 3	Total
1 P3 at 50%	80160,000	81160,000		161320,000
1 G5 at 100%	110,000	111,000		221,000
1 G6 at 50%	62,000	63,000		125,000
TOTAL	262332,000	255334,000		507666,000

[End of Annex and of document]

¹ It is suggested to provide a further breakdown of the project budget to the CDIP in the project paper mentioned under item 2.3, first indent.