

Legal Measures for Creation Technology Transfer Networks

Thipsurang Vathitphund LL.M.
Lecturer
University of the Thai Chamber of Commerce

In this paper

- What is Technology Transfer?
- What did developed countries do to prevent the accessibility of their own technologies?
- What laws have been used to promote the transfer of technology?
- What measures **should** developing countries do to solve inaccessibility of technology problem?
- Conclusion

What is Technology Transfer?

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- Mechanism for shifting information among parties
 - Typically, among private companies, universities, governments, and non-governmental organizations
 - Transferred Technologies, including product, equipment, know-how, capacity-building, and information networks
- Forms of Technology Transfer
 - Trading, Foreign Direct Investment, Joint Ventures, Turn-key Packages, Technology Licensing
 - Reverse Engineering, Study techniques from patent applications, Migration of academicians, Technical information available from Public domain

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What did developed countries do to prevent the accessibility of their own technologies? (1 - 3)

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- In general, developing countries lack
 - infrastructure and internal market capable of absorbing and sustaining developed technology
 - Human resources
 - Education and skilled labor
 - Business management
 - Negotiation skills
- Developed countries' actions
 - Monopoly of the goods and processing technologies
 - Unfair conditions of Licensing agreements

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What did developed countries do to prevent the accessibility of their own technologies? (2 - 3)

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- Monopoly of the goods and processing technologies
 - Stronger Intellectual Property Rights (IPRs), especially patent, could reduce the scope for developing countries to acquire technologies at manageable cost.
 - Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement)
 - Compulsory licensing was rarely implemented.

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What did developed countries do to prevent the accessibility of their own technologies? (3 - 3)

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- Unfair conditions of Licensing agreements
 - Licensing agreement is the contract where the owner of IPRs allows the contractual party to exploit that IPRs.
 - Anti-competition clauses
 - Grant-back
 - Exclusive dealing
 - Price fixing
 - Export restriction

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What laws have been used to promote the transfer of technology? (1 - 3)

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- Draft International Code of Conduct on the Transfer of Technology
 - Never been implemented
- Intellectual Property Law
 - TRIPS Agreement
- Competition Law
 - TRIPS Agreement

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What laws have been used to promote the transfer of technology? (2 - 3)

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- Intellectual Property Law
 - Provide incentives for innovation
 - TRIPS Agreement
 - Article 7: Promote transfer of technology
 - Article 8.2: Adopt appropriate measures to prevent adversely affect the international transfer of technology
 - Article 31: Compulsory licensing

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What laws have been used to promote the transfer of technology? (3 - 3)

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- Competition Law
 - Promote innovation and consumer welfare by prohibiting certain actions that may harm competition in serving customers
 - TRIPS Agreement
 - Article 40: Control of anti-competitive practices in contractual licences

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What measures should developing countries do to solve inaccessibility of technology problem? (1 - 2)

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- Imposing on International Treaties
 - Multilateral level
 - Nature of treaties
 - Capacity-building
 - IPRs barrier
 - Subject matters
 - Regional and Bilateral level
 - Free Trade Agreement

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What measures should developing countries do to solve inaccessibility of technology problem? (2 - 2)

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- Implementing in domestic level
 - Social Sharing
 - Open licensing
 - Open source
 - Web portal
 - Establishment of Authorities
 - National Competent Office

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Conclusion

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- Technology is essential for the innovation
- Developed countries use many ways to block the transfer of technology
- Developing countries negatively effected by monopoly and are seeking solutions
- One solution could be to establish international and regional network to gain some leverage over developed countries

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