

VIRTUAL SYMPOSIUM 25 YEARS OF THE TRIPS AGREEMENT



TRIPS and Technology Transfer - Lessons from the Implementation of Article 66.2 in the Past 25 Years

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Article 66.2 of the TRIPS Agreement



"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."

Overview of the Art 66.2 implementation over the past 25 years



- Before 1995, technology transfer was one of the LDCs' three demands during the TRIPS negotiations.
- In 1997, Bangladesh raised the implementation issue in the TRIPS Council.
- In 2001, upon the request of the LDC Group, Members agreed to establish a reporting and review mechanism.
- In 2003, the Council adopted a decision on the Art 66.2 implementation.
- From 1998 to 2020, the Council received 337 reports from developed country Members.
 - From 2004 to 2020, 291 reports were submitted under the 2003 Decision and 17 annual reviews have been conducted.

Lessons can be learned from past experiences



The LDCs' active engagement in the negotiations and the developed countries' positive responses to the LDCs' concerns are essential for the inclusion and implementation of the Art 66.2 obligation.

The unsolved issues



- Two substantive issues: the lack of common understanding the concept of technology transfer and the concept of incentive
- One procedural issue: the choice of format/template to present annual reports

Some thoughts on how to address these issues



- *Are these any elements in these two concepts which are part of the shared understanding of Members?*
- *Are these any actual and concrete incentives and technology transfer projects presented in the Art 66.2 reports which, in the view of the LDCs, go in the direction?*
- *Would it be natural for the LDCs to identify areas of priority for technological development?*
- *Do the developed countries and the LDCs have a common interest in a well-designed reporting format?*

WTO Secretariat's work on the Art 66.2 implementation



- 12 annual workshops have been organized since 2008.
 - A forum for informal dialogue between the reporting members and the LDC members.
- Since 2019, the workshop has been organized back to back to the TRIPS Council's meeting.

The TRIPS Council's discussion on the Art 66.2 implementation



- WTO is a member-driven organization.
- The discussion on both substantive and procedural issues will be guided by its Members.



Thank you!

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