

WORLD TRADE ORGANIZATION

RESTRICTED

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Council for Trade-Related Aspects of Intellectual Property Rights

IMPLEMENTATION OF ARTICLE 66.2: INFORMATION FROM DEVELOPED COUNTRY MEMBERS

Note by the Secretariat

Article 66.2 of the TRIPS Agreement requires developed country Members to 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.

At the meeting of the Council for TRIPS on 1 and 2 December 1998, it was suggested that information be requested from developed country Members on how Article 66.2 was being implemented and the Council agreed that this question be circulated in an informal document of the TRIPS Council to all Members and that developed country Members be invited to supply information in response to this question. The resulting information was circulated to the Council in documents IP/C/W/132 and Addenda.

The annexed table has been prepared by the Secretariat in response to a request by the Council for TRIPS at its meeting on 21 March 2000 to prepare a short note setting out the types of incentive measures that had been notified, with cross references to where further details can be found.

This table is indicative only and in each case reference should be made to the original information supplied by Members. Some of the categories in the table may overlap and some information is not cross-referenced where it was not possible to categorize it.

It was not possible to distinguish between developing countries generally and least-developed country Members in most of the information submitted. Therefore, references to specific least-developed country Members, or groups of them, are listed in the table at the end.

Documents referenced in the annexed table:

Document code	Developed country Member supplying information
IP/C/W/132	New Zealand
IP/C/W/132/Add.1	United States
IP/C/W/132/Add.2	Japan
IP/C/W/132/Add.3	Australia
IP/C/W/132/Add.4	European Communities, Austria, Denmark, Finland, France, Germany, the Netherlands, Spain, Sweden and the United Kingdom
IP/C/W/132/Add.4/Suppl.1	Germany and Ireland
IP/C/W/132/Add.4/Suppl.2	Belgium
IP/C/W/132/Add.5	Switzerland

ANNEX

Types of Incentive Measure Notified

<i>Export and investment promotion for developed countries' enterprises, including investment protection and promotion agreements, market prospecting, investment advice and finance and fostering business partnerships</i>	EC: Centre for the Development of Industry; Asia-Invest Programme (Asia Investment Facility)
	Austria
	Belgium: §§ 5 - 9
	Denmark: § (1)
	Finland: (a) & (b)
	France: Finance §§ (a) (c) (d)
	Germany: Financing; § (d) (Supp.1)
	Netherlands: §§ (a) (b) (c)
<i>Export finance for developed countries' enterprises, including loans, export guarantees and credits and risk capital</i>	EC: Centre for the Development of Industry; ECIP programme; EIB
	Belgium: §§ 5, 6
	Finland: (a) (b)
	France: Finance § (d)
	Germany: §§ (a) (d) (f) (Supp.1)
	Netherlands: §§ (e) (f)
	United Kingdom: § 2
	Switzerland: § 8
<i>Tax credits and other financial incentives for developed countries' enterprises, including those for investment in technology and investment in developing countries</i>	Australia: § 3
	EC: ECIP programme
	Belgium: § 3; 6
	Spain: § 1 (Subsidies for patenting abroad)
	United States: 22 USC 2293, 2191, 2194; 26 USC 501; 26 USC 951, 955, 956, 959, 1248
<i>Loans and other support for enterprises in developing countries</i>	EC: Centre for the Development of Industry
	Finland: (b)
	France: Finance § (a)
	Germany: §§ (b) (d) (Supp.1)
	Sweden: § 3
<i>Infrastructure projects in developing countries including those with a technology component or the provision of resources, equipment, training and advice</i>	Australia: §§ 9, 10, 11
	EC: EIB
	Germany: § (e) (Supp.1)
	Sweden: § 2
	New Zealand: § 3
	Switzerland: §§ 3, 7
United States: 42 USC 7671b; 22 USC 2295, 2295a, 2295b; 22 USC 2421a; 22 USC 3262	

<i>Policies of promoting the use of particular technologies, including technologies that are beneficial to the environment</i>	EC: Centre for the Development of Industry; AL-Invest; Asia-Invest Programme (Business Priming Fund)
	Netherlands: § (h)
	United Kingdom: § 4
	Switzerland: § 5, 6
	United States: 22 USC 2182; 2295, 2295a, 2295b; 42 USC 7671b
<i>Provision of technical assistance and expertise to developing countries</i>	Australia: §§ 7, 8, 12-17
	EC: INCO programme, Asia-Ecobest
	Denmark: § (1)
	France: Human Resources
	Germany: Information and consultancy (Add.4); §§ (c) (d) (Supp.1)
	Netherlands: § (g)
	Spain: §§ 2, 3
	Sweden: §§ 2, 5
	Japan: §§ 1, 2
	New Zealand: §§ 3, 4
	Switzerland: §§ 3, 9, 10
	United States: 22 USC 5421-23
<i>Conduct of research and development</i>	EC: Asia-Invest Programme (Business Priming Fund); INCO
	Austria: Austrian Development Corporation
	Denmark: §§ (3) (4)
	France: Finance §§ (b) (1), (2)
	Sweden: § 2
	United States: 22 USC 3501-3513; 22 USC 5861; 22 USC 2293; 22 USC 2151d
<i>Provision of information and contacts, including administrative, product and technical information and organization of business meetings</i>	EC: AL-Invest; Asia-Invest Programme; Asia-Ecobest
	Belgium: § 4
	Denmark: § (2)
	France: Finance § (b)(2)
	Spain: § 1 (Provision of technological information)
	United Kingdom: § 4
	New Zealand: § 4
United States: 22 USC 5821; 22 USC 2351; 22 USC 2151d	
<i>Provision of education and training to developing countries' nationals</i>	Australia: §§ 3, 7, 10, 13, 15, 16, 18
	Belgium: §§ 4, 5
	France: Finance § (b)(2)
	United States: 20 USC 226; 22 USC 2151d; 22 USC 2293; 22 USC 2295, 2295a, 2295b; 22 USC 4703; 22 USC 5401-5495;

<i>Bilateral aid</i>	Australia: §§ 5 and following
	Belgium: §§ 4, 5
	Germany: § (e) (Supp.1)
	Ireland: § 3, 4
	Netherlands: § (d)
	Switzerland: § 7
<i>Regional intergovernmental assistance programmes</i>	Australia: §§ 21, 22
	Ireland: § 2
	New Zealand: § 3, 4
<i>Contributions to multilateral technical cooperation funds</i>	Australia: § 23
	Denmark: § (3)
	Finland: § 1
	New Zealand: §§ 5, 6
	Switzerland: § 11
<i>General policies regarding technical and other assistance to developing countries and least-developed countries</i>	Australia: § 3
	Belgium: § 4
	Netherlands: § (h)
	United Kingdom: § 3
	New Zealand: § 2
	Switzerland: § 4
	United States: 22 USC 2172; 22 USC 2151; 22 USC 2182
<i>Specific references to least-developed country Members</i>	Australia: parts of table at end of Add.3
	EC: Centre for the Development of Industry
	Denmark: §§ (1) and (2)
	Germany: §§ (d) (f) (Supp.1)
	Ireland: § 3
	Spain: § 2
	Sweden: § 4