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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**PROPOSED NEW TEMPLATE FOR ANNUAL REPORTING UNDER ARTICLE 66.2 OF THE
AGREEMENT ON TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS (TRIPS)**

COMMUNICATION FROM CHAD ON BEHALF OF THE LDC GROUP

1. Notwithstanding the decisions taken in 2001¹ and 2003², and the subsequent mechanisms and processes introduced in the TRIPS Council, it is the view of the LDC Group that while some Members have made efforts, the implementation of Article 66.2 of the TRIPS Agreement continues to fall short of the letter and spirit of the TRIPS Agreement mandate. The LDC Group previously tabled three submissions (IP/C/W/561, IP/C/W/640, and RD/IP/24) to the Council for TRIPS to further assist Members and provide clarity in reporting under this Article. LDCs acknowledge the great contributions by the developed country Members to promote and encourage the transfer of technology to the least developed country Members in order to develop a sound and viable technological base. The LDC Group would, however, like to note that Switzerland's report in 2019 did indicate that the LDC illustrative list, in RD/IP/24, served as a guide. The illustrative list contained the types of programmes, that in the view of the LDC Group, could qualify as incentives. The LDC Group encourages other Members to use this guide as well.
2. LDCs also note that some reports of developed country Members under Article 66.2 of the TRIPS Agreement continue to lack clarity on the nature of incentives and whether such incentives sufficiently result in technology transfer to LDCs that creates a sound and viable technological base in LDCs. Many notifications continue to show that recipients of technology transfer are not LDCs, and where LDCs are identified in the notifications as recipients, the incentives do not result in transfer of technology.
3. Some developed Members claim that it is difficult for governments to ensure technology transfer because technology is the subject of private contracts and rights. But, Article 66.2 of the TRIPS Agreement unequivocally states that developed country Members are required 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*". In other words, as a first step, the responsibility to provide incentives clearly falls on the developed country Members and not on the private sector entities and enterprises. Only after receiving incentives from the developed country authorities, the *enterprises and institutions* would take further initiatives to transfer technology to the LDCs. The contributing developed country Member can ensure such transfer in the second step by identifying the beneficiary LDC and the specific technology that has been transferred to that LDC.
4. The LDC Group takes note that various templates have been utilized to aid reporting Members. Considering the clear mandate of Article 66.2 of the TRIPS Agreement, and to complement room document RD/IP/24 on possible incentives, the LDC Group has done further work proposing the following new template for annual reporting contained in room document RD/IP/37.

¹ WT/MIN(01)/DEC/2, paragraph 7.

² IP/C/28.

5. The present submission is built on the room document RD/IP/37 with a few editorial modifications and clarifications. The additional contribution in the new template is the appendix to provide details on the specific enterprise receiving the incentives and transferring technology to LDCs. The LDC Group believes that the proposed template will help simplify the reporting process, synchronize the current reporting variations, and acknowledge the substantive contributions of developed country Members with evidence and precision.

**TEMPLATE FOR ANNUAL REPORTING PURSUANT TO
ARTICLE 66.2 OF THE AGREEMENT ON TRIPS**

[DEVELOPED COUNTRY MEMBER]

Year covered in the report (January–December):

Name of the reporting Member:

Contact point information (name, office/ ministry, city, phone, email etc.):

A	B	C	D
Information of the scheme under which the incentives have been provided to enterprises/ institutions in the territory of the reporting Member	Name and address of the enterprise/ institution (in the territory of the reporting Member) that has received incentives for the purpose of technology transfer to LDCs	Type(s) of incentives provided by the reporting Member to the enterprises/ institutions (mentioned in column B)	Type(s) of technology to be transferred to LDCs by the enterprises/ institutions resulting from the incentives provided under column C
1			
2			
3			
4			
5			

APPENDIX**Information on specific enterprise/ institution in the territory of [Developed Country Member] transferring technology to LDCs***

Year covered in the report (January – December):

Name and address of the enterprise/ institution (in the territory of Developed Member):

A	B	C	D	E
Type(s) of incentives provided to this enterprise/ institution by the reporting member (Developed Country) for the purpose of technology transfer to LDCs	Type(s) of technology that has been transferred (or in the process of transferring) to LDCs by this enterprise/ institution	Name of the beneficiary LDC	Name, address and category (Public/ Private/ NGO) of the entity (in the LDC Member mentioned in column C) to whom the technology has been transferred (or in the process of transferring)	Impact (if already assessed) of the transferred technology in the recipient LDC (mentioned in column C)
1				
2				
3				
4				
5				

* To be submitted by the reporting Member (Developed Country) with the annual report.

** Separate information sheet to be used for separate enterprise/ institution.