



**INTELLECTUAL PROPERTY AND INNOVATION:
SUMMARY ON THE 2020 THEME – "MAKING MICRO SMALL AND MEDIUM-SIZED
ENTERPRISES (MSMES) COMPETITIVE THROUGH IP AND INNOVATION"**

COMMUNICATION FROM AUSTRALIA, CANADA, THE EUROPEAN UNION, JAPAN, SWITZERLAND,
THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU AND THE
UNITED STATES

Revision

1 INTRODUCTION

1. The WTO TRIPs Council discussed the topic of "Making MSMEs Competitive through Intellectual Property (IP) and Innovation" throughout 2020 and in the first part of 2021. This submission highlights examples provided during the discussions and reiterates how MSMEs — which play a crucial role in the global economy as key drivers of innovation, employment, growth, and trade — can make effective use of intellectual property rights (IPRs) to build their businesses. Under this theme, delegations have exchanged experiences related to trademark protection outreach and the use of the trademark system for MSMEs; the development of IP management strategies for MSMEs, including combinations of IPRs, such as trade secrets, patents, and industrial designs; and how MSMEs can leverage IP to innovate, partner, and commercialize green technology.

2 MAKING MSMES COMPETITIVE THROUGH TRADEMARKS

2. Trademarks are the most widespread form of registered IP rights, offer benefits such as product distinction and protection against unfair competition, and are a critical element of branding and marketing. Although trademark applications tend to be in a growth pattern worldwide, it was noted that many MSMEs still have not taken steps to apply for trademark protection because they lacked awareness and understanding of trademark protection, they believed filing procedures would be too complicated or costly, they lacked financial or human resources to support filing for trademark protection, or in some cases because a business did not understand it had a brand, reputation, or innovation to protect.

3. Several Members shared information about national initiatives and best practices that their governments and IP offices have employed to build the awareness of MSMEs and provide them with tools to protect their trademarks and maximize their commercial potential in the global marketplace. A number of national IP offices have created online IP "toolboxes" or contact touchpoints for entrepreneurs and MSMEs, which offer a range of resources such as factsheets, trademark search and application guides, videos, or even in-person assistance, all customized to address the unique challenges and needs of MSMEs. Several Members also described their government's initiatives to provide financial support and mentorship programmes to MSMEs, which may have limited funding resources for IP registration activities, or efforts to improve efficiencies in national trademark filing systems to keep costs low and accessible.

3 MAKING MSMES COMPETITIVE THROUGH INCLUSIVE PROTECTION OF VARIOUS IPR

4. Valuable IP portfolios may include various types of IP such as patents, designs, copyright, trademarks, and trade secrets. However, MSMEs often lack the awareness and understanding of how to develop their businesses through building and achieving a high-quality multi-layered IP portfolio

composed of various types of IP. Governments are increasingly considering how to more effectively support MSMEs in expanding their operations through the strategic growth and diversification of their IP assets. Several Members highlighted programmes and initiatives offered by their national IP offices designed to assist individual inventors and MSMEs with protecting and commercializing their inventions, including through fee discount policies for small and micro entities for IP registration applications; a programme for cross-sectional "collective examination for IP portfolios" to grant multiple IP rights in a timely and coordinated basis; and development of "IP for business" audit and assessment tools and other IP pre-diagnostic services to help enterprises identify, understand, evaluate, and manage their IP and related assets in a more strategic manner and in the context of their specific business planning.

5. Members also noted their efforts to address emerging areas where MSMEs need support in order to optimize their IP ownership, including providing education to MSMEs regarding IP-financing strategies and the associated considerations relevant to the types of IP within their portfolio. Several Members highlighted programmes offering free or subsidized advisory services carried out by IP professionals to guide and advise individual MSMEs in important areas such as patent searches, application drafting and filing, IP management, commercialization opportunities including export assistance, and branding/marketing. It was also noted that the ability to effectively enforce IP rights is integral to the value of those rights, and several Members are exploring how to assist MSMEs, which may not have financial or legal resources to address infringement, with alternative means for solving legal disputes such as through arbitration and mediation services designed for MSMEs. Similarly, Members also noted a possible future trend of insurance policies for legal expenses that may be incurred during IP infringement legal proceedings; this may be interesting for MSMEs and others with lean resources.

4 SUPPORTING MSMEs, LDCs/LMICs, AND GREEN TECHNOLOGY

6. Governments are increasingly building green tech innovation into national strategic planning, including by establishing programmes and tools that aim to encourage and reward green inventions and their diffusion. A number of Members noted action plans, task forces, and funding mechanisms they have established that are focused on accelerating investments in R&D in the green tech sector and on incentivizing scientists, inventors, and entrepreneurs to push forward work on technologies to meet global climate and other humanitarian challenges.

7. MSMEs and start-ups provide critical and innovative solutions to real-world energy and climate challenges but often face challenges with strategic use of IP during the early phases of product development. Several Members shared their national IP offices' positive experiences with providing personalized assistance with patent searches for green tech MSME inventors as well as prioritizing or accelerating application proceedings for patent applications directed toward green technologies. Members also discussed the World Intellectual Property Organization (WIPO) GREEN platform and its role in facilitating the development and dissemination of green technologies by promoting matchmaking between environmentally sustainable technology providers and seekers. Government agencies, industry groups, companies, and universities have the opportunity to be partners in WIPO GREEN, and MSMEs participating in WIPO GREEN can benefit from new opportunities for partnership through licensing, collaboration, joint ventures, and sale.

8. During the *Friends of IP and Innovation*-organized side event entitled "Supporting MSMEs, LDCs/LMICs, and Green Technology" held virtually on the margins of the March 2021 TRIPs Council meeting, Members and participants heard from expert panelists representing green tech start-ups, the United Kingdom's IP office, the Climate Technology Centre and Network (CTCN), which acts as a knowledge broker for climate related technology, and two experts from the World Intellectual Property Organization (WIPO) who support MSMEs in their efforts to commercialize their green tech innovations and to build their businesses and use IP to their best advantage. In addressing the two agenda items – "Improving MSMEs Use of the IP System" and "LDC/LMIC: Case Studies and Narratives", the speakers highlighted the following key messages:

- a. Although there is a growing interest among green innovators in looking at the global IP system to support their businesses, the type of support provided by institutions should be customized for MSMEs as their needs will be quite different than those of large companies. Green tech start-ups, like other start-ups, must be agile and fast, and the patent application and granting process is deliberative and formal. IP support institutions should consider and explore how to best accommodate and serve start-ups.

- b. There is a crucial role for international organizations like WIPO and national IPOs and other support institutions to help build a bridge between green innovator MSMEs and their ability to efficiently use the IP infrastructure to add value to their business. Similarly, as noted by the Director of the CTCN, partnerships are key to green tech diffusion, but MSMEs need support and technical assistance in how to engage in knowledge sharing and technology transfer, to enhance their ability to utilize and leverage the incentive framework.
 - c. The panelist from a national IP office highlighted his office's efforts to support green tech businesses through the establishment of specialized and strategic IP support services such as outreach, business asset assessment, risk mitigation, expedited patent review for qualifying green tech inventions, and even dispute resolution assistance.
 - d. Several start-up panelists also discussed the importance of IP in the green tech space for attracting financial investment and support and subsequently establishing essential partnerships and licensing agreements. The start-up panelists also noted that, in their experience, having an IP portfolio increases the value of their start-ups for investors, who are looking for something tangible that gives that start-up a distinction and advantage over other potential investments.
9. The presentations and discussions were important to help frame how IP protection can contribute to the efforts of MSMEs and other businesses in the green tech area to develop and commercialize their innovations, and also to shed light on the real-world IP-related challenges and needs experienced by MSMEs regardless of their location. A resource guide was provided at the end of the event on the areas of IP outreach for MSMEs/SMEs and services to help increase the access and use of green tech. It was compiled in cooperation with WIPO, WTO and CTCN (annexed to the submission). English, French and Spanish translations of the event can be found on the IP4Innovation FOII YouTube page.¹
10. The 2020/21 theme exploring how Members can contribute toward *"Making MSMEs Competitive through IP and Innovation"* provided useful background and experience-sharing on the variety of policies and activities currently employed by governments, and ideas for what policymakers could be doing differently to better enable MSMEs in optimizing their use of the IP and innovation system.
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¹ <https://www.youtube.com/channel/UCsJnHGlpvHE41dTb3o29RsQ>

RESOURCES GUIDE

IP SERVICES AND PROJECTS PROVIDED FOR MSMEs IN ALL REGIONS, INCLUDING LMICS AND LDCs, WITH A FOCUS ON GREEN TECHNOLOGY INNOVATION

MSMEs/SMEs:

UNFCCC Climate Technology Centre & Network (CTCN)

- Access one of the world's largest online sources of clean technology information at www.ctc-n.org where you can find technology and product descriptions, case studies, national plans, technology webinars, etc. by technology sector and country.
- Membership in The United Nations Framework Convention on Climate Change (UNFCCC) Climate Technology Network provides access to a diverse global community of climate technology decision makers, providers and financiers. The Network is comprised of academic, civil society, finance, private sector, public sector, and research entities, as well as over 160 national government representatives. Membership is free and benefits include:

Commercial opportunities: Access to competitive contracting opportunities to deliver technical assistance on behalf of the CTCN

Visibility: Broaden your organization or company's reach by engaging in new projects and showcasing relevant experience, upcoming events, and information via the CTCN's web platform, events & communication channels

Connection: Network with national decision makers and thought leaders to expand your partnership opportunities and learn about emerging activities and areas of practice
<https://www.ctc-n.org/network>

World Intellectual Property Organization (WIPO) "IP for Business" website for SMEs:

<https://www.wipo.int/sme/en/>

The WIPO IP for Business series of guides present the different IP tools in business-friendly language as well as demonstrate how they are relevant for business competitiveness. The first four have been recently updated:

<https://www.wipo.int/publications/en/series/index.jsp?id=181>

WIPO IP Diagnostics is a web-based IP self-assessment tool for businesses and their intermediaries. The tool works through two levels of questions. The first screens the IP issues that are of relevance to that particular business and the second drills down deeper and then generates a report on the IP assets or the potential IP assets of the business and how they may be protected, managed, and exploited based on the responses received:

<https://www.wipo.int/ipdiagnostic/>

WIPO GREEN Licensing Checklist is designed for those involved in negotiating technology transfer license agreements and provides a checklist of key issues, which should be considered when negotiating and concluding such contracts.

<https://www3.wipo.int/wipogreen/en/resources/>

The WIPO Academy offers a wide range of courses in intellectual property at both the general and more advanced levels. Courses are available in a range of languages and cover a full spectrum of IP topics, some of which are of particular relevance to MSMEs in developing and least developed countries, as well as countries in transition. <https://www.wipo.int/academy/en/>

The **WIPO Distance Learning Programme:** https://www.wipo.int/academy/en/courses/distance_learning/ and

WIPO Summer Schools: https://www.wipo.int/academy/en/courses/summer_school/ are of particular relevance.

All of the courses to be offered in 2021 can be found in the WIPO Academy Portfolio of Courses:

<https://www.wipo.int/publications/en/details.jsp?id=4535>

GREEN TECH:

WIPO Programme: IP Management Workshop on Environmentally Sound Technologies (June 2021): WIPO GREEN and the IP and Innovation Ecosystems Sector will jointly organize an IP management workshop analysing environmentally sound products and technologies. Bringing together innovators, entrepreneurs and industry leaders, we aim to discuss how enterprises can better utilize IP as part of their business strategies. We will look into patenting green technology as well as IP implications of branding products as environmentally-friendly. Companies presenting their product/technology will benefit from a systematic analysis by the organizers, feedback from experts in the field, and lessons learned by their peers. The discussion will also provide opportunities for networking and collaboration between the participating companies.
https://www3.wipo.int/wipogreen/en/news/2021/news_0004.html

WIPO GREEN Pro Bono Programme coordinates legal advice offered by partnering companies and is available to organizations that meet eligibility criteria of environmental impact, need for support, developing country residency, and market-based activity. Further information on the process for application:
https://www3.wipo.int/wipogreen/en/news/2021/news_0001.html

WIPO GREEN Platform (technologies, needs, experts) is an interactive marketplace that connects technology and service providers with those seeking innovative solutions. WIPO GREEN consists of an online database and network that brings together a wide range of players in the green tech innovation value chain, and connects owners of new technologies with individuals or companies who might be looking to commercialize, license, or otherwise distribute a green technology.
www.wipo.int/green

WIPO Reports and Briefs on Green Tech: A compilation of publications (case studies, magazine articles, guides), webinars, and tools regarding green tech and IP.
<https://www3.wipo.int/wipogreen/en/resources/>

WTO Webpage on TRIPS and Climate Change provides information, publications and training material related to the role of IP, and the TRIPS Agreement in particular, in addressing the challenges of climate change. It includes excerpts from the climate change discussions at the TRIPS Council, materials from specialised symposia on Green Tech Diffusion, and background papers on the relevance of TRIPS provisions in the context of climate change.
https://www.wto.org/english/tratop_e/trips_e/cchange_e.htm

11. The [WTO e-TRIPS Gateway](#) provides a single point of access to information related to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The Gateway provides improved transparency and user-friendly access to TRIPS-related documents and data.

- Article 66.2 requires developed country Members to provide incentives to enterprises and institutions in their territories **for the purpose of promoting and encouraging technology transfer** to LDC Members in order to enable them to create a sound and viable technological base. The annual reports and updates provided by Members on the incentives they provide can be searched by relevant terms (e.g. "green technology") or technology categories to identify relevant programmes in this field.

<https://e-trips.wto.org/En/TypesOfDocuments/ImplementationOfArticle662Notifications>

- Article 67 of the Agreement requires developed country Members to provide, on request and on mutually agreed terms and conditions, **technical and financial cooperation in favour of developing country and LDC Members**. The annual reports Members provide on the technical and financial cooperation programmes can be searched by relevant terms (e.g. "green technology") to identify relevant programmes in this field.

<https://e-trips.wto.org/En/TypesOfDocuments/TechnicalCooperationActivitiesNotifications>

UNFCCC Climate Technology Centre & Network (CTCN): Access one of the world's largest online sources of clean technology information at www.ctc-n.org where you can find technology and product descriptions, case studies, national plans, technology webinars, etc. by technology sector and country.

FOR POLICYMAKERS/GOVERNMENTS:

WIPO Academy National IP Training Institutions (IPTI): The WIPO Academy is working with a number of countries to support them in building their own national IP training capacity. The U.S. Global IP Academy is also working with WIPO to further develop the IP training institution network. Many of these institutions offer programmes directed specifically for MSMEs. To find out if there is a WIPO IPTI in your area, check:

https://www.wipo.int/academy/en/training_institutions.html

Programme: Technology Scouting Makes Good Business Sense: WIPO, in cooperation with the Global Solutions Summit and the ASEAN Committee on Science, Technology, and Innovation, organized two-hour virtual panel discussions – one on Technology Scouting and another on Technology Deployment. Technology scouting and deployment are key ingredients in development strategies, whether it is for developed countries in their quest for advanced technologies for climate change mitigation, for example, or developing countries on the road to transformation and sustainable development. Scouting and deploying the right technology, tailored to the specific needs of regions, countries, and communities, contributes to transforming the economy by developing smarter, more productive, and competitive industries and services, and promoting sustainable, inclusive, and affordable access to necessities such as potable drinking water, off-grid electricity, renewable energy, food security, high-quality healthcare, and internet connectivity.

The Programme, videos of both sessions, and other meeting documents are available at:

https://www.wipo.int/meetings/en/details.jsp?meeting_id=60031

The **WIPO-WTO Colloquium Papers** is a peer-reviewed academic journal published jointly by the World Intellectual Property Organization and the World Trade Organization each year since 2010, providing a uniquely representative and diverse showcase for emerging IP scholarship from across the globe. The 2019 issue includes an article [IP Regulations and Environmental Agreements: An Overview of the Brazilian Green Patents Service](#).

All articles can be searched on the WTO | WIPO-WTO Colloquium Papers: [articles search page](#)

The **WTO Multilateral Environmental Agreement Matrix (MEA Matrix)**, mandated by the Committee on Trade and Environment (CTE), compiles relevant information on trade-related MEAs. It contains a specific section on "Supportive measures, such as technology transfer, and financial or technical assistance under the provisions of the MEA" through which governments can understand what technology transfer mechanisms are available under individual MEAs.

The latest version of the matrix can be downloaded from the WTO website:

https://www.wto.org/english/tratop_e/envir_e/envir_matrix_e.htm

The main objective of the **WTO's TRIPS-related technical assistance** activities is to help members and observers implement an intellectual property (IP) regime that meets their developmental and other policy objectives in line with their domestic circumstances and priority needs. This can include national workshops on topics determined by the host country. WTO members eligible for trade-related technical assistance can submit requests for national activities through the WTO webpage: [WTO | intellectual property \(TRIPS\) - technical cooperation](#)

The WTO TRIPS Agreement – A Practical Overview for Climate Change Policymakers: IP issues have been discussed extensively in the work under the UNFCCC on technology development and transfer in view of the linkage between the IP system – patents in particular – and the development and dissemination of the technologies that will be vital to addressing climate change mitigation and adaptation. This paper provides a practical guide to the provisions of the TRIPS Agreement that are most relevant to this discussion.

https://www.wto.org/english/tratop_e/trips_e/trips_and_climate_paper_e.pdf

UNFCCC Climate Technology Centre & Network (CTCN): The CTCN provides technical assistance in response to requests submitted via National Designated Entities (nationally selected focal points), by mobilizing its global network of climate technology experts to design and deliver customized solutions tailored to local needs. Assistance includes:

- Innovation support and collaborative **RD&D facilitation**

- Development of decision-making tools/data, **and technology identification and prioritization**
- Feasibility and adaptation of technology options
- Sectoral roadmaps and NDC **implementation strategies**
- Policy and regulatory guidance to create **enabling environments**
- Piloting & deployment of technologies (**including private sector engagement**)

De-risking, upscaling, and finance coordination <https://www.ctc-n.org/technical-assistance>
