

Intellectual Property Licensing

World Intellectual Property Organization (WIPO)



UNCITRAL Third International Colloquium

Vienna

March 1-3, 2010

Overview

- * licensing in intellectual property law
- * WIPO work in IP licensing
 - copyright licensing activities
 - IP Asset Management Program
 - licensing guides for small and medium-sized enterprises
 - licensing training
- * WIPO practices in IP development

Trademark law

Joint Recommendation Concerning Trademark Licenses

(September 25 to October 3, 2000)

- harmonizes and simplifies formal requirements for recordation of licenses
- supplements the TLT



Singapore Treaty on the Law of Trademarks, Regulations Under the Singapore Treaty on the Law of Trademarks (March 27, 2006)

- provides for recordation of licenses



Madrid Agreement Concerning the International Registration of Marks; Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

- recordation of licenses on international register



Patent law

Patent Law Treaty (PLT) (June 1, 2000)

Regulations under the Patent Law Treaty (January 1, 2006)

- Rule 17 (recordation of licenses)



Copyright law



Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, revised at Rome on June 2, 1928, revised at Brussels on June 26, 1948, at Stockholm on July 14, 1967 and at Paris on July 24, 1971 and amended on September 28, 1979

-e.g., general references to exercise of rights (Article 5(2), 11 *bis* (2))

TRIPS Agreement

- * **Agreement on Trade-Related Aspects of Intellectual Property Rights**
 - trademarks (Article 21) licensing and assignment
 - patents (Article 28) right to conclude licensing contracts
 - anticompetitive practices in contractual licenses (Section 8)

IP Licensing at WIPO

- * copyright licensing
- * IP Asset Management Program
- * technology transfer & licensing
- * licensing training

Copyright licensing

- * copyright licensing in the digital environment
 - open source software licensing
 - open access licensing
- * collective management of rights
 - administration of copyrights (license, assign, remunerate)
 - where individual rights management not feasible, given number and type of uses, or where rights unenforceable against individual members of the public
- * rights management tools
 - rights management information, and technological protection measures

WIPO Guide on the Licensing of Copyright and Related Rights

-legal principles in licensing of copyright works

-licensing of:

literary works

graphic and pictorial works

motion pictures

multimedia products

computer software

collective management of copyright and related rights

music



Collective Management of Copyright and Related Rights – By Mihály Ficsor



WIPO IP Asset Management Program

- * Aim: to develop technology management skills such as marketing, licensing and IP valuation
- * part of national IP and innovation strategies
- * professional skill development, particularly in developing countries
- * Successful Technology Licensing Program
- * Exchanging Value Training Manual

Home > Program Activities > IP for Development > IP Strategies and Innovation

FOR DEVELOPMENT

Development Agenda
Strategies and
Innovation
Technology Transfer and
Licensing
Es
Creative Industries
Public Policy
Legislative Assistance
Information Assistance

RELATED LINKS

Cs
Regional Bureaus
IPO University Initiative
Settings

Technology Transfer & Licensing

Technology transfer (TOT) is important for economic development. It can be defined as transfer of new technologies from universities and research institutions to parties capable of commercialization, or in the sense of transfer of technologies across international borders, generally from developed to developing countries.

Generally TOT consists of knowledge or IP rights that are:

- licensed in the form of intellectual property,
- the subject of formal consulting or training agreements,
- communicated in the work place or research settings,
- diffused by publication or other means.

WIPO supports its Member States by providing capacity building programs, offering, sustainable training programs and serving as a discussion forum on TOT topics.

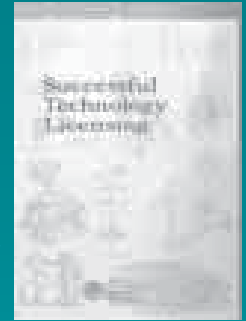
Successful Technology Licensing

Successful Technology Licensing is a WIPO booklet aimed primarily at businesses, technology managers and scientists who deal with licensing questions in the course of their work. It aims to help its readers to negotiate "win-win" licensing agreements, in which all parties receive and exchange approximately equal benefits and value. Download the booklet here in [English](#), [French](#) or [Spanish](#) [PDF].

Exchanging Value - Negotiating Technology Licensing Agreements: A Training Manual

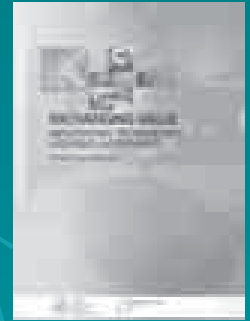
This 178-page (A5 size) user-friendly [training manual](#) focuses on the practical business needs and concerns of

Successful Technology Licensing



- * manual and training program
- * guide for scientists, technology managers, lawyers, financial experts and businesses
- * objectives: introduce licensing as a means for technology transfer and diffusion of knowledge
- * explain fundamentals of licensing, and use in business
- * key terms of licensing, mechanics of negotiation and guidelines for drafting
- * practical training on conduct of negotiation and drafting
- * IP valuation
- * advanced customized courses
 - technical standards
 - country and region-specific (training courses and distance learning)
 - sector specific (energy, biotechnology, nuclear research (IAEA))
- * translated into 10 languages (English, French, Spanish, Russian, Arabic, Chinese, Romanian, Portuguese, Vietnamese, Serbian)

Exchanging Value



- * training manual for negotiating technology licensing agreements
 - developed with the International Trade Centre
- * overview of licensing agreement
 - covers extent of rights, commercial and financial considerations, general considerations (warrantees, licensee/licensor obligations, waiver, force majeure, anticompetitive practices, government regulations, disputes, etc)
- * guidance on valuing technology
- * business, legal and financial aspects of negotiation
- * training module

Licensing for small & medium-sized enterprises

**Secrets of Intellectual Property: A Guide for Small
and Medium-sized Exporters – Published by the
International Trade Centre (ITC) and the World
Intellectual Property Organization (WIPO)**



**Making a Mark: An Introduction to
Trademarks for Small and Medium-sized
Enterprises**

**Looking Good: An Introduction to Industrial
Designs for Small and Medium-Sized
Enterprises**

**Inventing the Future: An Introduction to
Patents for Small and Medium-Sized
Enterprises**

**Creative Expression: An Introduction to
Copyright for Small and Medium-Sized
Enterprises**

**A Stitch in Time: Smart Use of Intellectual
Property by Textile Companies**



ALL AND MEDIUM-SIZED ENTERPRISES

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NEWSLETTER

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



























Translation/Customization of SME IP for Business Guides

Nationally customized versions of short guides in the "IP for Business Series" of WIPO

In a wide range of countries, a number of our partners have completed or taken up the national customization (for example, by translation into one or more local languages and/or national adaptation, based on relevant national IP laws and examples) of the first three short guides in the "IP for Business Series" of WIPO. The following table reflects the current status of work, including access to PDF versions of the nationally customized guides that have been created at the entire responsibility of the partner institution concerned.

LINKS

- Procedures

COUNTRY	LANGUAGE	MAKING A MARK		LOOKING GOOD		INVENTING THE FUTURE		CREATIVE E
		TRANSLATION	CUSTOMIZATION	TRANSLATION	CUSTOMIZATION	TRANSLATION	CUSTOMIZATION	TRANSLATION
Algeria	French	--		--		--	--	
Argentina	Spanish	--		--		--	--	
Armenia	Armenian							
Bosnia	Bosnian							
Bosnia	Croatian							
Bosnia	Serbian							
Bulgaria	Bulgarian							
Czech Republic	Czech							
Dominican Republic	Spanish							
Hungary	Hungarian	--		--		--	--	
India	English							
Indonesia	Indonesian							

Past and future publications

**IP Assets Development and Management:
a Key Strategy for Economic Growth**



**Technology Transfer, Intellectual Property and
Effective University-Industry Partnerships**



WIPO Guide on Licensing of Biotechnology

WIPO Guide on Licensing of Integrated Circuits

WIPO Licensing Guide for Developing Countries

- proposed Trademarks Licensing Guide (with LESI)

Licensing training

- * WIPO Academy
- * Successful Technology Licensing Program
 - India, Zimbabwe (regional), Cameroon (regional), Colombia, South Korea, Serbia and Montenegro (regional), Serbia, Indonesia, Brazil, Senegal, Malaysia, Singapore, Vietnam, Tunisia, Ghana, Rwanda, Jamaica (regional), Turkey, Saudi Arabia, Mauritius, Cuba, Mexico, LESI Headquarters, WIPO Headquarters
- * Small and Medium-sized Enterprises Division
 - Exchanging Value: Train the trainers
 - IP Panorama

ALL AND MEDIUM-SIZED ENTERPRISES

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NEWSLETTER

Enter your e-mail address to receive our monthly e-newsletter:



The Most Advanced E-learning Content on Intellectual Property for your Business

NATIONAL VERSIONS

► Thai Version

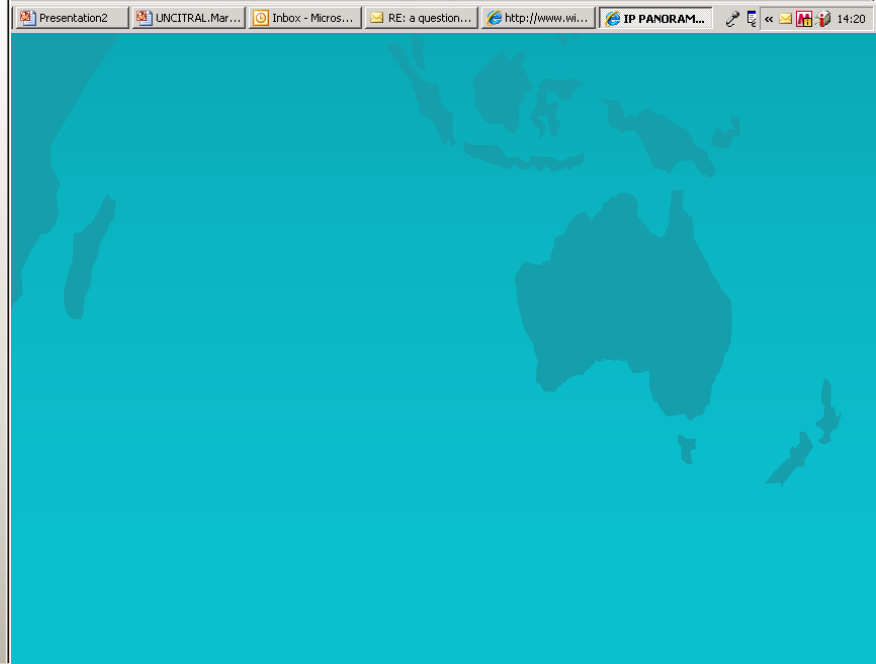
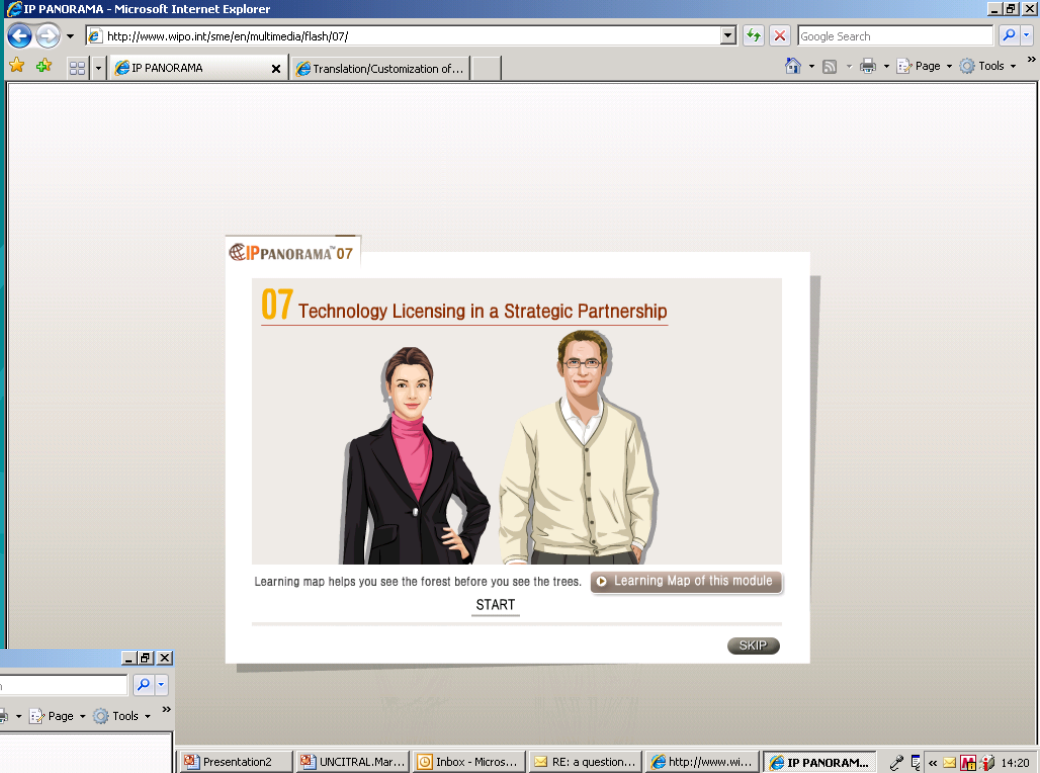
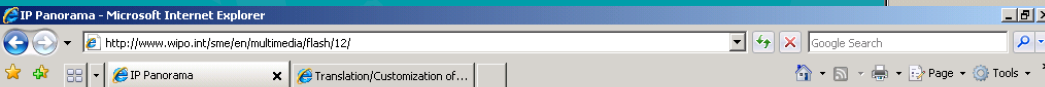
- IP PANORAMA was developed jointly by the Korean Intellectual Property Office (KIPO), the Korea Invention Promotion Association (KIPA), and the World Intellectual Property Organization (WIPO) under a project entitled, 'The Joint Development of E-learning Content' from 2004 to 2007.
- IP PANORAMA was designed to help SMEs utilize and manage Intellectual Property (IP) in their business strategy. In the past, most of the IP education materials had a legal orientation, even though businesses had a real need for a business-oriented IP education. IP PANORAMA increases IP-awareness among enterprise sector and a wide range of university students by providing practical knowledge about using IP for business success.
- IP PANORAMA relies on a brand new instructional design strategy based on 'Storytelling' along with educational technology. The learning content of each module was designed with a practical story regarding intellectual property. It is informative as well as interesting.
- IP PANORAMA deals with IP issues from a business perspective, especially focusing on the situation of SMEs.

The topics covered in the 12 modules are as follows:

New IP PANORAMA 01: Importance of IP for SMEs

- » IP is all around us
- » Why is IP relevant to your SME?
- » IP as a business asset





WIPO practices

- * Hard to soft laws
 - treaties
 - model laws
 - model provisions
 - joint recommendations
 - best practices
 - guides, publications, information papers

Thank you

lucinda.longcroft@wipo.int

