

MEMORANDUM OF UNDERSTAND BETWEEN

THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)  
AND

AUSTRALIA

CONCERNING AUSTRALIAN FUNDS-IN-TRUST

OBJECTIVES AND PRIORITY THEMES OF THE AUSTRALIAN FUNDS-IN-TRUST  
MEMORANDUM OF UNDERSTANDING WITH WIPO

## **Objectives**

In meeting the broad objectives of the Memorandum of Understanding, the activities to be carried out for LDCs and developing countries under the Australian Funds-in-Trust will have the following general objectives:

- Promote the development of IP systems in the Asia Pacific region as well as LDCs more broadly;
- Contribute to Australia's obligations for technical assistance and technology transfer under Articles 66.2 and 67 of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). In doing so, there will be a focus on LDCs and funding of technical assistance activities that include practical technology transfer skills and tools for LDCs and developing countries;
- Assist WIPO and Australia to respond to country driven demands for technical assistance in the region in an expeditious manner; and
- Support implementation of the WIPO Development Agenda as well as initiatives addressing specific global IP challenges such as neglected tropical diseases.

## **Priority Theme A: Development of the IP system**

To support the development of Member States' IP systems. The objective is to address gaps in the IP systems of Asia-Pacific countries and beyond as well as depth of experience in some aspects of IP administration. To help address some of those gaps and to assist WIPO to meet individual needs identified by Member States more expeditiously, Funds-in-Trust will be directed towards a broad suite of activities including:

- the development and implementation of national IP strategies in conjunction, wherever possible and appropriate for LDCs, with the development of needs assessments in relation to the implementation of the TRIPS Agreement;
- assisting LDCs and certain developing countries to accede to and implement WIPO treaties such as the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks and the Patent Cooperation Treaty; and
- providing experts to countries to address gaps or lack of expertise including in human resource matters, developing examiner manuals, advanced examiner or hearing officer training, undertaking public education and awareness activities and IT automation and support to IP offices and other IP institutions such as collective management organizations.

Requests for assistance may be received by either WIPO or IP Australia. Specific tasks will be mutually decided by WIPO and IP Australia before work commences.

## **Priority Theme B: Technology Transfer**

The Australian Funds-in-Trust will help LDCs and developing countries to find appropriate technologies, collaborative or commercial partners, to acquire technical scientific research skills and to develop skills for negotiating technology transfer. The objective is to address country specific needs in enhancing absorptive capacity in technology transfer. The proposed program of activities recognises that the

technology transfer needs of these countries differ substantially from the technology transfer needs of developed countries. The content of the program therefore is relevant and responsive to the specific needs of LDCs and developing countries.

The target audience for the proposed program comprises two groups. The first are participants who need technology transfer skills, including from universities, the private sector and government. The second are participants who, by having an appreciation of technology transfer and its economic benefits, are in a position to influence policy making at a government, university and corporate level. The content of the program is directed towards participants with little or no technology transfer skills and participants with technology transfer skills to some degree. A customised modular approach will be provided to each country.

As well as providing a modular training program, this component of the Australian Funds-in-Trust program envisages a research component which will lead to the development of a Technology Transfer Toolbox. The Toolbox would contain pro forma documents to assist technology transfer and commercialisation efforts, such as a Model IP Policy, a Confidentiality Agreement template, a Material Transfer Agreement template and a Research Collaboration Agreement template and accompanying guidance notes. It would be made available to countries where Modules were delivered.

WIPO and IP Australia will work to develop an appropriate program.

#### **Priority Theme C: Addressing neglected tropical diseases –**

The Australian Funds-in-Trust will provide support to the WIPO Re:Search. The objective is to assist WIPO to effectively use IP to address a global health challenge which affects many LDCs, and through this to provide continued support for the United Nation's Millennium Development Goals. A further allied objective is to promote technology transfer for scientists, particularly from LDCs.

This activity involves private sector companies, including those in Australia, hosting researchers at their facilities to research neglected tropical diseases, malaria and tuberculosis.

WIPO will inform IP Australia of any additional requests for assistance. IP Australia will then consider and, if appropriate, consent to the requests before placement commences.

#### **Priority Theme D: Copyright and Related Rights**

The Australian Funds-in-Trust will provide support to the Trusted Intermediary Global Accessible Resources (TIGAR) project. TIGAR seeks to facilitate cross-border exchange of copyright protected electronic files for books in accessible formats between national libraries and charitable institutions (trusted intermediaries) serving the blind, visually impaired and other persons with print disabilities.

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