

## REPORT (2023) OF THE WORKING GROUP ON TRADE AND TRANSFER OF TECHNOLOGY TO THE GENERAL COUNCIL

### 1 INTRODUCTION

1.1. Ministers agreed, at the Fourth Ministerial Conference in Doha in November 2001, to "an examination, in a Working Group under the auspices of the General Council, of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries".<sup>1</sup> The Working Group has reported on its work at each WTO Ministerial Meeting, at which the Ministers had reaffirmed their commitment to advance the work of the Working Group on Trade and Transfer of Technology and instructed the General Council to further report to the Ministerial Sessions.

1.2. The Working Group on Trade and Transfer of Technology (WGTTT, or the Working Group) held three formal meetings in 2023, on 4 May, on 17 July, and on 13 October. The minutes of these meetings are contained in documents [WT/WGTTT/M/69](#), [WT/WGTTT/M/70](#), and [WT/WGTTT/M/71](#), respectively. Members continued the analysis of the relationship between trade and transfer of technology, as well as considered any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries, the details of which are given below.

1.3. At the beginning of the May 2023 meeting, the Working Group elected Ambassador Sofia Boza Martinez of Chile as its Chairperson. At the same meeting, the Chairperson invited all Members to participate in the informal consultations that she intended to convene with a view to seeking Members' suggestions to plan and structure future work so that the Working Group can fulfil its mandate.

### 2 RELATIONSHIP BETWEEN TRADE AND TRANSFER OF TECHNOLOGY

2.1. During the year 2023, work on the analysis of the relationship between trade and transfer of technology continued. At the May session, Members reiterated their commitment to advancing work. They recalled that deliberations at the previous session (68<sup>th</sup> session) had been rich and useful. They included contributions which provided evidence of the role transfer of technology played in terms of trade and integration in the global economy, and in terms of meeting challenges related to *inter alia* pandemic preparedness, health, climate change, agriculture and e-commerce. Members wished that such discussions could take place in future meetings of the Working Group.

2.2. At the July meeting, the Chairperson gave a report on the informal consultations she had held with Members of the Working Group. Her statement is contained in document [JOB/WGTTT/1](#). During the consultations, all participating delegations acknowledged the continued relevance of the Working Group's mandate and recognized the value of experience sharing within the Group to enhance understanding of the link between trade and the transfer of technology. The consultations also revealed a renewed interest among Members to present substantive proposals.

2.3. Considering the views expressed during the consultations, the Chairperson invited the Working Group to consider adopting a work programme to structure future work. The Chairperson further suggested that a possible work programme could include prioritized areas for technology transfer, mechanisms for cooperation, and proposals for outcomes, thereby facilitating deliberations in future meetings. Furthermore, it would enable the Working Group to plan workshops and invite other

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<sup>1</sup> Paragraph 37 of document [WT/MIN\(01\)/DEC/1](#).

stakeholders, such as business and other international organizations, to share their experiences and best practices in technology transfer.

2.4. Based on consultations with Members and Member statements during the October meeting of the Working Group, the Chairperson also suggested close collaboration between the Working Group and other relevant WTO bodies, including the Committee on Trade and Development (CTD), the Committee on Trade and Environment (CTE) and the TRIPS Council, with the aim to foster the cross-fertilization of ideas and ensure coherence in addressing the challenges related to technology transfer.

### **3 ANY POSSIBLE RECOMMENDATIONS ON THE STEPS THAT MIGHT BE TAKEN WITHIN THE MANDATE OF THE WTO TO INCREASE FLOWS OF TECHNOLOGY TO DEVELOPING COUNTRIES**

3.1. Work on possible recommendations that the Working Group could make in the future proceeded on the basis of two communications submitted by Members. One by the African Group on the role of transfer of technology in resilience building contained in document [WT/WGTTT/W/34/Rev.1](#); and the other, by the United Kingdom on intellectual property, voluntary licensing and technology transfer contained in document [WT/WGTTT/W/35](#).

3.2. A third communication, titled reinvigorating discussions on the relationship between trade and the transfer of environmentally sound technologies to developing countries to address climate change, contained in document [JOB/WGTTT/2](#) was introduced by India but could not be considered, as the communication had been made available after the agenda for the October 2023 session had closed.

3.3. The Chairperson reiterated the importance of a formal submission made in 2008 by India, Pakistan, and the Philippines - entitled "Facilitating Access to Information on Appropriate Technology Sourcing – A Step to Increase Flows of Technology to Developing Countries". The proponents informed the Working Group that they had been working with interested Members on revising their submission and that they intended to provide updates in the near future.

3.4. The least developed countries (LDC) Group underscored the critical role technology played in increasing productivity and output, and to diversify economies to better integrate into the regional and global value chains and level up their development. It also noted that advancing work to assist LDCs develop had been necessary and had become imperative because of persistent COVID-19 socio-economic impacts, aggravated by food security concerns induced by geopolitical tensions.

#### **3.1 The role of transfer of technology in resilience building - Communication from the African Group ([WT/WGTTT/W/34/Rev.1](#))**

3.5. At the July 2023 session, the Working Group started considering a communication presented by Egypt on behalf of the African Group titled "the role of transfer of technology in resilience building: reinvigorating the discussions in the WTO on trade and transfer of technology" contained in document [WT/WGTTT/W/34/REV.1](#). That communication supplements the African Group's communication on policy space for industrial development contained in document [WT/GC/W/868](#). Furthermore, it provides cover for five other topical submissions on transfer of technology and the Agreement on TRIPS ([WT/GC/W/884](#)), agriculture ([WT/GC/W/885](#)), climate change mitigation and adaptation ([WT/GC/W/886](#)), trade facilitation ([WT/GC/W/887](#)) and e-commerce ([WT/GC/W/888](#)), which had been circulated in relevant WTO bodies.

3.6. The communication seeks to reinvigorate technology transfer discussions within the WTO, and to focus on the following three themes: i) the determinants of technology transfer such as IP rights and their protection; ii) the applications of technology transfer including in agriculture, environment protection and to mitigate climate change, health protection, trade facilitation and e-commerce; and, iii) the promotion of technology transfer, including through sharing of domestic experiences, technical assistance or collaboration with non-governmental partners.

3.7. Members welcomed the communication's objectives. The Chairperson had noted convergence on some elements in that communication, in particular, relative to the participation of external stakeholders to inform the Working Group's future deliberations, increasing the cooperation with

other committees, including through the organization of joint sessions, and structuring and planning activities in a work programme, which would help organize activities more efficiently.

3.8. Members sought clarifications regarding the further progress of their deliberations and how to avoid duplicating work in other WTO bodies. In response, the African Group suggested holding joint sessions with other relevant WTO bodies, whenever appropriate.

3.9. At the October 2023 meeting, the Representative of Egypt, on behalf of the African Group, noted that the African Group had, since the July 2023 meeting, presented their communications on technology transfer in the relevant bodies, and that Members' reactions indicated interest in this topic. He observed that discussing the role of transfer of technology in the Working Group, as well as in other relevant bodies remained relevant; and he expressed the African Group's readiness to start discussing possible outcomes on technology transfer at MC13.

3.10. To advance the discussions on the matters proposed by the African Group, Egypt suggested that the Working Group considers restructuring its agenda for future meetings in a manner that comprehensively reflects the themes and modalities contained in the African Group submission. Members asked for the proposal to be shared in writing for their internal consultations.

3.11. Members expressed openness to continue discussions, including to identify ways to improve deliberations in the Working Group and to make them more constructive.

### **3.2 Intellectual property, voluntary licensing and technology transfer - Communication from the United Kingdom ([WT/WGTTT/W/35](#))**

3.12. At the October 2023 meeting, the United Kingdom presented its communication on Intellectual Property, Voluntary Licensing and Technology Transfer contained in document [WT/WGTTT/W/35](#). The stated objective of that communication is to explore how the WTO can utilize, encourage and increase voluntary licensing partnerships and apply lessons learned from the COVID-19 pandemic. It invites Members to contribute their experiences on voluntary licensing, particularly those by developing and least developed Members.

3.13. The proponent suggested that factors which relate to IP should be discussed within the TRIPS Council; and that the WGTTT considers alongside other cross-cutting factors which create conditions for technology transfer to take place. Members welcomed the communication and stated their readiness to start a discussion in order to share experiences, identify best practices, and reach a better understanding on how to form successful partnerships that promote voluntary licensing and technology transfer.

3.14. The Chairperson noted Members' convergence on experience sharing sessions and analysing lessons learned from technology transferred through voluntary licensing. She also suggested that a comprehensive examination of voluntary licensing should look at its limitations and also consider other models.

## **4 FUTURE WORK**

4.1. Members have continued their examination of the relationship between trade and transfer of technology and of any possible recommendations on steps that might be made within the mandate of the WTO to increase flows of technology to developing countries. The ongoing work has covered a number of issues and has helped to enhance Members' understanding of the nexus between trade and transfer of technology. The Working Group will continue to look at these issues in the coming year.

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