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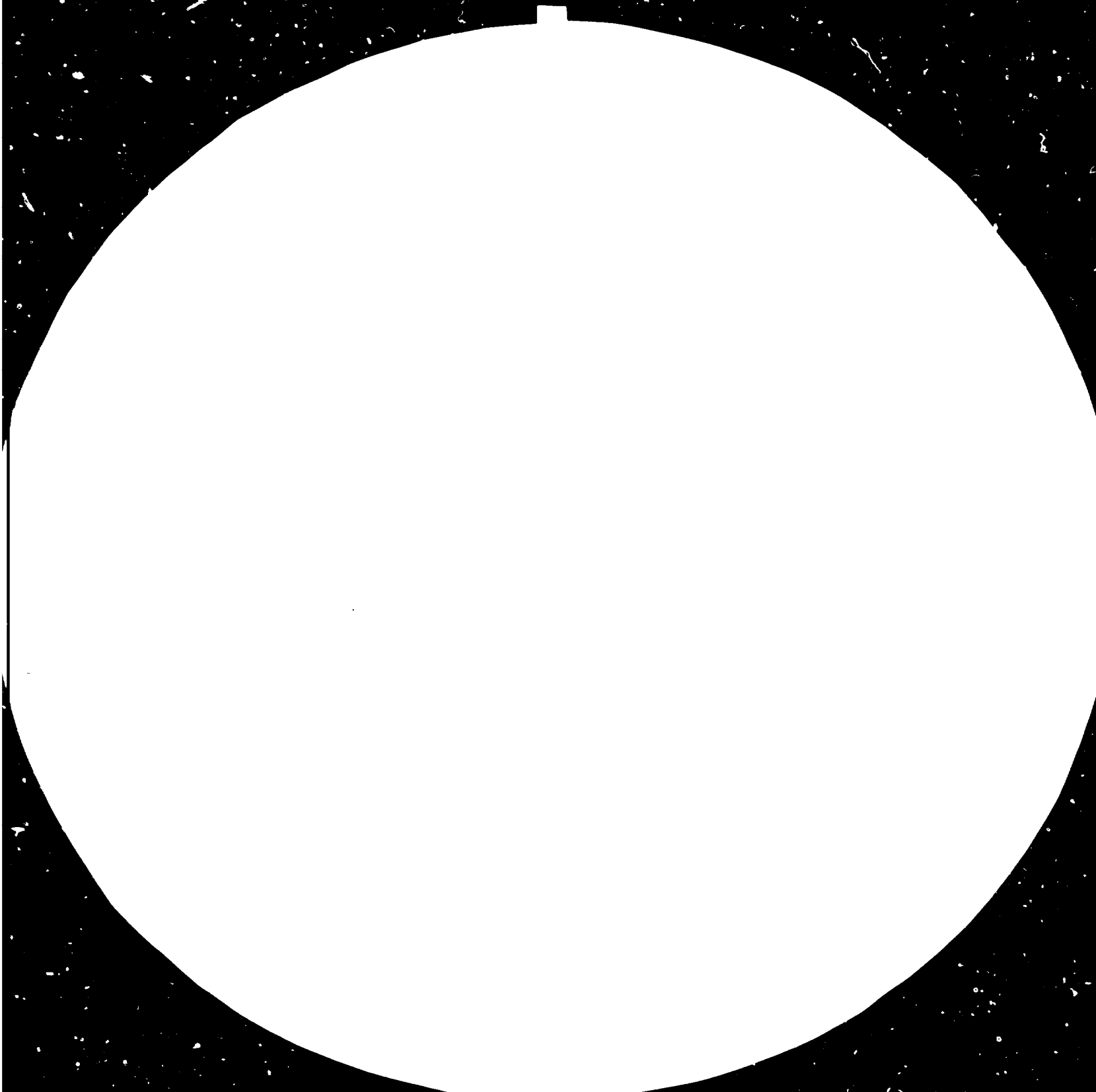
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Eighth Meeting of Heads of Technology  
Transfer Registries  
Caracas, Venezuela, 17-20 October 1983

REPORT. (Meeting on technology transfer registries).

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## INTRODUCTION

1. The Eighth Meeting of Heads of Technology Transfer Registries was held at Caracas, Venezuela, from 17 to 20 October 1983, under the sponsorship of the Government of Venezuela and the United Nations Industrial Development Organization (UNIDO). The purpose of the Meeting was to discuss ways and means of consolidating, strengthening and expanding the Technological Information Exchange System (TIES). In addition various topics of common interest were discussed such as technology transfer trends in various sectors and technology payment evaluation. Particular attention was given to efforts aimed at harmonizing the various computerized registry information systems in order to secure a continual exchange of information.

## CONCLUSIONS AND RECOMMENDATIONS

2. The Meeting made the following recommendations:

(a) The UNIDO secretariat should prepare, for consideration by the TIES members, a minimum set of data that should make it possible for many more developing countries to actively participate in TIES. This minimum level should follow closely the TIES II format;

(b) The UNIDO secretariat should investigate different ways of increasing the quality of information exchange on a regular basis, over and above the TIES minimum. Bearing in mind that special requests for information is one of the most likely areas for expanding TIES, the UNIDO secretariat should present, as soon as possible, a broad framework for this information exchange taking into consideration regional and sub-regional requirements;

(c) The UNIDO secretariat should monitor closely the time lag in answering requests and should urge for prompt attention in answering requests;

(d) The UNIDO secretariat should define a comprehensive training programme for the registry personnel as soon as possible. In particular, a time schedule for such training activities should be presented as soon as possible and funding for such a training scheme should be established. Furthermore, these training programmes should be focused on regional needs;

(e) The UNIDO secretariat should investigate the means whereby South-South technology transfer may take place and should urge technology transfer registries to give special attention to this modality of technology transfer;

(f) The UNIDO secretariat should investigate ways in which co-operation could take place without losing the advantages of global co-operation through TIES;

(g) The UNIDO secretariat should utilize a variety of communication channels to provide TIES members with information on the activities of United Nations organizations in the area of technology transfer;

(h) The UNIDO secretariat should assist TIES members in the establishment of regional computerized information systems, taking into consideration the minimum set of information to be exchanged among TIES members and standard international classifications;

(i) The UNIDO secretariat should prepare a final version of the study on contractual arrangements for the transfer of technology in the hotel industry for the Ninth Meeting of TIES. Special attention should be given to the effects of international hotel chain operations on the balance of payment, on payments for services provided by foreign partners and guidelines on contractual provisions safeguarding the interests of hotel owners. Relevant background material should be provided by the member countries in accordance with the format to be designed by the UNIDO secretariat;

(j) The UNIDO secretariat should complete the final version of the study on contractual arrangements for the transfer of technology in the fast food sector. It should include country studies on the effects of these chain operations and additional background material (samples of contracts etc.), which would be provided by TIES member countries;

(k) The UNIDO secretariat should elaborate on the monitoring of technology transfer agreements, particularly with regard to the establishment of approval criteria for the renewal of technology agreements;

(l) The UNIDO secretariat should expand the concept of technology payment evaluation, taking into account the specific characteristics of sectors to be studied;

(m) The UNIDO secretariat should prepare a study on the evaluation of engineering and consultancy fees with particular emphasis on selected sectors and type of agreements;

(n) The issue of guarantees in technology transfer deserves more detailed investigation and the Registries welcomed the efforts of UNIDO and the International Centre for Public Enterprises in Developing Countries in preparing a manual on the subject. UNIDO should present this manual in its final form at the next TIES meeting, and should take into account when drawing up the final document the various comments made at the present meeting;

(o) The UNIDO secretariat should keep the TIES members informed of recent UNIDO activities in the pharmaceutical industry and specifically on the results and recommendations of the Second Consultation Meeting on the Pharmaceutical Industry. Also, further studies on contractual arrangements on transfer of technology in that industry should be conducted in close harmony with the recommendations of the Second Consultation Meeting;

(p) The UNIDO secretariat should inform the Second Consultation on the Pharmaceutical Industry, to be held at Budapest, Hungary, from 21 to 25 November 1983, that it should consider TIES assistance in obtaining information on technologies for the production of bulk chemicals identifiable by their generic names that were already applied in TIES member countries, including the names of the owners of the technologies and the restrictive business practices applied to the contracts by these owners. For this purpose UNIDO should supply the TIES members with the generic names in question;

(q) The UNIDO secretariat should present a study on the evaluation of contractual arrangements for technology transfer in the areas of computer software and food-processing to the Ninth Meeting of TIES;

(r) The UNIDO secretariat should take note of technology transfer regulations as an important policy instrument for the development of technological capabilities in developing countries in the preparatory activities for the Fourth General Conference of UNIDO, and should consider measures to strengthen and expand TIES;

(s) The UNIDO secretariat should undertake a comprehensive historical study on the evaluation and development of technology transfer regulation paying special attention to the atmosphere in which changes occur.



## 1. ORGANIZATION OF THE MEETING

3. The Eighth Meeting of Heads of Technology Transfer Registries was attended by 27 participants from 25 countries and 13 observers.

### Opening of the Meeting

4. The Meeting was opened by Alfredo González Amaré, Superintendente of SIEX (Venezuela), who welcomed the participants and introduced the various speakers.

5. The opening address was given by His Excellency José Enrique Porrás Omaña, Minister for Economic Development of the Government of Venezuela, who stated that the TIES co-operative programme was of fundamental importance since it provided its member countries with essential technological and economic information that enabled them to evaluate, select and acquire those technologies that were in the interests of the countries concerned. A programme such as TIES also permitted the development of international co-operation based on an analysis of common international and economic problems together with the corresponding concerted actions.

6. The Minister also stated that despite the distorted technology market that created severe obstacles of access to many essential technologies, the Government of Venezuela was convinced that imported technology could serve national development objectives by following appropriate policies that would assure the regulation of such acquisition to ensure better stimulation, use and assimilation of local technological development.

7. The current level of development in Venezuela required a well-founded engineering and consultancy capability in order to be able to produce capital goods. As such, the Government had adjusted its evaluation criteria for technology transfer contracts to establish such skills. That the Meeting was held at Caracas, during the 200th centenary of Simon Bolivar's birth, was of importance as some of the principles that had guided Bolivar during his life were reflected in the basic principles of the TIES programme, notably those of integration and co-operation.

8. Mr. S.L. Kapur (Joint Secretary of the Department of Industrial Development of India), in his capacity as outgoing chairman of TIES, recalled the progress made since the Seventh Meeting at New Delhi, 7-10 December 1982. He noted with satisfaction that additional countries were represented at Caracas, which was an indication of the increasing interest in co-operation between developing countries through TIES.

9. The co-ordinator of TIES activities of UNIDO noted that from the early 1960s, the share of developing countries in world manufacturing value added (MVA) revealed a steady upward trend, but after 1980, little or no improvement occurred. The current share of the developing countries was estimated to be a meagre 11 per cent. He also noted that an increasing share of MVA might be an indication of an increasing technological capability but it should be noted that in most cases the creation of a self-generating structure in technological development had not been successful despite many efforts.

10. He indicated that the TIES programme had been planned to stimulate the development of indigenous technology through a co-operative framework between some 35 countries that had introduced legislation for technology transfer, endowing the state with the power to intervene in the technology transfer process. The progress of TIES had shown direct benefits by making available detailed information on contractual arrangements at the international level. However, co-operation could go beyond the exchange of information on contractual arrangements. The Meeting, therefore, would afford an opportunity to reconsider the benefits of co-operation and would determine a programme that best served its members.

#### Election of officers

11. The following officers were elected:

Chairman	T. Michelangeli (Venezuela)
Vice-Chairman	C. Primo Miguel (Spain)
Rapporteur	Sing Khow Tam (Malaysia)

#### Adoption of the agenda

12. The following agenda was adopted:

1. Opening session
2. Election of Chairman, Vice-Chairman and Rapporteur
3. Review of progress in TIES, 1982-1983
4. Consolidation, strengthening and expansion of TIES
5. Annual review of technology transfer trends
6. Compatibility of computerized registry information systems
7. Review of studies
  - (a) Evaluation of management and franchise contracts in the hotel industry
  - (b) Evaluation of franchise agreements in the fast food industry
  - (c) Monitoring of technology transfer agreements by regulatory agencies
  - (d) Technology payment evaluation
  - (e) Guarantee and warranty provisions in technology transfer agreements
  - (f) Restrictive business practices in the pharmaceutical industry
8. UNIDO IV
9. Other matters
10. Adoption of the report
11. Closure

## II. SUMMARY OF DISCUSSION

### Review of progress in TIES, 1982-1983

13. Discussion of the TIES progress report for 1982-1983 centred on the active participation of TIES members in the information exchange at the TIES I and II levels. Various participants expressed the opinion that the confidentiality of the information required at the TIES II level inhibited their active participation. The desire was expressed that TIES should adapt itself to incorporate the possibility of active participation of as many countries as possible and it was suggested that the minimum set of data be defined in order to make that possible.
14. The Meeting took note of the difficulties encountered with special requests for information. Many delegates expressed the usefulness of TIES provided that the modus operandi of all TIES members included clear definitions of the request and prompt responses by the member registries. It was also considered that the system of special requests would be more valuable if it were organized on a regional basis.
15. On the subject of the TIES Newsletter, many participants expressed opinions on its value as a vehicle for disseminating information on the activities of member registries. However, the UNIDO secretariat stressed that the active participation of all TIES members in the preparation of the Newsletter by contributing short notes and articles was essential if it were to be a true means for disseminating information.
16. Many delegates expressed their satisfaction with the assistance received from the UNIL0 secretariat in strengthening their institutional infrastructure. In particular, it was appreciated that the required expertise came from TIES member countries that had substantial experience in the field.
17. It was stressed that regional co-operation could be beneficial to the development of TIES.

### Consolidation, strengthening and expansion of TIES

18. Discussion on the consolidation, strengthening and expansion of TIES concentrated on five crucial areas, namely, the increased participation of new TIES members; better utilization of the system of special requests; the introduction of a comprehensive training programme in the area of negotiation and evaluation of technology transfer agreements; the role of TIES in the promotion of South-South technology transfer; and the regionalization of certain TIES activities.
19. Several delegates expressed the view that the minimum information exchanged through TIES should include the parties involved, the object of the collaboration, industry and product, codes, and the year of registration. It was also felt by several participants that the minimum information should follow as closely as possible the TIES II-A format.
20. With respect to special requests, it was felt by some participants that co-operation between TIES members in one region with similar technology transfer regulations could greatly facilitate information exchange.

21. It was unanimously considered that TIES could considerably increase its value if comprehensive training programmes were to be established. The Meeting identified various training needs for people:

- (a) Who had little or no experience in the evaluation of agreements;
- (b) Who had once worked in a registry;
- (c) Who were at the decision-making level.

22. It was stressed that any training programme should take into account the specific requirements of those target groups.

23. The discussion on horizontal technology transfer focused on the modalities of such agreements and the necessity for registries to be more active in promoting South-South technology transfer, especially on the exchange of information on indigenous technologies.

24. Many delegates stressed that regional co-operation within the TIES framework could be beneficial for its members, and suggested that regionalization of the TIES activities should be one of its prime objectives.

#### Annual review of technology transfer trends

25. It was said that it would be of interest to technology transfer registries to know of transfer flows as well as of the broader concept of indigenous technological development. Some participants mentioned the difficulties their registries had in supplying the information necessary to prepare reviews. The UNIDO secretariat, however, stressed that the outline presented merely reflected the final objective of the preparation of the review and it was foreseen that a step-by-step approach towards the realization of such an objective was the most appropriate one. Most participants agreed to supply country profiles on a yearly basis as a minimum contributor to such a review.

#### Compatibility of computerized registry information systems

26. The computerization of registry information systems was considered to be inevitable in the long run, although currently hampered by the lack of an exact knowledge of information needs; many participants expressed the view that the computerization of registries would be the last step in the organization of information flows within a registry. A participant considered that before computerization was contemplated, a structural analysis should perhaps be made. Others said that computerization of their registry information systems was being contemplated but few had actually implemented it, and it was considered that first an existing efficient manual information system should be installed that could be computerized when necessary.

Evaluation of management and franchise contracts in the hotel industry

27. The participants emphasized the importance of the evaluation of management and franchise contracts in view of the expansion of international luxury class hotel chains in developing countries. A number of countries had submitted management contracts and franchise agreements for registration. Currently, uniform rules for the evaluation of such agreements existed and therefore the study on "Contractual arrangements for transfer of technology in the hotel industry" (ID/WG.405/1), prepared by the UNIDO secretariat, was considered to be important.
28. Several participants detailed the approach of their countries with respect to foreign participation in the hotel industry, and although the experience and policies of TIES member countries varied, it was clear that foreign equity participation was generally discouraged in that field.
29. Several participants had reservations of the overall effect of hotel chain operations on the balance of payments in their countries, and suggested that that aspect should be studied in detail. Payments for the services provided by foreign partners were considered of crucial importance to contract evaluation, and the UNIDO secretariat was therefore asked to deal with this issue in more detail in the final version of the report (ID/WG.405/1). It was felt that the guidelines safeguarding the interests of the hotel owner would greatly facilitate negotiations and the evaluation of the agreements.
30. The representative of the UNIDO secretariat expressed the need for a more active participation by the registries in the preparation of the final version of the study (ID/WG.405/1), which could be done in the form of the submission of "dummy" copies of agreements and more elaborate country studies on experience of and policies on foreign participation in the industry.

Evaluation of franchise agreements in the fast-food industry

31. The discussion revealed that the approaches of TIES member countries to fast-food chain operations varied significantly. In some countries the existing regulations did not stipulate registration of contracts in that sector, while others did not allow foreign fast-food chains to operate in their countries at all. Several countries where fast food chains had been operating for a long time presented the findings of internal studies that revealed the negative effects of such operations on the balance of payments, inflation, development of an indigenous fast-food sector etc.
32. It was felt that the final version of the report (ID/WG.405/2) prepared by the UNIDO secretariat should include an abstract of the experience and results of studies conducted by the various member countries that were asked to provide relevant information to the secretariat.

Monitoring of technology transfer agreements by regulatory agencies

33. It was pointed out that the efficiency of monitoring at the macro level would be considerably improved if the monitoring system were computerized. Many participants felt that the lack of qualified personnel was an inhibiting factor for efficient monitoring. It was mentioned that the existing

legislation or regulations in some countries did not allow for efficient monitoring and that such practices as approval for short-duration contracts should also be subject to some form of monitoring. The scope of monitoring by registries was thought to depend on the infrastructure in which a registry operated and a common approach was considered to be the best method for dealing with any difficulties.

#### Technology payment evaluation

34. The discussion revealed that the concept of profit sharing as an additional tool for negotiation and evaluation of technology transfer agreements had gained acceptance by registries.

35. Several participants referred to the impact of taxation and the calculation of royalties on the basis of value added and on the establishment of a satisfactory profit-sharing criteria, and suggested that aspects be studied to develop more precise profit-sharing formulae. The importance of taking the social cost benefit of the acquired technology into account while finalizing a technology payment evaluation system was also mentioned. It was stressed by the UNIDO secretariat that the concept of profit sharing could not replace such accepted forms as royalty and lump-sum payments, but it should be considered for reference purposes only. Several participants mentioned that technology payments should always be evaluated vis-à-vis the complexity of technology absorption capacity of the recipient.

36. The difficulties encountered in evaluating engineering and consultancy agreement fees was also mentioned. Upon the request of the participant from Malaysia, his paper on the subject of an alternative basis for royalty payments, payment evaluation between current and subsidiary companies and management agreements was presented and discussed. Information was exchanged on various national practices, and further comments and suggestions were requested from the member countries of TIES.

#### Guarantee and warranty provisions in technology transfer agreements

37. The Meeting considered the first draft of the "Guarantee and warranty provisions in technology transfer agreements" (CPR/2) which had been prepared within the framework of a joint project of UNIDO and the International Centre for Public Enterprises in Developing Countries (ICPE).

38. In introducing the document the representatives of the project sponsors pointed out that the issue of guarantees in international technology transfer transactions was still predominantly considered a pure contractual issue, left to the contractual "freedom" of parties and only a few developing countries had adopted legislative and regulatory measures in that respect. It was suggested that the prevailing "defensive" approach of most developing countries in dealing with international technology transfer, which concentrated on the minimization of prices and restrictive conditions, should be gradually complemented by a more "active" approach in which the obligations of parties would lead to an effective transfer of technology. The issue of guarantees assumed particular importance and deserved special treatment in the case of North-South technology transactions given the significant differences

in operating conditions between the technology supplying and technology acquiring parties and countries. It was suggested that the scope of guarantees to be considered in a North-South technology transaction should be broader than the traditional scope of guarantees applied in North-North transactions.

39. Apart from the guarantees related to technology itself, other guarantees should be considered that related to the integration of transferred technology into the entrepreneurial and broader techno-economic environment of the technology acquiring party and country.

40. The Meeting was of the view that, in spite of the particular importance of guarantee provisions for efficient performance and transfer of technology transactions, the actual involvement of registries in that area had been limited. It was considered as very important to look closer at the relationship between restrictive practices and guarantees. It was specifically suggested that the problem of guarantees in disaggregated "technology transactions" should be studied in greater detail.

#### Restrictive business practices in the pharmaceutical industry

41. Three approaches towards restrictive provisions between TIES member countries were discussed, which could be labelled rigid, flexible and balanced.

42. Although restrictive provisions have been eliminated to a substantial degree in several countries, note was taken of the increasing incidence of so-called gentlemen's agreements, which in practice neutralized the positive effects of the intervention of the registries in a particular field.

43. In view of the importance of the pharmaceutical industry for industrial development and the necessity for improving the mechanism of technology transfer in that sector, many participants requested UNIDO to provide them with information on the results of the Second Consultation on the Pharmaceutical Industry held in November 1983.

#### UNIDO IV

44. The UNIDO secretariat informed the Meeting of the preparatory arrangements for the Fourth General Conference of UNIDO. The results of five expert group meetings on major topics of the Conference were summarized. With respect to the issues relating to technological advances and development and industrial co-operation between developing countries, inter-linkage with the activities of the technology transfer registries was underlined. Various delegates expressed satisfaction with the progress so far achieved.

#### Adoption of the report

45. The Meeting adopted, unanimously, the report of the Eighth Meeting of Heads of Technology Transfer Registries.

#### Closure

46. The Eighth Meeting of Heads of Technology Transfer Registries closed on the afternoon of Thursday, 20 October 1983.

Annex I

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Annex II

LIST OF DOCUMENTS

Contractual arrangements for transfer of technology in the hotel industry	ID/WG.405/1
Contractual arrangements for transfer of technology in the fast-food industry	ID/WG.405/2
Technology payment evaluation - A summary report of a pilot exercise	ID/WG.405/3
TIES summer courses on technology transfer contract negotiation and evaluation	ID/WG.405/4
Restrictive business practices in the pharmaceutical industry	ID/WG.405/5
TIES progress report 1982-1983	ID/WG.405/6
Monitoring of technology transfer agreements by regulatory agencies - An overview of policies and issues	ID/WG.405/7
Prospects of technology transfer registry computerization	UNIDO/ IS.400
Report of the Selected Heads of Technology Transfer Registries, Vienna, 6-9 June 1983	UNIDO/ IS.409
Technology Payment Evaluation in India	CPR/1
Guarantee and warranty provisions in technology transfer agreements	CPR/2
Preparatory arrangements for the Fourth General Conference of UNIDO	ID/B.306

