

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

TRANSFER OF TECHNOLOGY

UNCTAD Series
on issues in international investment agreements



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NOTE

UNCTAD serves as the focal point within the United Nations Secretariat for all matters related to foreign direct investment and transnational corporations. In the past, the Programme on Transnational Corporations was carried out by the United Nations Centre on Transnational Corporations (1975-1992) and the Transnational Corporations and Management Division of the United Nations Department of Economic and Social Development (1992-1993). In 1993, the Programme was transferred to the United Nations Conference on Trade and Development. UNCTAD seeks to further the understanding of the nature of transnational corporations and their contribution to development and to create an enabling environment for international investment and enterprise development. UNCTAD's work is carried out through intergovernmental deliberations, research and analysis, technical assistance activities, seminars, workshops and conferences.

The term "country" as used in this study also refers, as appropriate, to territories or areas; the designations employed and the presentation of the material do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. In addition, the designations of country groups are intended solely for statistical or analytical convenience and do not necessarily express a judgement about the stage of development reached by a particular country or area in the development process.

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IIA Issues Paper Series

The main purpose of the UNCTAD Series on issues in international investment agreements – and other relevant instruments – is to address concepts and issues relevant to international investment agreements and to present them in a manner that is easily accessible to end-users. The series covers the following topics:

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Preface

The secretariat of the United Nations Conference on Trade and Development (UNCTAD) is implementing a work programme on international investment agreements. It seeks to help developing countries to participate as effectively as possible in international investment rule-making at the bilateral, regional, plurilateral and multilateral levels. The programme embraces capacity-building seminars, regional symposia, training courses, dialogues between negotiators and groups of civil society and the preparation of a Series of issues papers.

This paper is part of that Series. It is addressed to Government officials, corporate executives, representatives of non-governmental organizations, officials of international agencies and researchers. The Series seeks to provide balanced analyses of issues that may arise in discussions about international investment agreements. Each study may be read by itself, independently of the others. Since, however, the issues treated closely interact with one another, the studies pay particular attention to such interactions.

The Series is produced by a team led by Karl P. Sauvant and Pedro Roffe. The principal officer responsible for its production is Anna Joubin-Bret, who oversees the development of the papers at various stages. The members of the team include Christoph Spennemann and Jörg Weber. The Series' principal advisers are Arghyrios A. Fatouros, Sanjaya Lall, Peter T. Muchlinski and Patrick Robinson. The present paper is based on a manuscript prepared by Peter Muchlinski. Reprinted in the Appendix is the "Outcome" of an UNCTAD Expert Meeting on International Arrangements for Transfer of Technology held in Geneva from 27 to 29 June 2001. The annex table on technology transfer provisions in multilateral environment agreements was provided by Charles Arden-Clarke. The final version reflects comments received from Umit D. Efendioglu, Assad Omer and Pedro Roffe. The paper was desktop-published by Teresita Sabico.



Geneva, October 2001

Secretary-General of UNCTAD

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UNCTAD has carried out a number of activities related to the work programme in co-operation with other intergovernmental organizations, including the Secretariat of the Andean Community, l'Agence pour la Francophonie, the Inter-Arab Investment Guarantee Corporation, the League of Arab States, the Organization of American States, la Secretaría de Integración Económica Centroamericana and the World Trade Organization. UNCTAD has also cooperated with non-governmental organizations, including the German Foundation for International Development, the Centro de Estudios Interdisciplinarios de Derecho Industrial y Económico Universidad de Buenos Aires, the Consumer Unity and Trust Society - India, the Economic Research Forum - Cairo, the European Roundtable of Industrialists, the Friedrich Ebert Foundation, the International Confederation of Free Trade Unions, Oxfam, SOMO - Centre for Research on Multinational Corporations, the Third World Network, la Universidad del Pacífico, the University of the West Indies, and World Wildlife Fund International.

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Table of contents

	Page
Preface	iv
Acknowledgments	v
Executive summary	1
INTRODUCTION	5
I. EXPLANATION OF THE ISSUE	11
A. The role of TNCs in the generation, transfer and diffusion of technology	11
1. Technology generation	11
2. Technology transfer	12
3. Technology diffusion	15
B. Main policy issues	16
1. Treatment of proprietary knowledge	18
2. Encouraging technology transfer	20
3. Competition-related questions	22
4. Technology-related host-country measures	23
II. STOCKTAKING AND ANALYSIS	27
A. Treatment of proprietary knowledge	27
1. The relationship between IPR protection and FDI flows	27
2. Enforcement of IPRs	33
3. Exhaustion of IPRs and parallel imports	34
4. Compulsory licensing	38
B. Encouraging transfer of technology	44
1. The “regulatory” approach	47
2. The market-based development approach	63

	Page
3. The intra-regional technology development approach	68
C. Competition-related provisions	70
D. Technology-related host-country measures	79
III. INTERACTION WITH OTHER ISSUES AND CONCEPTS	85
CONCLUSION: ECONOMIC AND DEVELOPMENT IMPLICATIONS AND POLICY OPTIONS	89
A. The market for technology and its development implications	89
B. Policy options	94
Option 1: No coverage of technology issues	95
Option 2: Limited coverage of technology issues: control over technology-related performance requirements	96
Option 3: Limited coverage of technology issues: permissible technology transfer requirements	96
Option 4: Wide “regulated” coverage of technology issues	97
Option 5: Wide “market-based” coverage of technology issues	98
Option 6: A “hybrid” approach	101
Option 7: The regional industrial policy approach	102
Appendix: International Arrangements for Transfer of Technology: Outcome of the Expert Meeting	103
Annex table 1. Technology transfer obligations under certain multilateral environment agreements (MEAs)	108

	Page
References	113
Selected UNCTAD publications on transnational corporations and foreign direct investment	121
Questionnaire	135

Boxes

II.1.	Main IPR principles in major international conventions	28
II.2.	IPR protection in the TRIPS Agreement	31
II.3.	Andean Community Decision 486 (2000): Chapter VII on the Regime of Compulsory Licensing	40
II.4.	Draft International Code of Conduct on the Transfer of Technology, chapters 2 and 3	52
II.5.	Draft International Code of Conduct on the Transfer of Technology, chapter 6	59
II.6.	Draft International Code of Conduct on the Transfer of Technology, chapter 4	71
II.7.	Agreement on Trade-related Aspects of Intellectual Property Rights, article 40	77
II.8.	Technology transfer provisions in BITs	80

Figure

I.1.	Determinants of the mode of technology transfer	14
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Table

预览已结束，完整报告链接和二维码如下：

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