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National IP Strategy for Promotion of Innovation and Technology Transfer in Viet Nam

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Outline

- Overview
- Technology Transfer Legal Frame
- IP Legal Frame
- Implementation Programs
- Some figures and challenges

Overview

- Viet Nam is one of the fastest-growing economies in Asia, with average annual GDP growth of 7.5% over the last decade and around 6.5% in recent years;
- The structure of the economy has changed rapidly in the last ten years, with a steady increase in the share of industry and services in the GDP, and a steady decrease in the share of agriculture;
- Greater diversification in industrial production and services is laying the foundations for sustained output and employment growth;
- The country's low labor costs and young population has made it become a manufacturing hub in the Asia

Technology Transfer Legal Frame

- Technology transfer is integrated in the revised **Civil Code 2005** (Part 6, chapter 36);
- **Law on Technology Transfer** was passed in 2006 and took effect in July 2007: the Government has realized the crucial role of technology transfer in the process of industrialization and modernization of the country;
- **Technology transfer** was then considered as a priority by the Government to leverage the quality of production capacity and competitiveness;
- Together with the increase in number of patents, trademarks and other IP objects, the Government has provided a legal basis for trading those objects, in the framework of technology transfer.

Technology Transfer Legal Frame

Technology Objects which are eligible for transfer:

- Technical know-how;
- Technical information about technology is eligible for transfer in the form of technological plans, technological processes, technical solutions, formulate, technical specifications, drawings, technical maps, computer programs and information files;
- Solutions for production optimization and for renovation of technology;
- Technology objects which are attached or unattached to industrial property can be transferred;

Technology Transfer Legal Frame

How to monitor a technology transfer:

- **Confidentiality:** during the whole negotiation process, and maintain the confidentiality during the contract implementation;
- **Adapt the local needs and possibilities:** attention should be given to local socioeconomic and technical conditions, to participation of the local people in order to secure the sustainable development;
- **Transfer right to use the technology** (exclusive or non-exclusive, transfer or production, improve, distribute and sell products created by technologies,...);
- **Transfer of ownership** of technology together with IP rights.

IP Legal Frame

Vietnam's first IP Law was passed in November 2005 and revised in 2009 which states its IP policies including:

- To encourage and promote activities of creation and utilization of IP assets in order to contribute to the socio-economic development and the improvement of the people's material and spiritual life.
- To provide financial supports for the receipt and exploitation of assigned IP rights for public interests;
- To encourage organizations and individuals to provide financial aids for creative activities and the protection of IP rights.
- To prioritize investment in training and fostering the contingent of cadres, public servants and other relevant subjects engaged in the protection of IP rights and the research into and application of sciences and techniques to the protection of IP rights.

Organization structure for IP right and technology transfer

- Technology management: Ministry of Science and Technology (MOST) is the primary Government body responsible for administration of Vietnam's science and technology, including technology transfer and IP regimes;
- National Office of Intellectual Property (NOIP) is a state management agency on industrial property, including promotion of technology transfer by using IP tools.

Implementation Programs

Decision No. 78/2008/QĐ-BGDĐT of Minister of Education and Training on management IPRs in Universities and Educational institutions, including:

- Establishment of specialized body on management of IP;
- Establishment of procedures for IP identification and commercialization.
- Establishment of ownership of generated IP.
- Establishment of allocation percent between inventors, university and others.

Results:

- Most universities issues Regulations on management of IPRs within universities;
- Not all universities established management bodies on IPRs;

Implementation Programs

- NOIP signed agreements with universities in development and management of IP; teaching IP at universities;
- NOIP in cooperation with the National Programme on Supporting the Development of IP Assets: supported universities by:
 - Providing patent information searching;
 - Facilitating the registration of IP assets;
 - Commercialization of IP assets;
 - Training human resources;
 - Other technical assistance.

Some Figures

- Over last 5 years:
 - 37 patents were granted;
 - 30 applications on substantive examination process;
 - Hanoi Technology University owned most of those numbers (25 patents, 20 pending applications) and established the first TLO;

Challenges faced

Challenges faced by Vietnamese universities in technology transfer:

- Lacking understanding of IP
- Lacking experience in registering IP
- No experience in patent drafting;
- No experience in commercialization of IP;
- Lacking of qualified human resources on IP;
- Need more initiatives and supports from the Government and NOIP (Guidelines for IP Valuation, Information Sharing, and Commercialization)

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Thank you for your attention!

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