



International Bar Association
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Legal Practice Division (LPD)

Dear members,

Bonjour!

Paris was where I started the month, moderating at the successful IBA Technology Law Committee-supported World Life Sciences Conference from the 2nd to 4th June 2022. Next, we hope to see you in full force from the 30th October to 4th November for the **IBA Annual Conference Miami**, for which we are putting together some interesting programming.

Prior to the Annual Conference, the IBA Technology Law Committee Officers will meet for a retreat, from the 28th to 30th October 2022 in Merida, Mexico. On the cards is a visit to the world-famous Chechen Itza and a lake full of flamingos! Would you like to join us? This year we are opening the retreat to a few members who may be interested in taking on a leadership role with the Committee in the years ahead. So, do write to us at sajai@jsalaw.com and we will arrange to accommodate as many as possible.

Back to the Paris conference and the topic I moderated – Public-to-Private Sector Technology Transfer. Technology transfer in the biopharma sector enables knowledge to be transferred, allowing development of a product or process. While we all understood that this does not ensure ‘quick results’, the ensuing discussion enlightened us in several ways. I share some of these noteworthy thoughts.

Technology transfer plays a major role in thwarting the barriers to new biopharma product development. Promising inventions frequently remain dormant due to the lack of vital resources such as business expertise and know-how, barring inventors from the assistance they need for the flowering of their ideas. Biopharma development is peculiar in that it generally follows a standardised process of distinct stages: initially, discovery, followed by pre-clinical research, three clinical trial phases, and the final approval stage. This development advances only with iteration, and iteration needs time, effort, and substantial funds. Scaling up of the process, however, is hindered by many uncertainties and high risk.

While big pharma companies commercialise products in the market, innovation is dependent on the strength of individual stakeholders - corporates, universities, government research institutions, consumers, and the market; and their efficient interplay, one with the other. For a stakeholder partnership to be effective, there needs to be equitable distribution of costs and return of investments, information, and knowledge sharing.

The concept of 'technology transfer' is understood in the context in which it is applied – scientific literature or, say, everyday life. Different technology transfer mechanisms were identified, including:

- Licensing being the easiest model where each party focuses on what they know best – research or commercial exploitation;
- Spin-offs for more radical technologies in the early stage of development and drawing on in-depth tacit knowledge;
- Service agreements/Cooperative R&D agreements/Operational & Control agreements;
- Meetings /Publications; and
- Lease agreements /BOT models/DBFO models.

The key to the success of any technology transfer is constant and productive feedback from all the stakeholders.

As is obvious, technology transfer is driven by government policies and the role of each stakeholder in building a culture of cooperation. Flexible policies and regulations; competitive businesses; and high-grade research activities are other suggestions that emerged during our discussions. With the world facing the backlash of Covid, and the time pressure to get drugs to the market, an urgent need is for bilateral agreements between public and private sectors and academia, given that such agreements ensure effective technology transfer to heal a society coming to grips with the pandemic's havoc.

Finally, if any of you are planning to attend the **IBA Annual Conference in Miami** this year and would like to be considered for a speaking / moderating engagement, do send in a note on your area of expertise and a brief profile. We will do our best to include you as participants in our panels.

Meilleures salutations,

Sajai Singh

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