



VIII Triple Helix International Conference on University, Industry and Government Linkages

BOOK OF ABSTRACTS

Authors (Organizers):

Amaral, Marcelo

Sender, Ilana

Cendoya, Manuel

Zaballa, Rafael

www.triplehelix8.org

Technology Transfer in a Public Brazilian University

Flávia Vicentin, Leonardo Garnica, Daniel Dias, Oswaldo Massambani, *USP Innovation Agency, Rib. Preto, Brazil*

Brazil is responsible for 2,63% of the world scientific knowledge, however in spite of the Brazilian scientific production to be growing and of quality, the knowledge transformation in applied technology to the industrial sectors is very low (MCT 2009). One of those indicators can be seen by the patent applications in the USA. In 2008, Brazil deposited 499 patent applications in USPTO, superior Number to Latin American countries like Argentina (139), Chile (63) and Mexico (269), but inferior China (5.148), India (2.869) and a little below Russia (531). (USPTO 2009)

Besides the fact presented above, it is verified that in Brazil the universities and research institutes have been increasing their participation in the total number of patent applications in the country (Nunes & Goulart 2007), could come to enlarge their role as collaborator in the development of new technologies and incremental innovations, presented like this great importance for the productive section in the search of innovations. Among the several forms of technology transfer resulting of the academic research, it can highlight the licensing of patent / patent applications and the creation of new companies – start-ups.

In Brazil, the practice of the formal technology transfer between universities and Brazilian companies is recent. This relationship intensified with the creation of legal instruments, as the Law n.º 10.973/04, denominated Innovation Law, that has an objective promotes the innovation through the technology transfer between Technological/Scientific Institutions and Companies. This legal instrument forced Technological/Scientific Institutions to create their nucleus of technological innovation (NIT) to manage their innovation politics.

Besides this Law, it's important to mention the occurrence of other instruments as the Law n.º 11.196/05, denominated Good Law, that motivates the masters and doctors recruiting, as well as it grants fiscal incentives for the companies that accomplish cooperation with technological/Scientific institutions and new financing lines to the technological research made available by the Research Foundations Support.

In this context, it is emphasized the University of São Paulo (USP), that now is the largest Brazilian university with close by 5.638 professor and 87.182 students, responsible for approximately 35% of the Brazilian scientific production indexed in Institute Scientific Information (ISI) in 2006. (USP 2009). In order to manage her innovation politics, it was created the Innovation USP Agency in 2005, linked to the Rectory of the University of São Paulo that is promoting processes of improvement of the protection and technology transfer of the results from the researches reached by the university.

This way, it becomes relevant to verify the process of technology transfer realized by the Technological/Scientific Institutions and the reached results. Thus, the objective of the present article is to analyze the difficulties and results of four licensing processes (two are exclusive license agreements and two are non exclusive) realized by the University of São Paulo.

So, it was delineated a study of descriptive character and qualitative approach, using as research strategy the case study. For data collection, it was realized some interviews and participant observation.

It was observed that in the case of non exclusive license of patent applications, the process is less bureaucratic and it allows the direct negotiation with the company, minimizing possible conflicts and take less time. It is verified that this model is indicated by the literature (Nelson, 2004), as well as being more appropriate in many cases for treating of knowledge originated in public institutions, with different degrees of maturity and that it should be diffused broadly in the society, observing possible opportunities of developing relationships for the technological progress.

In the cases of the exclusive license agreements, the direct negotiation isn't possible, because in the understanding of the legal department of some Brazilian public universities, there is the need to notice the technology for subsequent reception of offers of the potentials interested companies. That interpretation consequently turns the most bureaucratic and slow process.

Another sensitive aspect due to the negotiation absence in the exclusive license contracts is a limited adaptation to the benefits to the both parts. Of the procedural perspective, there are a need of making the contract analysis fast by the internal legal department and internalize the licensing process.

Besides, it was possible to observe the profile of the companies that licensed the technologies and it was observed that three are start-up and technological base companies and one is a medium company of chemical industry. These cases illustrate the impact that an innovation can have for the growth and technological improvement of these companies, exemplifying the paper of the enterprising university, in that the university is capable to cooperate with companies and other institutions of the society realizing the paper of generating qualified human resources and also the research and extension function through partnerships to promote economical development, as ETZKOWITZ (2004) highlights.

Through this analysis it was possible to verify the weak and strong points of each license agreement and, in this way, help the improvement of the technology transfer process realized by USP through her Innovation Agency. It can be useful for other research institutions that have similar paper and actions.