

## REPUBLIC ACT NO. 10055

### Philippine Technology Transfer Act of 2009

AN ACT PROVIDING THE FRAMEWORK AND SUPPORT SYSTEM FOR THE OWNERSHIP, MANAGEMENT, USE, AND COMMERCIALIZATION OF INTELLECTUAL PROPERTY GENERATED FROM RESEARCH AND DEVELOPMENT FUNDED BY GOVERNMENT AND FOR OTHER PURPOSES



## CONTACT US



Department of Science and Technology  
Technology Application and Promotion Institute

-  TAPI Bldg., DOST Compound, Gen. Santos Ave. Bicutan, Taguig City
-  (02) 8-837-2071 to 82 locals 2158/2165
-  /DOST.TAPI
-  dost.techtransferday@gmail.com



# GUIDELINES ON THE ISSUANCE OF FAIRNESS OPINION REPORT AND WRITTEN RECOMMENDATION

DOST Memorandum Circular No. 002, Series of 2019



The **Fairness Opinion Report (FOR)** contains a statement expressing the opinion of the Fairness Opinion Board (FOB) as to the fairness to the GFA/RDI of the proposed technology transfer transaction, particularly its financial terms.

### Contents of FOR:

- Review and analysis of the proposed transaction
- FOB opinion as to the fairness to the GFA or RDI of the proposed transaction
- Recommendations on the proposed transaction
- Citations, references, and all supporting documents
- Certification and verification signed by all FOB members



The **Written Recommendation** is a recommendation on the proposed transaction issued by the DOST Secretary.

### Contents of Written Recommendation:

- Covers areas such as the technical, legal, socio-economic and environmental aspects of the proposed transaction
- Includes areas that may not be covered by the FOB
- The DOST Secretary, at his/her discretion, may use the FOR as basis for the Written Recommendation



### When is an FOR mandatory?

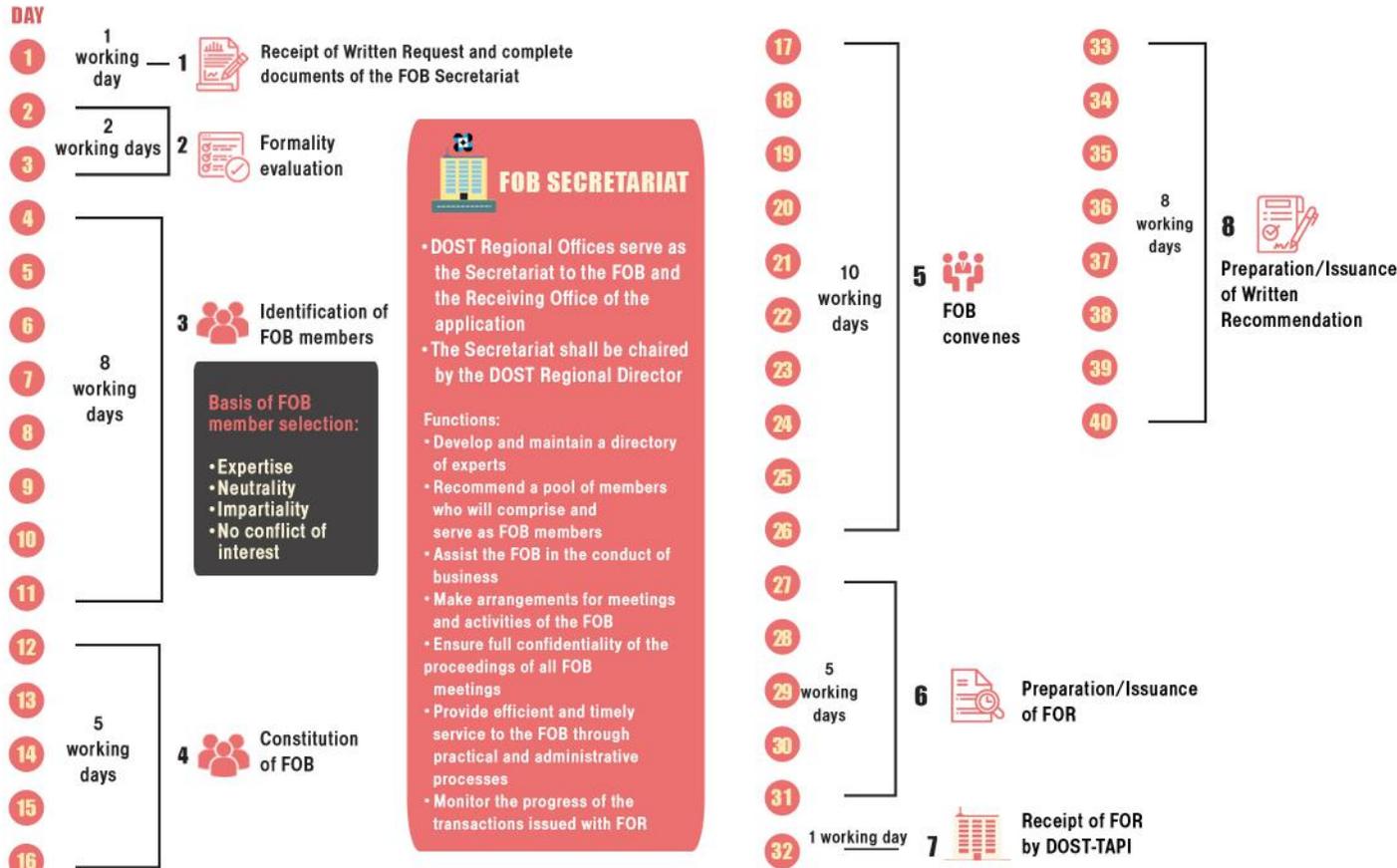
- Direct negotiation by the GFA
- Direct negotiation by the public RDI
- Creation of Spin-off firm or company



### When is an FOR not mandatory?

- Government extension programs
- Training services
- Public good
- Manufacturing for pre-commercialization activities
- Other modes of commercialization (public bidding)

## Process of Issuance of FOR and Written Recommendation



### FAIRNESS OPINION BOARD (FOB)

The Fairness Opinion Board (FOB) is composed of experts from the public and private sectors tasked to review and evaluate the proposed transactions between the Transferor and Transferee.

### Constitution of FOB:

- Composed of three (3) members from the public and private sector
- At least one (1) coming from the private sector
- Constituted by the DOST Secretary through a Special Order

### Functions:

- Review the Written Request and all supporting documents
- Render opinion as to the fairness to the GFA or RDI of the proposed transaction
- May request ocular inspection and/or presence of representatives of the GFA and/or RDI as resource persons
- Complete and submit the FOR to the requesting Party, copy furnished the DOST Secretary
- Keep all information of the requesting parties confidential as provided by and subject to applicable laws