

What measures do US competition authorities refer to in technology transfer mandates

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As a companion to [Briefing Note 2024:2](#), “Examples of US competition cases that mandate transfer of technology and know-how,” the following is a non-exhaustive list of examples of things companies are required to share in various U.S. competition cases where technology transfer is mandated.

1. Adjacent products including fire resistant hydraulic fluids.
2. Aggregate reserve testing information
3. All manuals and technical information provided to its own employees
4. All production know-how for Labatt brand beer, including recipes, packaging and marketing and distribution know-how and documentation.
5. All research data concerning historic and current research and development efforts, including, but not limited to, designs of experiments, and the results of successful and unsuccessful designs and experiments
6. All research data concerning historic and current research and development efforts, including but not limited to designs of experiments and the results of successful and unsuccessful designs and experiments;
7. All software programs
8. Authorizations issued by any governmental organization
9. Blueprints,
10. Cell libraries
11. Certifications
12. Chemical formulations that Champion's current customers use and trust, and the know-how needed to apply these formulations effectively to current and future projects.
13. Ciba will have the opportunity to hire one or more Sun Chemical employees who have key responsibilities in connection with the company's perylene business. These former Sun Chemical employees will help Ciba not only to understand Sun Chemical's perylene manufacturing, research, and development process, but also to identify any missing or incomplete assets in the divestiture.
14. Commission has appointed William E. Hall as a Monitor Trustee to ensure Baxter's and Wyeth's compliance with all of the requirements of the Order. Mr. Hall has over 30 years of experience in the pharmaceutical industry and is well-respected in the industry. In order to ensure that the Commission remains informed about the status of the proposed divestitures and the transfers of assets, the Consent Agreement requires Baxter and

Wyeth to file reports with the Commission periodically until the divestitures are accomplished.

15. Commission may appoint an interim monitor to supervise the transfer of assets and assure that Sun Chemical provides adequate technical assistance to Ciba.
16. Computer software, including software developed by third parties
17. Conditional use of specific names required under certain contracts
18. Contracts or portions of contracts
19. Customer contracts
20. Customer relationships, agreements and contracts
21. Customers, suppliers, agents, or licensees;
22. Customization and design of new algorithms
23. Data and records relating to historic and current research and development efforts, including but not limited to designs of experiments and the results of successful and unsuccessful experiments
24. Design protocols,
25. Designs,
26. Designs of experiments, and the results of successful and unsuccessful designs and experiments
27. Design tools and simulation capability
28. Dispatch software and management information systems
29. Documentation relating to software development and changes
30. Drawings
31. Extracted data relating to specific locations
32. Houghton's formulations, trade secrets and intellectual property, including know-how for sheet cold rolling oils, TPRO, and pickle oil;
33. Instructions manuals
34. Intellectual property rights, including but not limited to patents, licenses and sublicenses, copyrights, trademarks, trade names, service marks, service names, technical information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, and specifications for parts and devices
35. Key Houghton employees that are responsible for the commercial and technical aspects of the AHRO business;
36. Know-how
37. Know-how for recipes, packaging and marketing, and distribution
38. License certain additional know-how that relates, but does not exclusively relate, to propofol to the propofol acquirer.
39. Licenses
40. Manuals and technical information Defendants provide to their own employees, customers, suppliers, agents or licensees
41. Manufacturing techniques
42. Non-exclusive, perpetual, worldwide, non-transferrable, royalty-free license to patents, copyrights, know-how, and other intellectual property (including but not limited to product designs, drawings, manufacturing techniques, specifications, product bills of materials,

- and supply chain information) owned . . . prior to the filing of the Complaint . . . used in the design, development, manufacture, marketing, servicing, and/or sale of [products]
43. Non-exclusive license to the formulas, recipes and related trade secrets, know-how, confidential business information and related data
 44. Novartis is also required to provide technology transfer assistance to enable Amide to obtain all necessary FDA approvals to manufacture and sell desipramine hydrochloride, rifampin, and orphenadrine citrate for itself.
 45. Permits issued by government agencies
 46. Perpetual license to the intellectual property, product formulas, technology, and know-how for TruMoo because consumers value the taste of the TruMoo milk and the divestiture buyers will benefit from the ability to perpetually offer chocolate milk with the same taste
 47. Product bills of materials
 48. Product designs
 49. Provide technical advice, assistance and training to enable the licensee to continue the Cyanamid rotavirus research as an ongoing project.
 50. Quality assurance and control procedures
 51. Reasonable consultation with knowledgeable employees and training for a period of time sufficient to satisfy the acquirer's management that its personnel are appropriately trained . . . respondents shall not be required to continue providing such assistance for more than one (1) year from the date of divestiture. Respondents shall charge the acquirer its own direct costs for providing such assistance.
 52. Records relating to designs or simulations, safety procedures for the handling of materials and substances, and quality assurance and control procedures;
 53. Removal of trade secret restrictions on current and former employees
 54. Repair and performance records
 55. Research data relating to specific business
 56. Rights in research and development
 57. Safety procedures for the handling of materials and substances
 58. Specifications
 59. Specifications for materials,
 60. Specifications for parts and devices,
 61. Supply agreements
 62. Supply chain information
 63. Teaming arrangements
 64. Technical information
 65. The bank of knowledge and rights (e.g., manufacturing know-how, contractual rights, and the like) needed to create an independent producer equivalent to current operations.
 66. Trade secrets
 67. Transition agreements for the short term provision of services, including an agreement for the supply of the raw materials for the production of Marbles
 68. Unpatented inventions