

Session: *Taxation of Intangibles*

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Session Description: Value shift in the global economy, Implications to tax system, OECD response.

Outline of Presentation

- 1. Introduction**
- 2. Definitions of Intangibles**
 - a. Prescriptive definitions
 - b. Residual definitions
- 3. Intangibles and Value Creation**
 - a. Development of Intangibles
 - b. Cost of Intangibles
 - c. Monetization of Intangibles
- 4. Mobility & Substitutability**
- 5. Canadian Taxation of Income from Intangibles**
 - a. Inbound
 - i. Gross Basis
 - ii. Net Basis
 - b. Outbound
 - c. Domestic
- 6. Special Tax Regimes in Other Countries**
 - a. Incentive
 - i. Patent Boxes, etc.
 - ii. R&D Credits
 - iii. Implicit regimes
 - b. Defensive
 - i. US – GILTI and FDII Regimes
 - ii. UK – DPT
 - iii. Australia – DPT
 - iv. EU – E-Commerce Regime
 - v. India – Equalization Levy
 - vi. China – Value-creation, location specific advantages
 - vii. Virtual PEs
- 7. OECD**
 - a. TP Guidelines
 - i. Separate Entity Principle
 - ii. Arm's Length Principle
 - b. Harmful Tax Practices – Modified Nexus
 - c. Hybrids
 - d. Withholding Taxes
 - e. CFC Rules
- 8. Formulary Apportionment**
- 9. Conclusions**