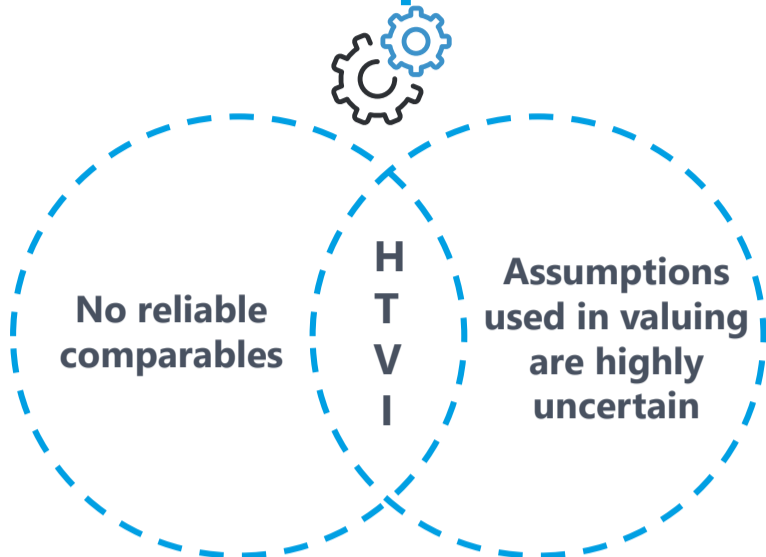


# Hard-to-Value Intangibles Action 8 BEPS - OECD

## Scope



## Audit cycle

Early stage of development



Transfer  
*ex ante* value



*Ex post* outcomes:  
presumptive evidence  
of *ex ante* value



## Comparability

- ✓ Exclusivity
- ✓ Extent of legal protection
- ✓ Geographic scope
- ✓ Useful life
- ✓ Stage of development
- ✓ Rights to enhancements & updates
- ✓ Expectation of future benefit

## Exemptions

#1

- i. *Ex ante* projections used at the time of the transfer
- ii. Reliable evidence that any significant difference is due to unforeseeable developments or the playing out of probability of occurrence of foreseeable outcomes

#2

Transfer of HTVI covered by a bilateral or multilateral Advance Pricing Agreement

#3

Any significant difference does not have the effect of reducing or increasing the compensation by more than 20%

#4

Commercialisation period of 5 years has passed following the year in which the HTVI first generated unrelated party revenues & any significant difference <20% of the projections

