



Intellectual Property Rights in FP7

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Intellectual Property (IP)

Intellectual property (IP) is a term referring to a number of distinct types of creations of the mind for which a set of exclusive rights are recognized—and the corresponding fields of law. Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common types of intellectual property rights include copyrights, trademarks, patents, industrial design rights and trade secrets in some jurisdictions.

Intellectual Property (IP)

- Remember, IP might be worth much more than material assets of a company (start-ups)
- IPR gives, limited in space and time, exclusivity on your IP
- Commercial exploitation of project results very often depend on formal protection of IP to make worth the risk of investing in it
- Therefore IPR must be clarified already at the proposal submission stage stage

Basic Definitions

Background

- which is held by participants prior to their accession to the grant agreement (no side ground)
- which is needed for carrying out the project or for using its results
- which may be defined by the participants

Foreground

means the 'results' of the project

IP management

IP can not be managed in contradiction to the GA

Formal IP protection

GA, Annex II says: **Foreground** capable of industrial or commercial application shall be **protected** by its **owner**

- Protection costs are eligible for funding (other costs)
- About € 6000,- for an initial patent filing

IP ownership

When more than one party jointly generated the Foreground:

- These parties shall mutually agree on the procedures in a written Joint Ownership Agreement
- If there is no agreement, there is a default regime
- Where intention to transfer ownership of foreground to third party established in third country not associated to the FP7 = **Commission may object to transfers or exclusive licenses** (for ethical, competitiveness or security reasons).

Mandatory Access Rights

	Access rights to background	Access rights to foreground	Timing (to request access rights)
For implementing the project	Yes, if needed to carry out work under the project		Until the end of the project
	Royalty-free, unless otherwise agreed before the accession to the GA	Royalty free	
For use purpose (exploitation and further research)	Yes, if a participant needs them for using its own foreground		Until 1 year (unless otherwise agreed) after the end of the project or the termination of the participant concerned
	Either royalty-free, or on fair and reasonable conditions to be agreed		

IP Management- some hints

- Show that you understand the importance of IP
 - Mention if you have experience in IP protection
- IPR shall be handled in the **mutual interest of all parties**; details will be laid down in writing in the CA (which will be based on the Desca)
- All parties shall give **access** to the consortium to their relevant **Background** if needed
 - Background to be explicitly defined if possible already in the proposal
 - free for project implementation, fair and reasonable conditions for exploitation to be negotiated in good faith
- Encourage **creation and protection of IP**
 - Coordinated and supervised by the relevant consortium body in regular meetings (schedule?)
- **Access rights to Foreground** shall be granted to allow a maximum impact on **commercialisation** of Foreground
 - **Conditions** shall be negotiated in **good faith** between the concerned parties in **mutual agreement**
 - In case of joint ownership, these agreements shall make sure that **Academic partners** shall be compensated reasonably according to their contribution

IPR-HELPDESK

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Thank you for your attention !

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