


The TIPS project is supported by the European Commission through the Seventh Framework Programme for Research and Technological Development (Coordinator and Support Actions (CSA))

Intellectual property rights in FP7 projects The challenge of joint ownership

TRAINING ACADEMY
"Turning research results into exploitable products and services"
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IPR = intellectual property rights

- Rights to protect intellectual property

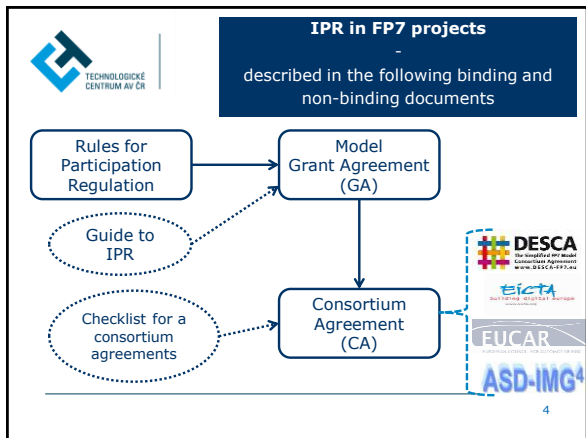
FP7 project lifecycle

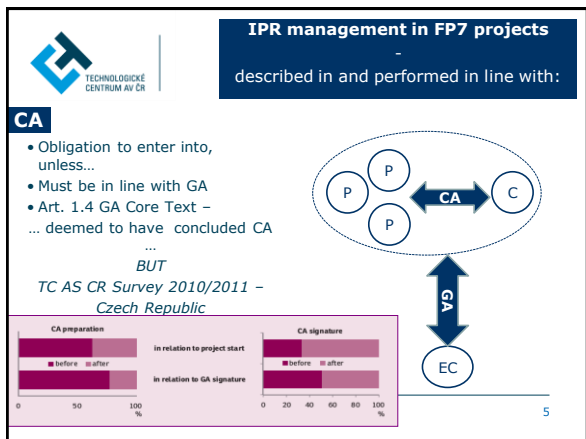
- Pre – project phase
 - Project proposal preparation & project negotiation
- Project phase
 - Project implementation
- Post – project phase
 - After the project end

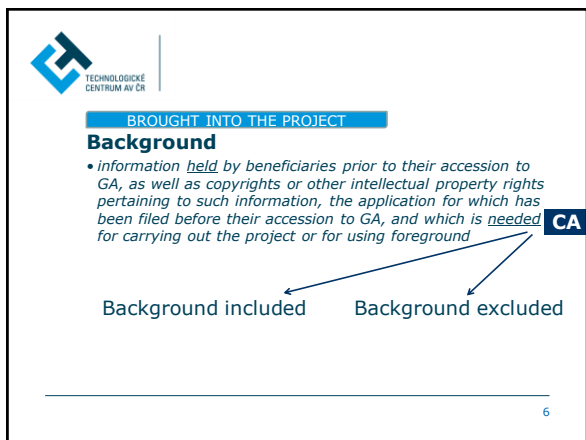
IPR in FP7 projects = dealing with "information and pertaining IPR" :


- BROUGHT INTO THE PROJECT
- CREATED IN THE PROJECT

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CREATED IN THE PROJECT

Foreground

- the results, including information, materials and knowledge, generated in a given project, whether or not they can be protected

CA

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Ownership

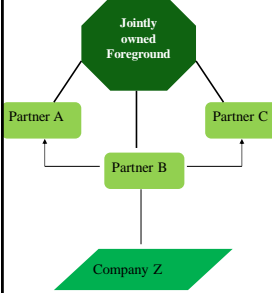
Background	Foreground
Remains the property of the partner bringing the Background into the project, unless...	Foreground, resulting from the project, is owned by the participant generating it
	Rights of third parties
	Joint Ownership

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Joint Ownership




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    graph TD
      A[Partner A] --> JO[Jointly owned Foreground]
      B[Partner B] --> JO
      C[Partner C] --> JO
      JO --> Z[Company Z]
  
```

Foreground
<ul style="list-style-type: none"> Joint Ownership Agreement CA GA default regime: <ul style="list-style-type: none"> Each of joint owners <ul style="list-style-type: none"> Can grant non-exclusive licence to 3rd parties Without right to sublicense Prior notice and fair and reasonable compensation NO authorisation needed

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Transfer of Ownership


Partner 2

2's mother company

Foreground

- Specifically identified third parties in CA
 - No notification/objections


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Access Rights


- Collaboration - knowledge sharing and exchange of Background and Foreground
 - = exercising Access Rights
- Rights acquired by licensing agreements and other user rights
- Participants **must grant access** to each other's Background and/or Foreground
 - CA -At least for following specific purposes**
 1. project implementation purposes
 2. use of Foreground purposes
 - And **under some financial and time conditions:**

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Access Rights

	Financial conditions		Time conditions
	Background	Foreground	
Project implementation purposes	Needs for carrying out own tasks Royalty – free unless otherwise agreed before GA conclusion CA	Royalty - free	Anytime till project end
Use purposes	Needs for use of own Foreground Royalty-free or on fair and reasonable conditions CA		Up to 1 year after project end/termination of a participant participation, unless ... CA



Access Rights

	Time conditions	
Project implementation purposes	Anytime till project end	During this time period Access Rights need to be preserved, i.e.: <ul style="list-style-type: none"> • granting of exclusive license • transfer of Foreground only under some circumstances. Non-exclusive license OK.
Use purposes	Up to 1 year after project end/termination of a participant participation, unless ...	

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Protection

Foreground

- Valuable Foreground should be protected
- Not mandatory in all cases, but...

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Use

Foreground


Participants should

- Use own Foreground (direct use), or
- Ensure it is used (indirect use)

Use means

- Use for developing, creating and marketing a product or process, or for creating and providing a service
- Direct/indirect Foreground utilization in further research activities other than those covered by the project

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Dissemination

Foreground

Participant should

- ensure that the foreground he/she owns is disseminated as swiftly as possible.

Any dissemination should be delayed until a decision about the possible protection of the foreground has been made.

Prior notice of any dissemination activity and possible objections

- dissemination may not take place until objections are resolved




THANK YOU FOR YOUR ATTENTION! QUESTIONS?

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