

TURKEY IN HORIZON 2020
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“Intellectual Property & Horizon 2020”

Collaborating with industry: IPR issues in H2020 Grant and Model Contract agreements

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Logos: Horizon 2020, Turkey in Horizon 2020, and a download icon.

Dealing with IP in Horizon 2020

- Proposal
- Grant Agreement
- Consortium Agreement

Logos: Turkey in Horizon 2020, DESCA, and a download icon.

Example: ‘Controlled license terms’



Terms in any license that require that the use, copying, modification and/ or distribution of software or another [copyright] work (“Work”) and/or of any [copyright] work that is a modified version of or is a derivative work of such Work (in each case “Derivative Work”) be subject, in who or part, to one or more of the following:

- (where the Work or derivative work is Software) that the Source Code be made available as a right to any third party on request, whether royalty free or not;
- That permission to create modified versions or derivative works of the Work or Derivative Work be granted to any third party;
- That a royalty-free license relating to the Work of Derivative Work be granted to any third party.


Logos: Turkey in Horizon 2020, Q&A, and a download icon.

Proposed approach to the day



1. What is understood by ‘IP’ and ‘IRR’?
2. Why is IP such a big issue in industry collaborations like Horizon 2020?
- 3. IP issues at the proposal stage**
- 4. IP in the grant agreement**
- 5. IP in the consortium agreement**
6. Your own specific H2020 IP issues







Session 1: Intellectual Property and Rights: H2020 relevant concepts and definitions.



‘Intellectual Property’



3 Main categories of intellectual property

Intellectual Property RIGHTS







A granted 'right' gives the legal holder (owner) a limited legal monopoly.
Limited by: time, territory and scope.

A person who is not the holder of the right, who carries out an act covered by the rights is an 'infringer'.

The rights holder can bring a legal action against and infringer to restore the monopoly.

Additionally, the rights holder can:





- **Transfer their rights** (sale or licensing);
- **Waive** their rights (intentionally or voluntarily relinquish a known right); and
- offer '**access rights**' to background IP and/ or foreground IP if they are
 - **needed** in a project or for
 - **exploitation of results.**

Patent Rights (5+1)

A granted patent for a product confers on its owner the following exclusive rights:

1. x
2. x
3. x
4. x
5. x







‘Transfer’ of rights by sale or licensing – some issues


- Exclusive vs. non exclusive rights
- ‘Option’
- Sub-licensing
- Royalties/ free?
- Territory
- Specified field of use
- Infringement issues
- Warrantee/ indemnity



What is ‘software’?



Software: Definition



Can software be patent protected?

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Copyright (copyleft and share alike)

Copyright: the right to copy a work (including software code).
Hard to enforced so traditionally managed through technology e.g. Releasing .exe files not source code.

Copyleft: is a general method for making a program (or other work) free, and requiring all modified and extended versions of the program to be free as well.

Share alike: copies or adaptations of the work to be released under the same or similar licence as the original.

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“Free software”

Freely available ✓ Available free! X

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Free Speech

Free Beer

Software and IPR: Want to know more?



Useful Resource:
• Fact-Sheet-IPR-Management-in-Software-Development.pdf

IP and IPR – the fundamentals