

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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Dealing with IP in Horizon 2020

- Proposal
- Grant Agreement
- Consortium Agreement

DESCA
Consortium Agreement



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.

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





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Teşekkür ederim!
Thank you!