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Technical Assistance for Turkey in Horizon 2020 Phase-II

EuropeAid/139098/IH/SER/TR

# Contract Negotiation and IPR Issues

*Coverage of the process involved in negotiating EC  
contracts and how IPR is handled*

Project Writing Camp for SMEs (PWC5)

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REPUBLIC OF TURKEY  
MINISTRY OF INDUSTRY  
AND TECHNOLOGY



COMPETITIVE  
SECTORS  
PROGRAMME



TÜBİTAK

# Success...

- What happens between the judging panel giving a project the 'Go' vote and the project actually starting up?
- How possible / probable is it for things to go wrong?
- The negotiation to break down?
- Or other unpleasant options...
- 'Plan for the Best - Prepare for the Worst'?



# Step nr. 1: Read the manual

- The Work Programme has lots of information – every time you read it you can find some new information
- Tried to represent all information in a graph – it turns out to not be a trivial exercise at all
- A recurring theme in the documentation is the issue of **credibility** and the ability to provide **evidence**

## Step 2: Back up the application with evidence

Risk level of the investment: Does the nature and level of risk of the

You must pay particular attention to IP protection, licencing and ownership, and you must present convincing evidence or measures to ensure the possibility of commercial uptake ('freedom to operate'). Moreover, you must address relevant regulatory and standardisation issues.

above mentioned milestones assessment show that you do not have the above mentioned deployment capacities, the grant may be terminated.

# On evidence...

- Better take a proactive approach and have a clear idea for both financial aspects and IPs
- Especially for the investment component the process will be more demanding:

In parallel, if your application included an investment component, the EIC Fund will start the negotiation process to structure the potential investment agreement (compliance checks,<sup>35</sup> due diligence, syndication of potential co-investors, tranches of investment and related objectives and milestones, etc.).

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<sup>35</sup> Such as KYC (Know Your Customer), AML/CTF (Anti-Money Laundering / Combating the Financing of Terrorism), Tax compliance, Sanctions, etc. More detailed information will be provided in the EIC Fund Investment Guidelines.

# An example from a Eurostars case...

- And here is the timing:
  - **Initial request:** September 9 at 09.09 AM
  - **Allocated deadline:** September 16 (end of business?)
  - **Response:** September 10 at 09.38 AM
  - **Confirmation:** September 10 at 10.41 AM

best regards,

# Step 3: Clear representation of all IP issues

- Biggest challenge: tackle the *complexity gap* of IPs
- Need to not only mention the backgrounds and foregrounds but also *state explicitly ownerships* as well as all IP governance rules
- May not be as easy at all but the more clear and accurately presented and documented the better
- (remember? '[...] must present convincing evidence or measures to ensure the possibility of commercial uptake ('freedom to operate'))
- One may see a lack of technology insight as the biggest deficit in managing IP complexity
- This could affect *severely* a proposal's Excellence score

# For follow-up questions contact me at:

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# Q&A

Time to ask your  
questions!

Teşekkür ederim!

Thank you!

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