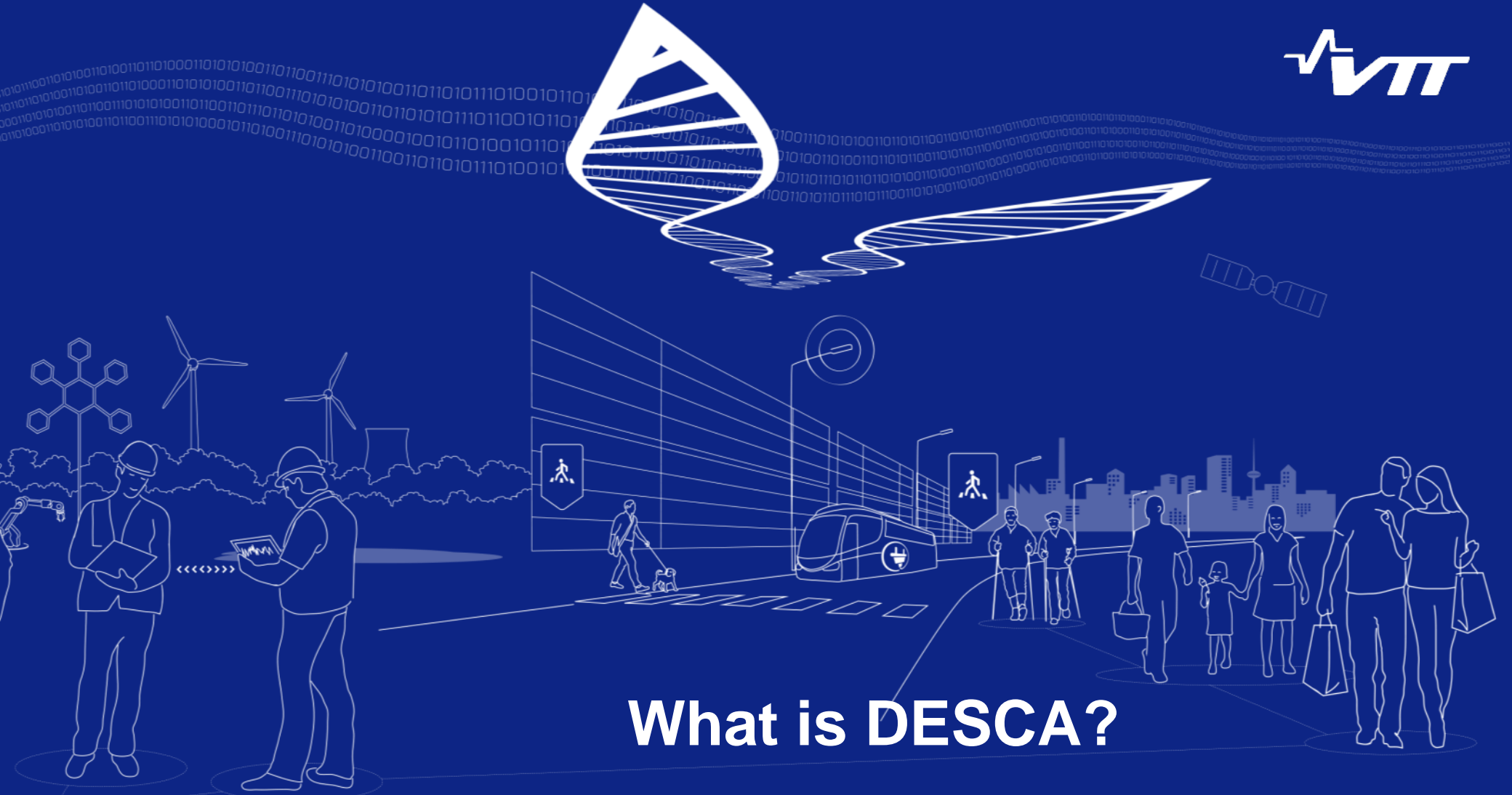


DESCA - why it was created, how does it handle IP aspects and the first practices

Applied research linked intellectual property aspects in Estonia and in Europe, 10.9.2015

Sanna Häikiö, Legal Counsel, VTT

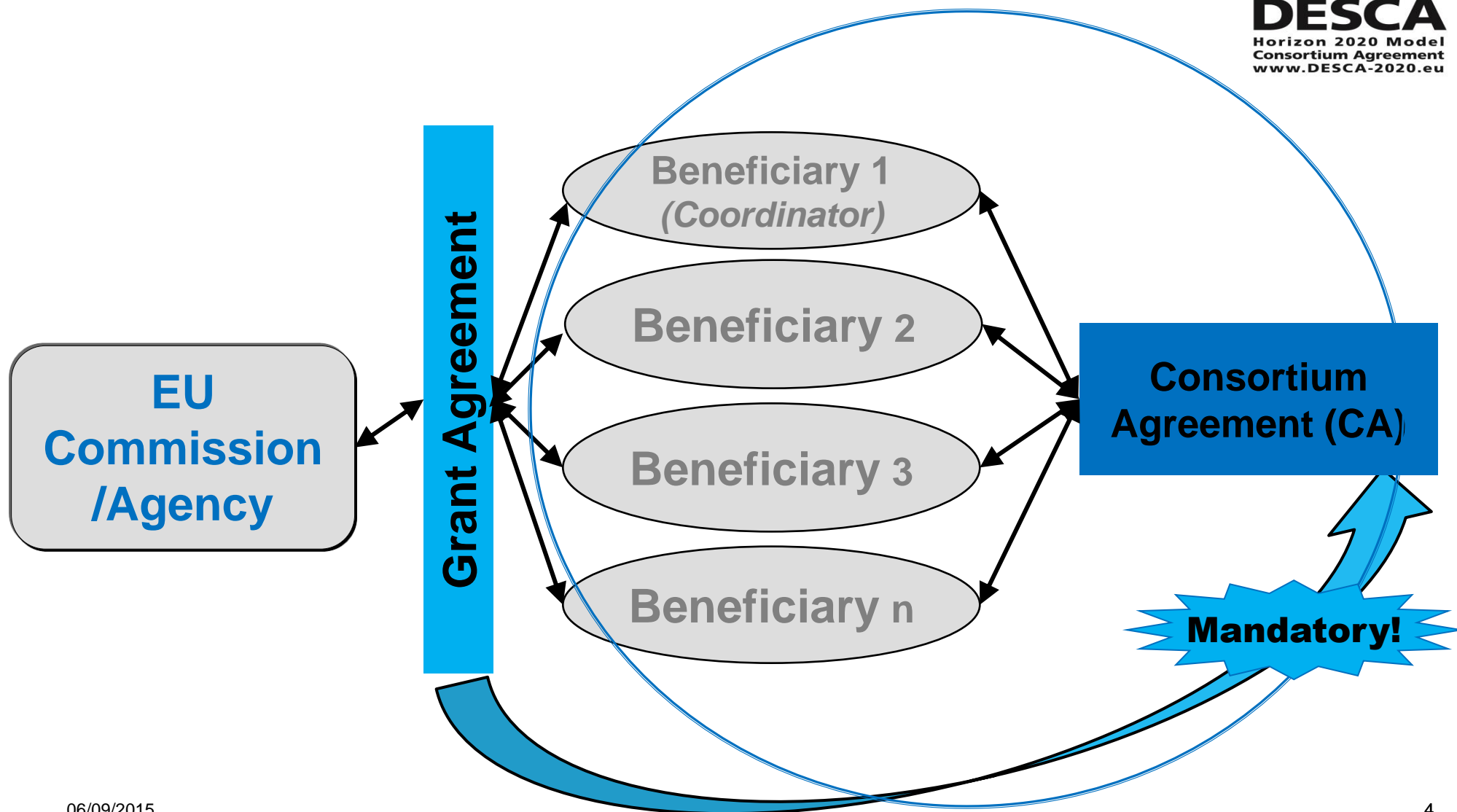


DESCA

Development of a Simplified Consortium Agreement

- Comprehensive MODEL CONSORTIUM AGREEMENT
- Template available for all

The Consortium Agreement



DESCA's Origins



FP 6: Many CA models:

- ANRT
- EARTO-UNITE
- EICTA
- EU-CAR
- French Research Organisations
- German CA-Team
- IMG4

DESCA – the Core Group

- Entirely self-financed by the organisations involved
- Independent initiative



Core Group: ANRT, EARTO, Eurochambres, LERU, VTT, KoWi, ZENIT,

Co-ordinators: Fraunhofer, Helmholtz Association



DESCA – the Consultation group

ca. 160 Experts from all over Europe & beyond (Israel, USA..)

The organisations endorsing DESCA and which have sent us their logo for the website:



DESCA
Horizon 2020 Model
Consortium Agreement
www.DESCA-2020.eu



DESCA is for projects governed by

Multi-beneficiary General Grant Agreement:

1. "Research and Innovation Actions" and
 2. "Innovation Actions"
- adaptations needed for other types of projects



DESCA 2020



- Simplified: Reduced to the necessary minimum, limit „legalese“
 - Balanced: Respects the interest of research and industry, big and small - www.responsible-partnering.org
 - Modular: Options where necessary
 - alternative modules for large and small projects
 - optional module for projects with a software focus
 - optional clauses in the IPR section
 - Transparent: Explanatory texts to illustrate and explain clauses and options, examples for different project types
- *Continuously adapted and further developed*

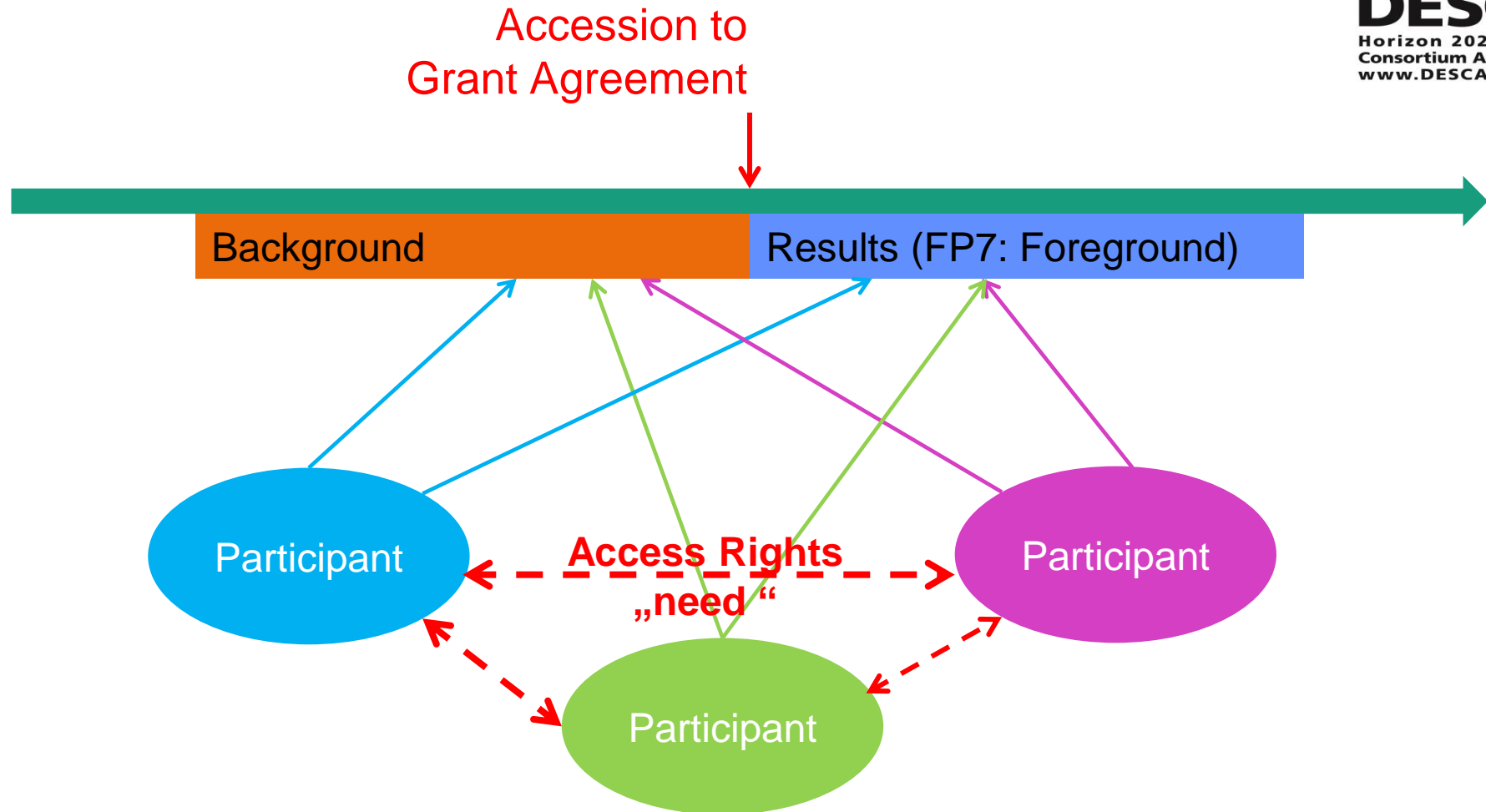


IP aspects in DESCA

Results and Background

- **Results** means tangible or intangible output of the action, whether it can be protected or not – that is generated in the action.
- Ownership of Results:
 - ✓ Usually the owner is the party who has generated the results, or
 - ✓ If jointly generated by several Party and it is not possible to separate the contributions = Joint ownership
- Essential to distinguish results from background:
- **Background** means any data, know-how or information that is held by the Party before entering into CA/GA.
- ^{06/09/2015} The ownership is not effected

H2020 basic IPR regime



Attachment 1

PARTY 1

As to [NAME OF THE PARTY], it is agreed between the parties that, to the best of their knowledge (*please choose*),

Option 1: The following background is hereby identified and agreed upon for the Project. Specific limitations and/or conditions, shall be as mentioned hereunder:

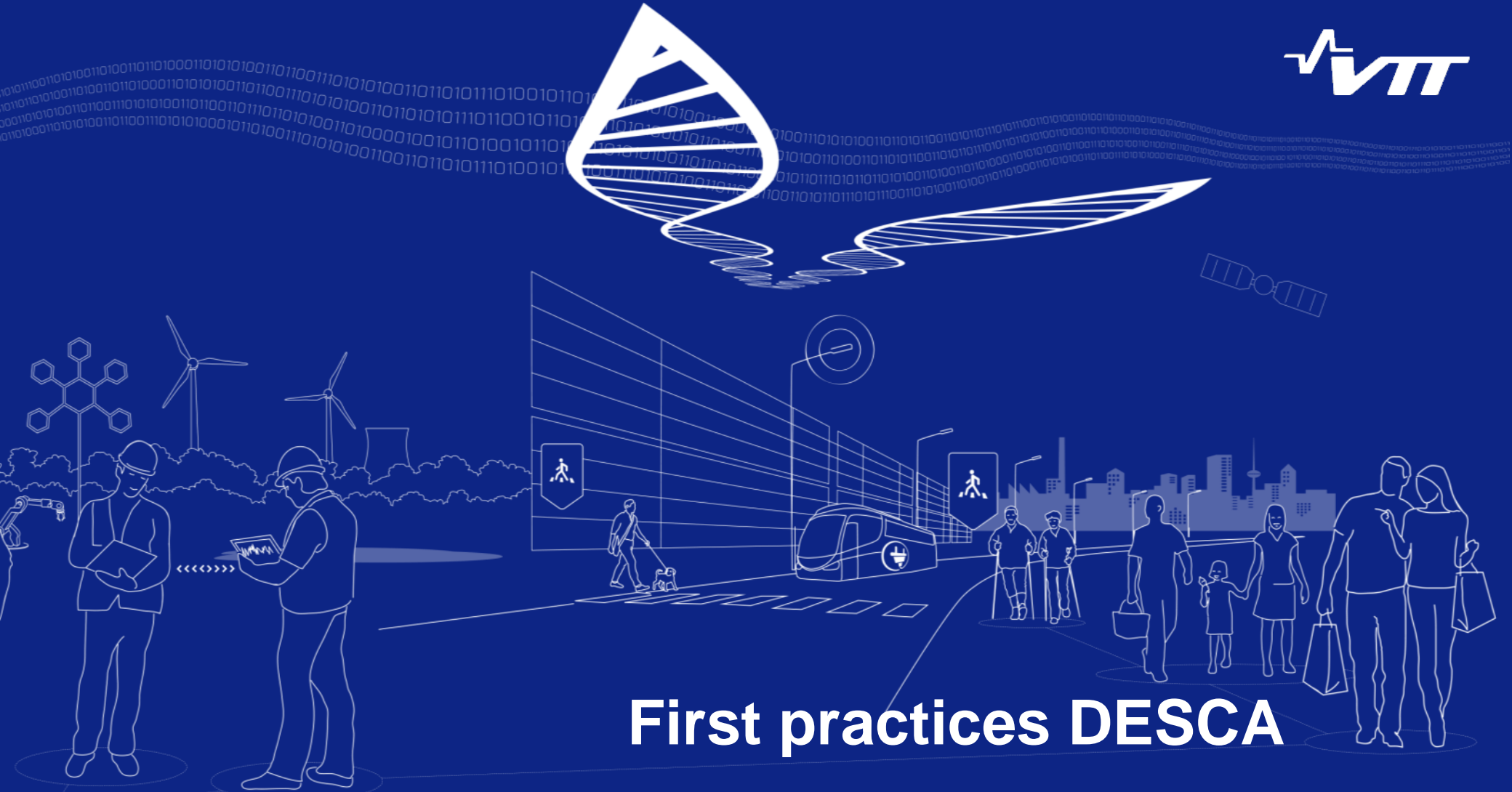
| Describe Background | Specific limitations and/or conditions for implementation (Article 25.2 Grant Agreement) | Specific limitations and/or conditions for exploitation (Article 25.3 Grant Agreement) |
|---------------------|--|--|
| ... | ... | .. |
| .. | ... | .. |

Option 2: No data, know-how or information of [NAME OF THE PARTY] shall be Needed by another Party for implementation of the Project (Article 25.2 Grant Agreement) or exploitation of that other Party's Results (Article 25.3 Grant Agreement).

This represents the status at the time of signature of this Consortium Agreement

DESCA Access Rights

| | Access rights to background | Access rights to results of the project |
|------------------------------|--|--|
| For carrying out the project | if a participant needs them for carrying out its own tasks in the project | |
| | Royalty-free unless otherwise agreed in Attachment 1 (Background included) | Royalty-free |
| | | |
| For exploitation | if a participant needs them for exploiting its own results | |
| | Fair and reasonable conditions | <u>Option 1:</u> Fair and reasonable conditions; internal research royalty-free <u>Option 2:</u> Royalty-free |



Most often under negotiations (within IP issues)

- Joint ownership
- Content of Access Rights
- Inclusion of Background
- Fair and reasonable compensation

Model Consortium Agreements from the industry side:

- IMG4 (aviation)
- MCARD from Digital Europe (called EICTA in Fp7)
- EUCAR (car industry)

DESCA 2020



- The website: www.desca-2020.eu – have a look!
New download system allowing better link with users
(providing email address for word version)
- Two columns:
 - ✓ The left side with legal text and
 - ✓ The right side with elucidation, remarks and references to the H2020 Multi-beneficiary General Model Grant Agreement (MGA).



TECHNOLOGY FOR BUSINESS

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