

Intellectual Property Rights (IPR) in Horizon 2020 – Joint Research Projects

The rights and obligations are regulated in the Grant Agreement (GA) basically. The consortium partners have to negotiate specific arrangements for the cooperation within the consortium. For this purpose they negotiate a Consortium Agreement (CA). The CA may deviate from the requirements of the GA to a certain extent.

This information aims to provide a simplified overview. For detailed information, it is recommended to consult chapter 4, section 3 of the [Grant Agreement](#) “Rights and obligations related to background and results”, as well as the explanations in the [annotated model grant agreement](#)

Terms

- Background is the knowledge or intellectual property of the contractual parties, which were obtained prior to accession to the EU GA and which are necessary to carry out the project and/or to exploit its results. Knowledge that is acquired parallel to the project is not part of the background and therefore does not need to be incorporated into the project.
- Results (previously “foreground”) are project results, i.e. knowledge subject to intellectual property produced during the project and other knowledge, as well as the intellectual property relating to the produced knowledge (patents, copyright, etc.).

Provisions in the CA

The following regulations are common in the CA. Other arrangements may be agreed, provided that they also sufficiently take into account the interests of the parties involved.

Rights to background

- Each party has the rights to their own background.

Access to background

- Unless agreed otherwise by the parties prior to signing the GA, the project parties are entitled to use the background of the other contractual parties without charge, in order to undertake their own project work.
- Access rights also apply, if the background of the other parties is necessary for exploiting their own results, unless the relevant party informed the other contractual party of any legal restrictions prior to signing the GA. Access shall be granted under fair and reasonable conditions.
- In the CA, the project parties must agree which background is necessary for the project and which should be excluded. Since the contract is not concluded with the participating institute, but rather with the institution, which has legal capacity (thus, for example the university), possible access rights concern the background of the entire institution. Thus, in the consortium agreement, it is important to limit access rights to background available in the participating institute or work group.

Rights to results

- Results are the intellectual property of the parties that have produced the project outcomes.
- If results are the outcome of the joint work of two or more parties and cannot be separated, the results shall be considered the joint intellectual property of the parties involved.

Access to results

- The project parties are entitled to use the results of the other parties, in order to undertake their own project work. Access shall be granted free of charge.
- Access rights also apply to results that are necessary for exploiting a parties own results, for which access shall be granted under fair and appropriate conditions.

Registration of intellectual property

- Each party shall ensure open access or protection of own results, for example through registration of patents or other intellectual property rights.

Dissemination of project results and open access

- Unless restrictions exist as a result of intellectual property rights, safety regulations or in the legitimate interest of the other participants, project results must be disseminated as soon as possible. The other parties must be informed of the intended publication at least 45 days in advance; however, this deadline can be reduced in the consortium agreement.
- As part of Horizon 2020, dissemination of results must occur in the form of scientific publication, through open access. Thus, publications must be free of charge and accessible online for any user, usually in a repository.

Your contact person at the EU Liaison Office Hannover/Hildesheim:

Legal Matters

Anna Maria Wagner

Tel.: 0511/762-4042 or via [E-Mail](#); further information on the [website of the EU Liaison Office Hanover/Hildesheim](#)