



# Clean Sky Calls for Proposals: managing Intellectual Property Rights

Questions are always raised concerning the managing of Intellectual Property Rights ('IPRs') in projects resulting from Calls for Proposals launched by the Clean Sky Joint Undertaking ('Clean Sky JU').

The purpose of this note is to address specific recurring concerns and uncertainties voiced by many potential applicants in respect of IPRs.

**Tags:** Although the Clean Sky JU launches Calls for Proposals per *Topics* instead of per research *Themes* under the Seventh Framework Programme ('FP7'), Clean Sky Grant Agreements are subject to similar applicable rules relating to IPRs.

More particularly,

- The Foreground, which are the results generated by the project, is the property of the beneficiary carrying out the work generating that Foreground. Indeed, beneficiaries are not subcontractors of the Clean Sky JU, so IPRs are not the property of the Topic manager or of the Clean Sky JU.
- Where several beneficiaries have jointly carried out work generating foreground and where their respective share of the work cannot be ascertained, they shall have joint ownership of such foreground.
- Transfer of ownership can be defined.
- A plan for the use and dissemination of foreground needs to be prepared, including patent applications and use of the results.

Applicants are advised to specify any particular request for IPRs treatment already in the proposal to be submitted for evaluation, such as:

- The intended use of the deliverables of the project (models; software packages; equipment; test items) after the completion of the project
- Whether the partner intends to make a commercial use out of the software developed for the Clean Sky project
- Whether the partner needs to use the same model, equipment or test item, after the completion of the project and therefore he wants the item back, for his internal use.
- Whether the partner would like to make a commercial use of the foreground generated in the project, proposing to the Topic manager exclusivity rights, or a specific agreement.



IPRs are part of the proposal. They are the subject of the 6<sup>th</sup> evaluation criterion 'Contribution to European Competitiveness', which deals with dissemination and/or exploitation of project results, and management of intellectual property. Thus, they have an impact on the outcome of the evaluation. The actual implementation of the Agreement is then made either by acceding to the ITD Consortium Agreement or by signing the Implementation Agreement with the ITD Topic Manager.

**Please bear in mind that the details of the projects signed by the Clean Sky JU have to be agreed by the Partner with the Topic Manager and the Clean Sky JU during the negotiation leading to the signature of the Grant Agreement.**

For further reference about IPRs in our projects, please consult Part C of Annex II to the Clean Sky model Grant Agreement for Partners:

<http://www.cleansky.eu/content/document/model-gap-agreement>

In case of doubt use the mail box related to each call (current call is [info-call-2012-01@cleansky.eu](mailto:info-call-2012-01@cleansky.eu)), or the standard contact through the Clean Sky web site.

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This note can be found on the Clean Sky JU website at the following link:

<http://www.cleansky.eu/content/page/clean-sky-calls-proposals-managing-intellectual-property-rights>