

IGLO meeting about ConsortiumAgreements

Overview
consortium agreements

Bert Bohlander ...?!

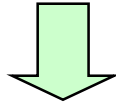
- Cybernetics
- ministry economic affairs
- Delft University
- VSNU
- national models & negotiations
- CEC [irdac/esta: 3...5 FP]
- UNITE

bohlander@unite.be

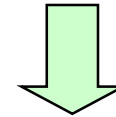


Legal Structure FP6

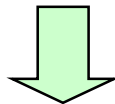
- **Decision** EP and the Council = FP6



the rules for the participation....

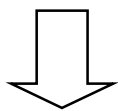


specific programmes

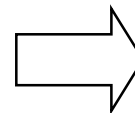


**Model
Contracts
FP6**

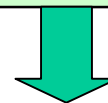
Legal structure Consortium Agreement



Rules for implementation



**Model
Contracts**

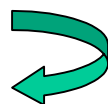
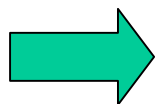


**Integrated
Projects**

**Networks of
Excellence**



**Market
parties**



Consortium Agreement



Where did we start?

Irdac/Esta working group discussing modalities

FP3..5 with Commission

unbalanced -> balanced groups

advice -> negotiation

UNITE -> FP6



FP6 Consortium Agreements

IP:

IPCA

industry + academia $1/2$

EU_CA

= ipca + IPR ****

ANRT

IPR not complete

FRO

includes NoE

Helmholtz

less industry based

CSIC

university based

NoE:

UNECA

standard ?

Convergence ?

- Use the best geared to your situation
- unite will try to compare in due time
- building blocks
- consortiumforum
- websites [unite & earto]

Basic + contents

- Mandatory
- Do-it-yourself consortia:
 - management
 - IPR
 - finance
 - in\out + diverse legal

Common points

- model character
- 2-layer structure
- general provisions
- lots of identical texts
- belgian law- good faith

Differences

- Management
 - assembly < - > authority
 - commissions < - > task forces
 - detailed < - > as needed
- IPR
 - free fishing < - > pay for all
 - detailed < - > as needed
- Finance
 - coordinator < - > common funds

Goals for EU-CA

- UNIFIED
 - all partners
 - all applicable cases
- MODEL
 - If amended, rename the CA
- BASED on CEC Regulation / Model Contract
- RECOMMENDED by all parties

Basics for all parties 1

- USABLE AT EARLIEST STAGE
- NO SURPRISES
- BALANCED INTERESTS
- BASED ON REALITY

Basics for all parties 2

- FAIR
- PRACTICAL
- SHORT
- COMPLETE
- UNDERSTANDABLE
- CORRECT
- UNAMBIGUOUS

Industry problems

- Affiliates
 - Research and sales takes place in sister companies
- Confidentiality
 - is requirement for maintaining lead

Academe problems

- Publication
 - Researchers are assessed on their scientific output (publications)
- Further research
 - Knowledge dissemination AND third- party- research is essential for keeping the lead

Reality is a cake walk

Academe and industry depend more and more on each other

- for industry long term research is key to innovation of products/services
- for academe long term research will only survive if researchers integrate short term exploitation views to their work

Practicalities answered in EU-CA

1

- Management 3 models to choose
- decisions, communications
- common funds
- early leavers / late arrivers
- liability

Practicalities answered in EU-CA

2

- Role of Affiliates
- Knowledge needed
- Further Research
- Publication, also for degree students
- Confidentiality
- Good faith

Be Aware .. the EU-CA

- Is compulsory
- Options are there to be considered
- Takes you further where IPCA ends
- Rights are there to be used
- A sword has **2** CUTTING EDGES

Legal definitions

- Use:
 - in **research activities** or
 - for the **purposes of exploitation**
- Exploitation:
 - creating and marketing a **product** or **process**
 - creating and providing a **service**
- Dissemination:
 - promoting scientific and technical progress



BE AWARE

LET'S



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