

The German EU Council Presidency Initiative

A Charter for the management of intellectual property from public research institutions and universities (IP- Charter)

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Ideen zünden!

The IP- Charter

- I. Current situation
- II. Added value of the IP- Charter
- III. Structure and content

I. Current situation

- **Large number of IP regimes applicable to cross-border research collaboration**
- **Insufficient awareness and knowledge**
- **Lack of professionalism**
- **Uncontrolled know-how drain**
- **Disadvantages in global competition**
- **Insufficient commercialisation and innovation**

II. Added value

- **One politically high-ranking set of general principles and minimum standards**
→ reduced uncertainties for R&D partner
- **Awareness building and cultural change**
→ higher professionalism in IP management
- **Political signal towards third countries**
→ better position in international research collaboration

II. Added value

- **Mutual understanding of differing approaches**
→ better collaboration
- **Better commercialisation of inventions**
→ enlarged global competitiveness in innovative sectors



III. Structure and content

- **Code of conduct with general principles for**
 - public research institutions
 - universities
 - cooperation partners
- **Not legally binding**
- **Flexible voluntary self-regulation**
→ parties decide themselves whether and how to apply

III. Structure and content

- **Recommendations**

e.g. Member States should be encouraged to create a legal environment that supports principles for a professional management of IP

- **Definitions**

- **Basic principles**

e.g. creation of organisational structures for IP management, promotion of exploitation of results

III. Structure and content

- **International collaboration**

e.g. consideration of specific legal and economic conditions in the countries where results are generated or commercialised

- **Code of conduct**

- **General recommendations**

- **Special recommendations**

→ Collaborative Research

→ Contract Research

→ Sponsored Research



III. Structure and content

- **General recommendations**
 - e.g. – **Licensing** –
 - Preferred option: authorise use of IP by **licensing** or **own exploitation?** (depending on strategies/ capacities)
 - Which kind of licence to be chosen?
 - e.g. → **Exclusive licensing**
 - **Non- exclusive licensing**
 - **“Cross-licensing”**
- (+): mutual use of cumulative knowledge (non-disclosure agreement)
(-): possible anti-competitive effects (COM TT- Regulation 772/2004)

III. Structure and content

- **Special recommendations**
- e.g. – **Ownership** -
- **Collaborative Research**
 - Results owned by the generating party (consortium agreement)
- **Contract Research**
 - Ownership depends on contractual provisions (ownership as compensation for financial contributions; industry interest)
- **Sponsored Research**
 - Rules of the funding party to be respected (calls for proposal, funding programs)

More detailed information:

- [http://www.bmbf.de/pub/Eckpunkte_IP_eng\(3\).pdf](http://www.bmbf.de/pub/Eckpunkte_IP_eng(3).pdf)
- <http://www.eu2007-forschung.de>

**Thank you very much for your
attention!**