



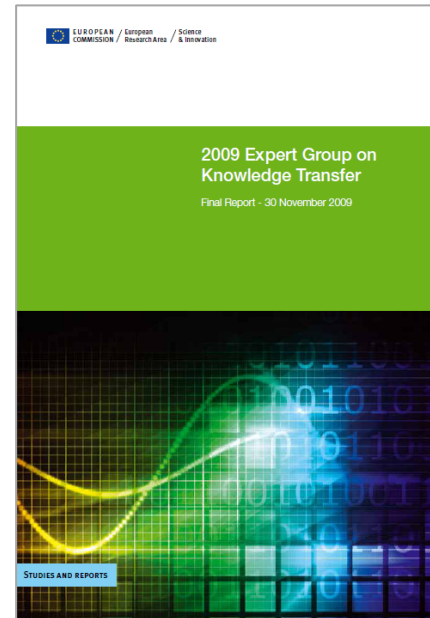
DESCA model consortium agreement

Gerrit R. Bornemann

Workshop on Negotiating International R&D and Technology Transfer Contracts
Brussels, 12.11.2010

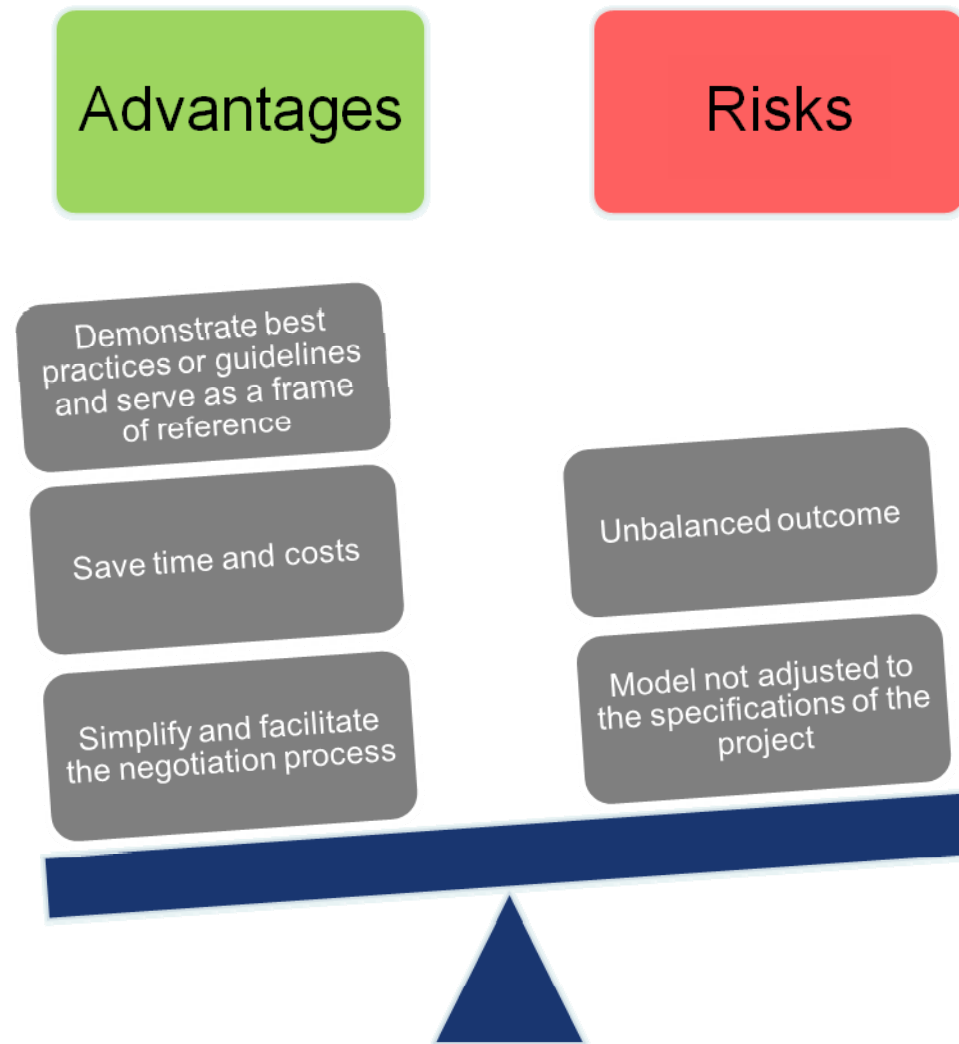
Scenarios of cooperative research activities

- Research and development (R&D) service undertaken by a PRO for an industry partner
- Collaborative research between two or more partners without external public funding
- Collaborative research between two or more partners (partly) financed by public funding



Study 6: Options for a European wide model agreement for contract research / collaborative research

Advantages and risks of model agreements



DESCA's Origins: FP6 → FP7

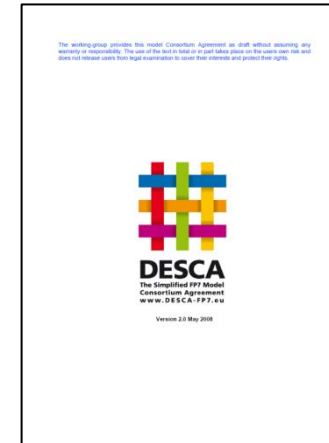


- More autonomy/responsibility to consortia
- Consortium Agreement still mandatory and even more important
- Commission offers guidance, but provides no specific model
- Many different groups produced models in FP6
(e.g. ANRT, German Research Organisations, French Research Organisations, EARTO-UNITE, EICTA, EU-CAR, IMG4)
- **Aim: one single reference model for FP7**



“DESCA“: Development of a Simplified Consortium Agreement

for the funding scheme “Collaborative Project”.



<http://www.desca-fp7.eu>

Core Group: ANRT, EARTO, UNITE, Eurochambres, VTT, CA-Team Germany (KoWi, FhG, Helmholtz)

Consultation Group: Airbus, Alcatel, CEA, CNRS, Daimler, Dassault, EARMA, ECTRI, EICTA, Eurocopter, IFP, INRETS, Uni Wageningen, Yellow Research, Motorola



Structure of DESCA IPR-section (1)

Model Grant Agreement, Annex II

Part C INTELLECTUAL PROPERTY RIGHTS, USE AND DISSEMINATION

SECTION 1 – FOREGROUND

- II.26. Ownership
- II.27. Transfer
- II.28. Protection
- II.29. *Use*
- II.30. *Dissemination*

SECTION 2 – ACCESS RIGHTS

- II.31. *Background* covered
- II.32. Principles
- II.33. *Access rights* for implementation
- II.34. *Access rights* for use

DESCA



SECTION 8 - FOREGROUND

- 8.1 Joint ownership
- 8.2 Transfer of Foreground
- 8.3 Dissemination

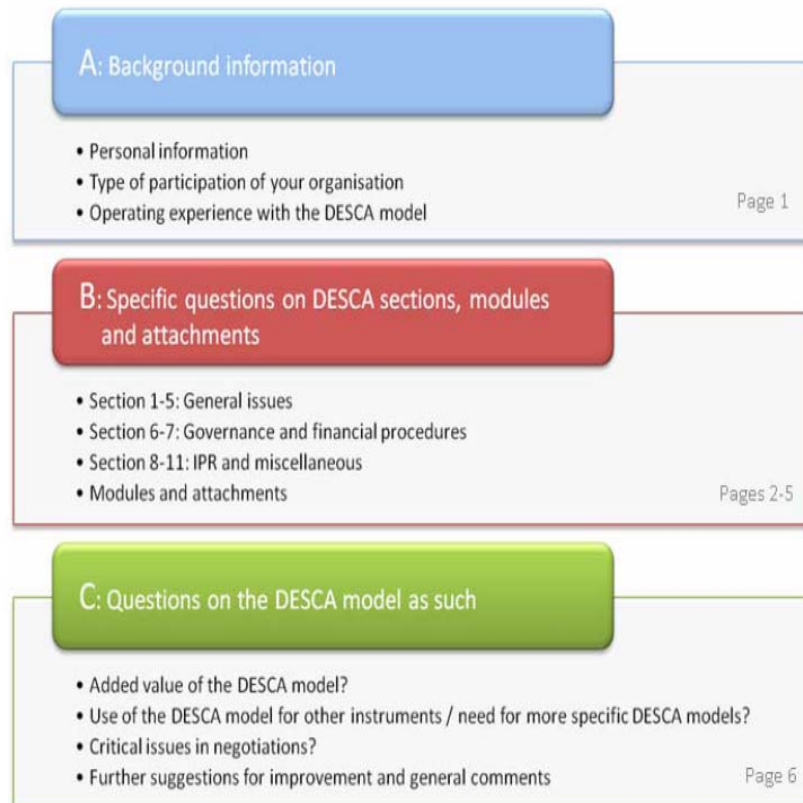
SECTION 9 – ACCESS RIGHTS

- 9.1 Background covered
- 9.2 Principles
- 9.3 Access Rights for implementation
- 9.4 Access Rights for Use

DESCA midterm review 2010



Design and Methodology of the Questionnaire

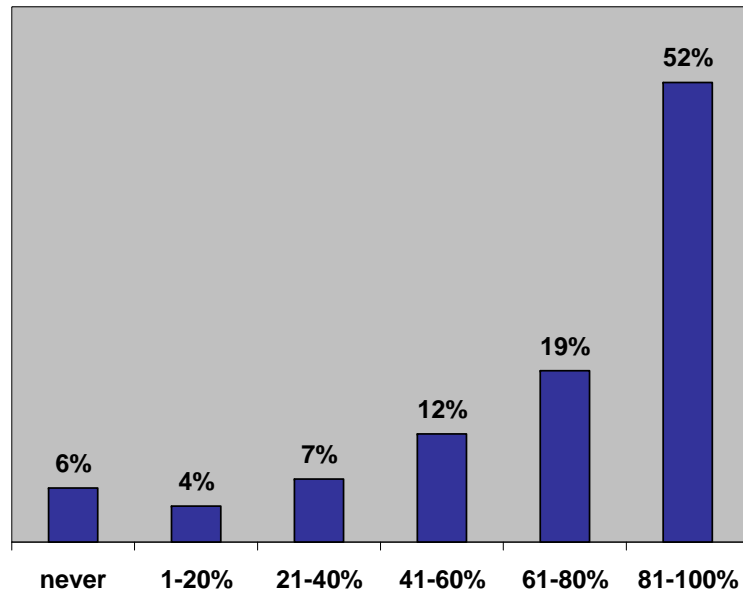


- Distribution
- Open from 18. June until 12. August 2010
- Open DESCA meeting 23. September 2010
- Participation

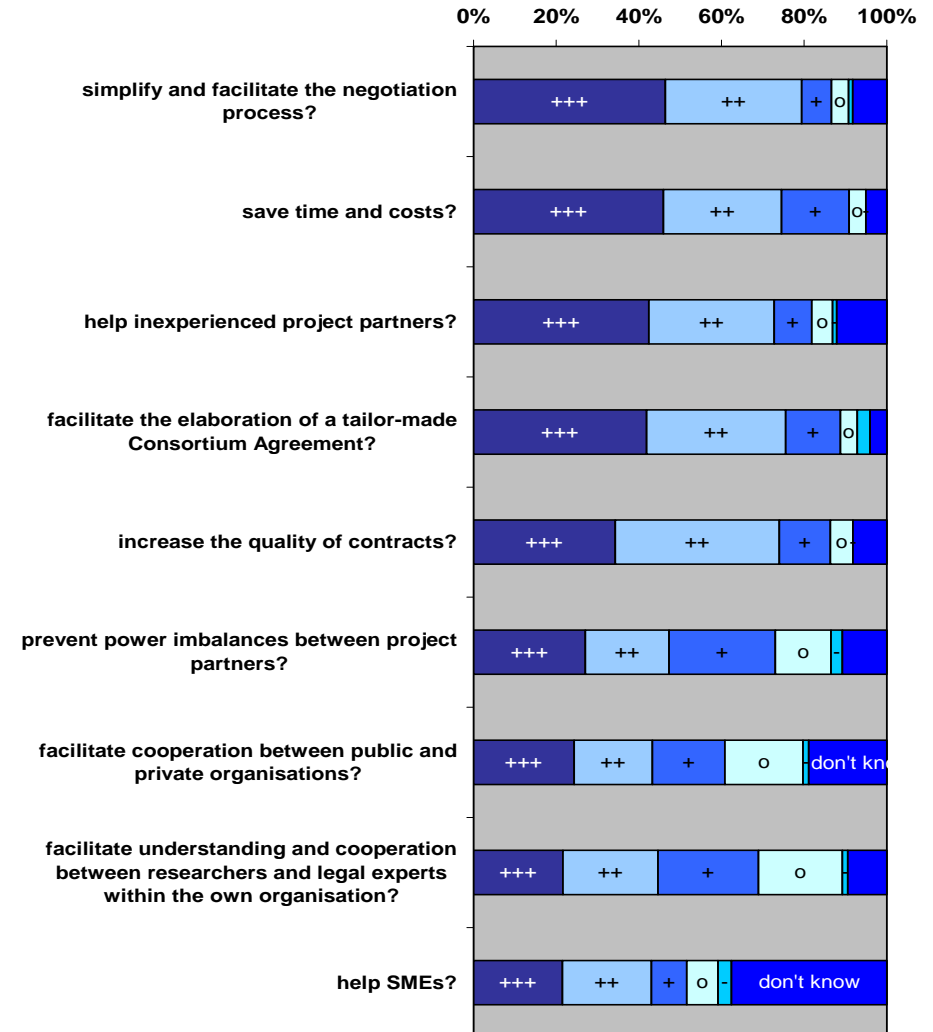
Use and benefits of the DESCA model



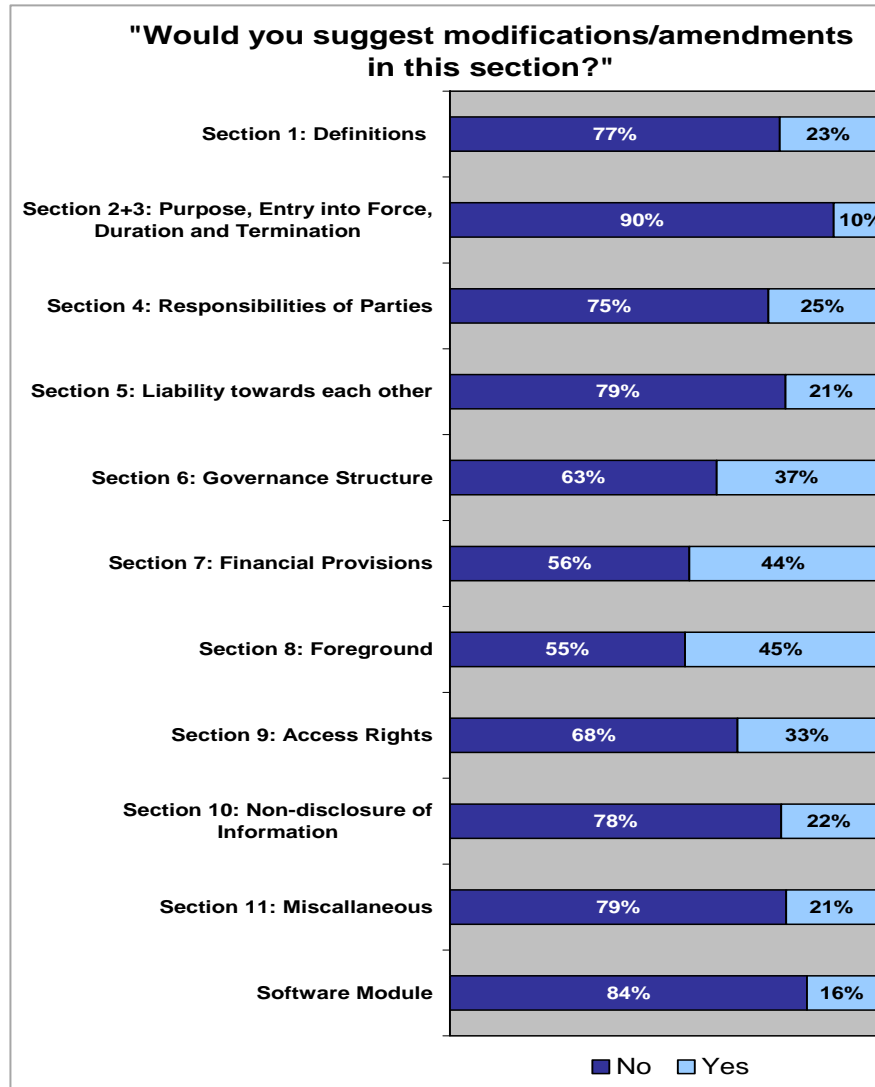
"In how many of the collaborative projects you participated in did you use the DESCA model?"
Give an approximate percentage.



"Did the DESCA model when used ..."



Specific suggestions for modifications / amendments



- Governance structure
- Financial provisions
- Foreground
- Miscellaneous

Europe 2020 Flagship Initiative Innovation Union

Communication COM(2010) 546, 6.10.2010

22. The Commission will facilitate effective collaborative research and knowledge transfer within the research Framework Programmes and beyond. **It will work with stakeholders to develop a set of model consortium agreements with options ranging from traditional approaches to protect IP through to more open ones.**

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