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**Workshop on Negotiating International
R&D and Technology Transfer Contracts
IP Rights, Valuation and Dispute Resolution**

Contract Negotiations, IP and Dispute Resolution in International Research Collaborations

Company Perspectives

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**Contract Negotiations, IP and Dispute Resolution
in International Research Collaborations**

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Dilemma

- **Method to best resolve issues that may arise in the Collaboration contemplated**
- **Way to best reflect best method in the Agreement to govern Research Collaboration**



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Primary Considerations

- Issue to be resolved
- Impact on other issues
- Best Method to resolve issue
- The “International” element
- The “Human Factor”



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Issue(s) to be Resolved

- **Relating to IP Rights *per se***
 - Inventorship
 - Ownership
 - Territorial Rights
 - Subject Matter Rights
- **Relating to Use of Rights**
 - Sublicensing
 - Enforcement
- **Other “Essential” Rights**
 - Enabling Rights (Mfg., Materials/Supply, Reg., etc.)
- **Other Terms**



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Impact on Other Issues

- **Context
(Whole Agreement)**
- **Can Issue be isolated
("Knock-on" effect)**



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Best Method to Resolve Issue

- **Mediation**
- **Arbitration (binding/non-binding)**
- **Mediation then Arbitration**
- **Litigation**



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The “International” Element

• Forum Considerations

- Subject Matter - Discovery
- Fairness - Procedural Issues (timing)

• Legal Considerations

- Governing Law - Transferrability/Enforceability

• Other Considerations

- Costs/Penalties - Expertise/Competance



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The “Human Factor”

- **Logic of Corporate Entity**
 - Prioritization of Issue
 - Varies greatly
 - Rights of Use
- **Risk Management**
 - Monetary Issues



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Thank You