



## [Are there any IPR related clauses that should be included in the Consortium Agreement?](#) <sup>[1]</sup>

### Category:

[Consortium Agreement](#) <sup>[2]</sup>

It is highly recommended (if not mandatory) that participants sign between them a Consortium Agreement aimed to establish in detail the rules on the internal management of their consortium.

According to the Rules for Participation, this agreement shall include *inter alia* additional rules on dissemination, use and access rights. In particular, and following the guidance of the European Commission in its publication [?Checklist for a Consortium Agreement for FP7 projects?](#), the following IPR related clauses may be included in the Consortium Agreement:

- (i) Ownership of foreground ? to deal with the ownership of foreground developed in the project, including possible joint ownership;
- (ii) Transfer of foreground ? to deal with, for example, the procedure to give prior notice to other participants in the project;
- (iii) Protection of foreground ? to deal with, for example, possible patent application;
- (iv) Use of foreground ? to deal with the obligation to use the foreground commercially or in further research;
- (v) Dissemination of foreground ? to deal with the obligation to disseminate foreground as swiftly as possible;
- (vi) Access rights ? to deal with, for example, conditions and time limits.

### Related Links:

- [Checklist for a Consortium Agreement for FP7 projects](#)<sup>[3]</sup>
- [Articles 13\(2\) and 24 of the Rules for Participation](#) <sup>[4]</sup>
- [How to deal with IP related clauses within Consortium Agreements](#)<sup>[5]</sup>

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**Links:**

[1] <https://www.iprhelpdesk.eu/kb/515-are-there-any-ipr-related-clauses-should-be-included-consortium-agreement>

[2] <https://www.iprhelpdesk.eu/taxonomy/term/19>

[3] [http://ec.europa.eu/research/participants/data/ref/fp7/89542/fp7-consortium-agreement-checklist\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/fp7/89542/fp7-consortium-agreement-checklist_en.pdf)

[4] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:391:0001:0018:EN:PDF>

[5] <http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/How%20to%20deal%20with%20IP%20related%20clau>