

EPO-OECD-BMWA
1 July 2005



Exploitation through Collaboration: saving time & cost negotiating IP rights

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INTELLECTUAL PROPERTY & INNOVATION POLICY



Exploitation through Collaboration

Why?

How?

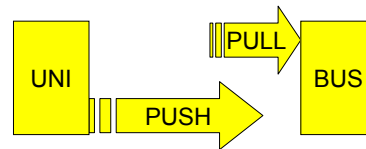
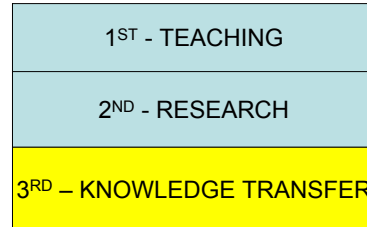
What?



Why? I



- Universities in UK have three missions
- UK Universities have strong R&D performance, UK businesses do not
- Increase the overall demand by Business for research from all sources – public & private.



Why? II



Lambert Review of Business-University Collaboration 2003

- Collaborations between Business & University best way to encourage transfer of knowledge & skills
- Effective collaborations are hampered by cost and complexity of negotiations over ownership & exploitation of IP rights





For Innovation

Why? III

Lambert Review 2003



Recommendation 3.5

..... **produce a small set of model research collaboration contracts, for voluntary use by industry and universities.**

- Set out a range approaches to ownership, management and exploitation of IP rights
- The model agreements should be endorsed by the main representative bodies covering universities and business



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How? I

Lambert Working Group on Intellectual Property



- Key Stakeholders interested in effective business-university collaboration
- Nearly 40 Representatives from
 - *Business* – CBI, 10 individual.
 - *University* – AURIL, UNICO, 9 individual.
 - *Public Sector* – SBS, RDAs, MoD, DTI, HMT
 - *Funding Agencies* - HEFCE
 - *Representative Bodies* – 7, e.g., BioIndustry Association, CIHE.
- May 2004 - December 2004



How? II

Lambert Working Group on Intellectual Property

Objectives

- To facilitate negotiations between potential collaborators.
- To reduce the time and effort required to secure agreement.
- To provide examples of best practice

Outcome

- Lambert Model Agreements Toolkit



How? III

Lambert WGIP, Inner Group

- Prepare Model Agreements & any necessary supporting materials for endorsement by Outer Group
- Representatives from:
 - Business** – GlaxoSmithKline, Rolls-Royce, Avidex (SME), AstraZeneca, Hewlett Packard
 - University** – UCL, Oxford, Cranfield, Liverpool
 - Legal Advisor & Drafting** – Manches Solicitors
 - Project Management** – Patent Office



What? I



Lambert Model Agreements Toolkit

- Help to decide key issues, e.g.
 - *Ownership of Intellectual Property*
 - *Freedom to use the project results*
 - *Financial contribution from the business*
 - *Publication criteria for the university*
- Five model agreements
- Useful starting point for negotiated agreement
- Use is Voluntary



What? II



Outline

- help the user identify the main issues that they need to discuss internally and with the collaborators,
- to ensure that the collaborators have similar expectations for the proposed project.

Guidance Notes

- help the user understand the terms used in the Model Agreements and some of the legal issues.





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What? III



Decision Guide

- A series of questions to help the user choose which agreement most closely meets their requirements.
- Focuses on three key areas
 - The ownership and rights to use the project results.
 - The financial & other contributions made by the business.
 - The use of the results by the university for academic purposes.



What? IV The Five Model Agreements



LMA	Terms
1	Sponsor has non-exclusive rights to use in specified field/territory; no sub-licences
2	Sponsor may negotiate further licence to some or all University IP
3	Sponsor may negotiate for an assignment of some University IP
4	University has right to use for non-commercial purposes
5	Contract research: no publication by University without Sponsor's permission



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What? V



Promote Collaborations

- Regional Development Agencies
- Technology Transfer practitioners

Education

- Use as an educational tool

Best Practice

- Reputable third party
- Avoid battle of the forms
- Credibility with new & inexperienced users



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What? VI



Lambert Model Agreements Toolkit

- Toolkit – internet based resource
www.dti.gov.uk/lambertagreements
- CD-ROM version available also, see
www.patent.gov.uk/about/ippd/knowledge/lambert.htm
- Comments & Feedback
lambertIPagreements@dti.gov.uk





What? VII The Website



dti
LAMBERT AGREEMENTS

You are here: dti Home > Lambert Agreements > Model Agreements

Model Agreements

The [Lambert Review](#), sponsored by the Treasury in 2003, recommended that a set of model agreements be drawn up to assist Universities and industry, particularly SMEs (Small and Medium Enterprises), to collaborate more effectively. The Lambert Working Group on Intellectual Property was set up to deliver this objective - see [History of the Lambert Working Group](#).

There are **five model agreements** resulting from that recommendation, each providing a different approach in the key area of who is to own, and have the right to exploit, the intellectual property in the results or outcome of the collaborative project.

Lambert Model Agreement	Terms	IPR
Agreement	Sponsor has non-exclusive rights to use in specified	University

RELATED DOCUMENTS

- Lambert Model Agreement
- Lambert Model Agreement
- Lambert Model Agreement
- Lambert Model Agreement
- Lambert Model Agreement

**?
ANY QUESTIONS**