



**FUSION  
FOR  
ENERGY**

# INTELLECTUAL PROPERTY PROVISIONS

Technology Development Program

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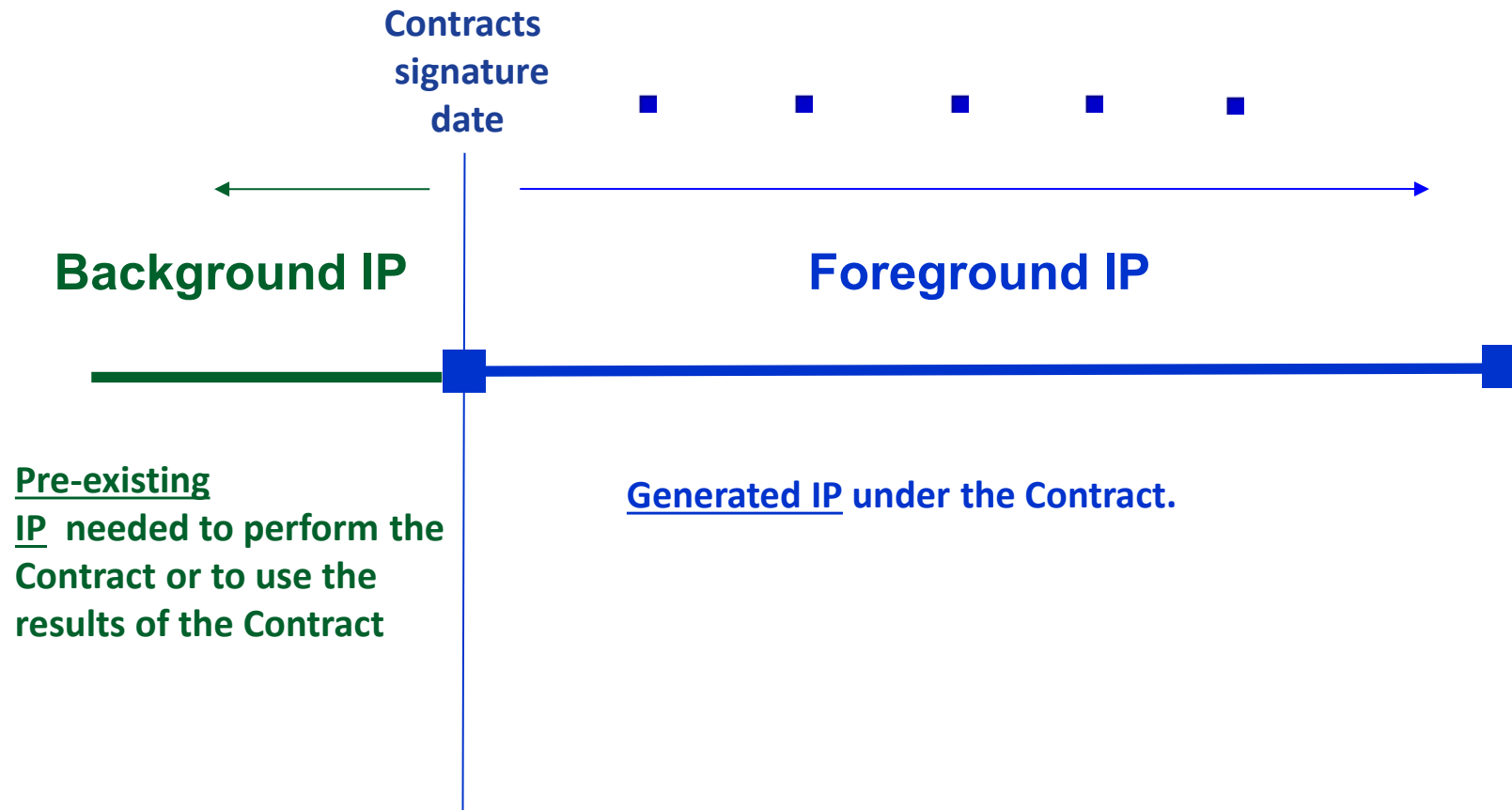
Bringing  
the power  
of the sun  
to earth

## Contents

- I. Intellectual Property (IP) Management
- II. Ownership of the IP
- III. Commercial exploitation of the IP

# I. Intellectual Property Management

## IP picture of the Contract's results



## What is Background IP?

- Pre-existing Intellectual Property rights brought into the contract by the Contractor because they are necessary for executing the contract or for using the Foreground or the Goods or services supplied under the Contract.
- Clear, specific, verifiable and documented IP rights, such as:
  - Patents;
  - Copyrights such as drawings, 3D models;
  - Copyright such as software;
  - Trade Secrets such as documented inventions protected by the Contractor/Subcontractor as Confidential valuable information.

## When is it communicated?

- Before the signature of the Contract.

## When can F4E request access to the Background?

- Only when needed for using the Foreground/Goods/Results supplied under the Contract:
  - (i) For executing F4E activities → Fair and reasonable conditions
  - (ii) If there is no commercial use by the Contractor of the Foreground, for commercial use of the Foreground → Market conditions

## What is Foreground?

- Any Information and IP generated under the Contract by the Contractor and Subcontractors.
- Communicated throughout the Contract via the Foreground declaration form. A Final Foreground declaration at the end of the Contract.
  
- Examples:
  - Copyright (design, drawings, plans, 3D models, etc.)
  - Inventions, Technical solutions that may be covered by patent or treated as Trade Secret
  - Copyright (Software)

### Ownership of the Background IP

**The Contractor remains the full owner of its own Background IP.**

There is no transfer of ownership of the Background to F4E.

### Ownership of the Foreground IP

**The Contractor obtains the full ownership of the new generated IP (the Foreground IP).**

F4E can use and allow the use of the Foreground for executing F4E activities.



## Commercial exploitation of the IP

- F4E encourages the Contractor to protect & commercially exploit the Foreground.
- F4E has a Technology Transfer Programme in place to support the commercial exploitation of technologies.



Because it is important to use the Foreground and create a European fusion industrial market, if the Contractor:

- i. does not protect the Foreground, F4E may protect it.
- ii. is not interested in exploiting the Foreground, after 4 consecutive years, F4E may obtain ownership to allow third parties to use it.



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# Thank you for your attention

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