



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 April 2007**

**8434/07  
COR 1**

**RECH 103  
EDUC 69  
COMPET 98**

**CORRIGENDUM TO THE NOTE**

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from : the Presidency  
to : Delegations

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Subject : Initiative for a charter for the management of intellectual property from public research institutions and universities  
- Presidency Key Issues Paper

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The text under point IV, 2. bb, should read as follows (removed text in ~~striketrough~~, new text underlined):

**bb. Special recommendations - collaborative research, contract research and research promotion with ~~private~~ public sector funds**

These recommendations will deal with special aspects of the promotion of research cooperation (in addition to own research) which have an impact on the status of the owner and on exploitation rights in particular:

**Collaborative research**

- The party generating the research results will be the owner of such results or have the right to use them pursuant to the applicable law.
- All partners should benefit from favourable conditions for the transfer of rights of use and for mutual claims. The cooperation partners will, for example, agree on whether or not to file a patent for an invention.
- Public fund providers should remain neutral with regard to the exploitation of intellectual property but should at the same time ensure that equal consideration is given to the interests of all cooperation partners.

### **Contract research**

- The partners will reach a written agreement about the status of the owner, about publication and about the rights of use of the research results.
- Provisions governing the use of the available know-how will be agreed in writing.
- Contractual arrangements will be made regarding the remuneration of researchers for their work and inventions.

### **Research promotion with private public sector funds**

- The ownership standards applied by public funding agencies will be observed.
  - Consideration will be given to specific obligations regarding the protection and exploitation of intellectual property.
  - Just like other research results, the results generated by publicly funded research can be the subject of licensing or transfer to private enterprises.
  - Funding agencies will be informed about research results and intellectual property.
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