

Fact Sheet 26 – Intellectual property rights

	Valid from	Valid to	Comments to change
Version 1	16.11.2021		

Core message: As a general rule all project outputs and results are made available to the general public free of charge. This fact sheet explains exceptions to this rule.

Background

The programme's intervention logic is based on small groups of stakeholders (the project partnership) receiving funding to test new ideas and approaches. Similar organisations throughout the programme area could then apply what has been learnt and obtain the same benefits. In this way the small-scale outputs of each project could be expected to have a wide impact across the programme area. This requires, however, that organisations outside the project partnership be able to access information on the outputs and how they were achieved.

In some cases, grants are also provided to fund investments for the public good. It is expected that these pieces of equipment and/or infrastructure remain in place at the end of the project and continue to provide the same benefits (see Fact Sheet 9 on investments).

Intellectual Property Rights

The overall principle of making project results available to the general public also applies when it comes to intellectual property rights.

The rules on intellectual property rights are valid for all materials and ideas developed as part of a project receiving programme funding even where development has only been partly funded by the programme.

- The authors of any material retain at all times the right to be acknowledged as the authors of the material.
- All materials must be made freely available to the general public in a way and to a level of detail that allows other organisations to replicate the results obtained. Such access should not be subject to restrictions or payment.
- It is not possible to claim proprietary rights or to restrict commercial exploitation of project materials.

If project materials have been developed based on data or materials provided by a project partner, which are covered by more restrictive rights (e.g. copyright), and which were covered by these rights before the start of the project, the original restrictive rights continue to apply to the original material. However, they do not apply to any additional materials developed from them as part of the project.

These are the general rules regarding intellectual property rights, and they apply to most projects funded by the programme. There are, however, exceptions to the rules, and project partners participating under the applied General Block Exemption Regulations (GBER) should read the next section in this document.

Intellectual Property Rights and State Aid

Project partners approved under the General Block Exemption Regulations may limit access to the materials they produce as part of the project.

- Partners that are part of the programme's state aid scheme may apply additional rights to materials they produce as part of the project, including proprietary rights and the sole right to commercial exploitation.
- These rights should not be understood as replacing the general programme obligation to publish updates on progress and results achieved; however, the details of products and/or ideas may be withheld from publication to protect any proprietary rights.
- In project partnerships that consist of partners working under GBER rules (see Fact Sheet 16), the right to withhold material from publication applies only to materials produced exclusively by the partners covered by GBER. It is not possible for partners to transfer or assign rights to others.
- Regardless of these provisions, all partners must make any and all materials available to auditors and programme management bodies, as set out in the subsidy contract.