INTERNATIONAL PROJECT ON INNOVATIVE NUCLEAR REACTORS AND FUEL CYCLES (INPRO)

Plenary Session 3 on the Topic:

Intellectual property management within the context of collaboration on innovations

(part 2)

Chairperson: Ms Natalya BELENKAYA

9th INPRO Dialogue Forum

IAEA Headquarters, Vienna, 18-21 November 2014

IAEA
International Atomic Energy Agency

Key points, major observations and recommendations

IAEA

INPRO
International Project on Innovative Nuclear Reactors and Fuel Cycles

1. Essential IP Collaborative Framework:

1.1. IP management in nuclear industry should respond the balance of legal protection of IPRs and the dissemination of information in a timely, cost effective and efficient manner to serve the needs and interests of Member States.

1.2. IP facilitates and endeavours innovations. It's significantly important to increase understanding and improve cooperation on IPRs between different actors in nuclear energy.

1.3. It's necessary to specify rules for IP ownership, allocation and exercise of rights at the beginning of the contractual and/or collaboration process: IP Annex is a necessary part of collaborative R&D agreements.

1.4. It's recommended to fulfill activities within collaboration under confidentiality.

1.5. Disclosure of information and publications should be carefully controlled by collaborating parties (including Patents).

2. Background IP

2.1. Declaration of background IP: it is necessary to identify and define major IP related issues and their treatment, well in advance, in order to have successful collaborative research work.

2.2. Appropriate access to background IP should be ensured

2.3. Use of third party IP should be covered by appropriate licence

Key points, major observations and recommendations (cont'd)

IAEA

INPRO
International Project on Innovative Nuclear Reactors and Fuel Cycles

3. Foreground IP

3.1. It's important to put in place appropriate means to ensure ownership of rights.

3.2. Joint ownership should be flexible and shouldn't become the barrier in collaboration.

4. Undisclosed Information control (both documentary and non-documentary) is one of the most difficult aspect for collaborating parties: clear rules are needed for its utilization and sharing.

5. Dissemination models of IPRs :

5.1. Commercialisation of IP rights:

- licensing and other assignment agreement;
- service and consultancy.

5.2. Technology transfer (collaborative R&D projects):

- collaboration with other institutes;
- partnership with industry.

Key points, major observations and recommendations (cont'd)

IAEA

INPRO
International Project on Innovative Nuclear Reactors and Fuel Cycles

6. Best practices: comprehensive approaches to IPR management were presented which may be used by other Member States, e. g.:

6.1. Wide range of technology transfer models (case from European Organization for Nuclear Research CERN).

6.2. Providing access to foreground IP on non-exclusive, royalty-free and non-transferable basis for internal and non-commercial purpose (case from European Commission Joint Research Centre).

6.3. Advanced regulation of IP aspects and technology management plans within collaboration agreements (case from Atomic Energy Commission of India).

6.4. Different mechanisms of involving and exploitation of background IP in collaborative projects (case from Sellafield Ltd.).