

# Partnership Agreements for R&D Projects

Aspects to consider when defining the legal structure of agreements and their negotiation

**Santiago Villa, Director**  
Direction of Technology Liaison – CONICET



**Pedro Berkenwald, Partner**  
BERKEN IP



## Origin of Projects

- Projects of Researchers and/or Institutes of the Scientific System (SS)
- Projects of the Company



## Origin: Researchers / Scientific System (SS)

- The SS has or defines its own R&D Project:
  - Invites the Company to participate in the development of the Project
  - The Company adds to the SS Project -or not- definitions of its own particular interest
  - The Company contributes to the Project with human and financial resources of its own



## Origin: Company

- Identifies and defines the R&D Project
- Identifies the Researcher/s and/or Institute/s of the SS to develop the Project with
- The SS enriches the definitions of the Project
- The Company contributes to the Project with human and financial resources of its own



### Nature of the R&D Results expected to be obtained:

- Products
- Inputs and raw materials for products
- Productive processes
- Procedures in general
- Platforms for developments
- Applicable software
- Etc.



### Applicability and Use of R&D Results

- ✓ They may -or not- have industrial applicability
- ✓ Those with no industrial applicability are useful for new Projects
- ✓ Are a Product that may be launched commercially into the market
- ✓ They solve a technical problem of particular use and specific to the Company, and may also be of commercial interest to third parties



## Ownership of R&D Results

- Relevant factors to determine the ownership of R&D results:
  - Origin, Initiative and Coordination of the Project
  - Project Objectives
  - Scientific Resources
  - Economic contributions and in kind contributions
  - Human resources
  - Facilities
  - Access to Technology and Knowledge
  - Industrial scale
  - Field testing



## Protection of R&D Results

- Industrial Secret
- Legal Systems of Industrial Property (Patents, Models, Designs) and Copyright



## Use of R&D Results

- Exclusive use does not require exclusive ownership
- Regulatory scenarios are multiple and may be agreed to mutual satisfaction of the parties involved

Thank you.