**Template Term Sheet Overeenstemming Kaderregeling O&O&I (model toegang tot voorgrondkennis aan eerlijke en redelijke condities)**

The project partners commit themselves to act in conformity with the Framework for State aid for Research and Development and Innovation (Framework R&D&I)[[1]](#footnote-1) and therefore worked out the principles as elaborated hereafter, which will be further worked out in the collaboration agreement.

**Research in the research part of the project is a non-economic activity with sufficient independence**

The project partners will perform the project as an “Effective Collaboration” as described in the above mentioned Framework R&D&I, which means that:

The scope of this collaborative project proposal is the result of a joint definition of the Research Organisations and industrial partners.

Section (*reference to work plan and packages, project budget, project goals and project results, expected valorisation potential*) of this application explains that the Research Organisations and industrial partners want to achieve a common objective based on the division of labour and to contribute to its implementation. The project budget that is being referred to under section (*project budget*) of this application demonstrates that the Research Organisations on the one hand and the industrial partners on the other hand are making an equal contribution to this project and therefore share the financial risks related to the project. Section (*reference to work plan and packages*) of this application explains that the Research Organisations and industrial partners share the technological, scientific and other risks related to the project. Section (*reference to project goals and project results, expected valorisation potential*) of this application explains that the Research Organisations and industrial partners share the results related to the project.

The activities that the Research Organisation(s) execute in the framework of the research part as described in section (*reference to work plan and packages*) of this application fit in the research roadmap of these Research Organisation(s) and are in conformity with the primary tasks of the Research Organisation concerned; the research goals set for the research part are decided in an independent way by the Research Organisations themselves.

The project partners of this project commit themselves not to make arrangements that restrict or hamper the independence of the Research Organisations in the project involved.

**Avoidance of indirect State aid to the industrial project partners**

IP - ownership

The collaboration agreement that will be executed between the project partners on approval of this project proposal determines that the results of the project will be the property of the project partner carrying out the project work that generates those results.

Characteristics of the access rights

In respect of each project partner’s right to apply for access rights (i.e. the right to request a limited non-exclusive license to use another project partner’s project results), the collaboration agreement applies the general principle that access rights should be requested in writing and, with exception for the access rights necessary for the performance of the project activities, are not automatically granted to all project partners.

There are the following different categories of access rights that are granted:

1. Access rights to background and to project results necessary for the performance of project activities: these access rights are automatically granted at no cost and may only be used by the project partners to perform project related tasks.
2. Access rights to a project partner’s results for the exploitation by another project party of its own results: a project partner may apply in writing for non-exclusive access rights to another project partner’s results if the partner making such request proves that it needs access to the results of the other partner for the exploitation of its own results generated under the project.

Aforementioned access rights on foreground will be granted at fair and reasonable conditions provided (1) all criteria and conditions of “Effective Collaboration” as described in this term sheet are fulfilled, and (2) the access rights are allocated to the different project partners in a manner which adequately reflects their work packages, contributions and respective interests. Section (*reference to work plan and packages, project goals and project results, expected valorisation potential* ) of this application demonstrates that the access rights are allocated to the different project partners in a manner which adequately reflects their work packages, contributions and respective interests.

A partner requesting access rights at fair and reasonable conditions will need to demonstrate the fulfilment of two conditions: (i) a content link between the results for which access rights are requested and its own results, and (ii) why the access rights on specific indicated results of another partner are needed for the exploitation of its own results.

Aforementioned access rights on background will be granted at market terms provided all criteria and conditions of “Effective Collaboration” as described in this term sheet are fulfilled.

All of the access rights described above qualify as non-exclusive licenses.

1. Terms in capital letters in this term sheet refer to the corresponding term as defined in the Framework R&D&I. [↑](#footnote-ref-1)