

Attachment

Industrial Strategy: Intellectual Property Call for Views

EDF Energy's response

B2B Model IP Agreements

In its dealings with universities to date, EDF Energy has not utilised the Lambert Model IP Agreements, preferring to use our own template agreements as a starting point for contract negotiations to ensure a consistent approach is maintained across our group. However, there is a place for such Model IP Agreements in B2B collaborations within the marketplace, and if drafts were produced then we would review these with a view to considering their use. Such templates may also be of benefit to start-up and SME businesses who do not have their own inhouse legal functions and do not wish to incur the additional expense of external legal advice.

Voluntary IP Register

The creation of a voluntary register has the potential to greatly improve the confidence a party can take in the intellectual property another party brings to a project. Historically, in our dealings with universities, they have been unable to provide any certainty that the intellectual property they are bringing to the project does not breach a third party's rights in the same. As a large corporate entity, this has the potential to leave EDF Energy exposed as a potential target for claims of secondary infringement by such third parties seeking compensation for the use of its intellectual property.

Creating a voluntary IP register would remove some of this ambiguity along with the associated risks. This is due to the fact that both parties will have the opportunity to undertake further due diligence to assess the ownership rights in a piece of intellectual property and negotiate appropriate contractual provisions accordingly. It would also provide a central repository which allows a party not only to establish its authorship of intellectual property, but also review and manage its intellectual property portfolio.

EDF Energy
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