



European IP Helpdesk

Stay ahead of the innovation game.

Copyright in collaborative projects

26 02 2026





European IP Helpdesk

- Service initiative of the European Commission
- Addressing **current and potential beneficiaries of EU-funded projects, researchers and EU SMEs**
- Free-of-charge first-line support on intellectual property (IP)
- Hands-on IP and innovation management support
- International pool of IP experts from various thematic fields
- Unique cooperation scheme with the Enterprise Europe Network: 43 ambassadors from 26 EU countries



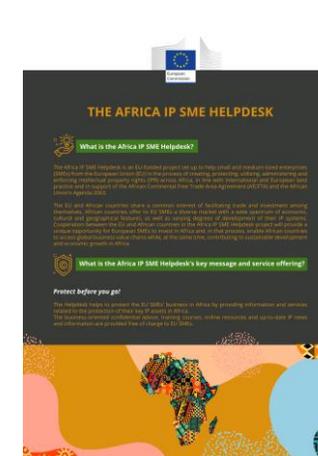
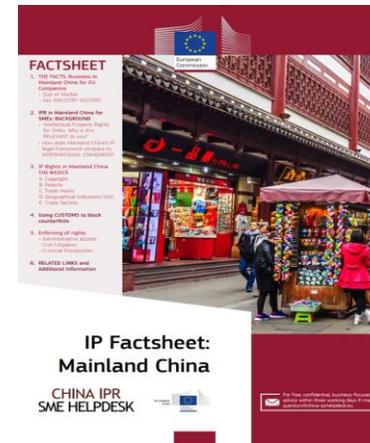
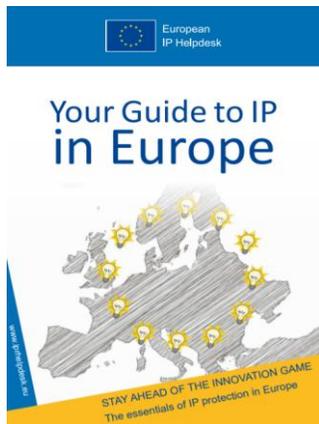


The EC IP Helpdesks





EC IP (SME) Helpdesk Hub – Gateway to Information



- E-learning modules & more
- Guides / Topic, country, sector-specific factsheets / Infographics
- Case studies



Ambassador Scheme

- **Cooperation scheme** with the Enterprise Europe Network (EEN): 43 ambassadors – 26 countries
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- Local **awareness** and **training events**





Upcoming events



06
FEB
2026

Training and workshops
[EU - Webinar: Introduction to IP](#)

(*) Live streaming available

12
FEB
2026

Training and workshops
[EU-13 Roadshow: From Innovation to Impact – Knowledge Valorisation and Commercialisation Strategies](#)

📍 Gdańsk, Poland

18
FEB
2026

Training and workshops
[EU - Webinar: Technology Transfer](#)

(*) Live streaming available

25
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2026

Training and workshops
[EU - Webinar: IP in Horizon Projects \(HEU\)](#)

(*) Live streaming available

03
MAR
2026

Training and workshops
[EU - Webinar: IP in EU funded projects with a special focus on MSCA](#)

(*) Live streaming available

12
MAR
2026

Training and workshops
[EU - Webinar: IPR and Software](#)

(*) Live streaming available

09
FEB
2026

Training and workshops
[EU - Webinar: IP in Biotechnology](#)

(*) Live streaming available

12
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Training and workshops
[EU - Webinar: IP Management in ICT Projects](#)

(*) Live streaming available

24
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Training and workshops
[EU - Webinar: Consortium Agreements](#)

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Training and workshops
[EU - Webinar: Copyright in collaborative projects](#)

(*) Live streaming available

05
MAR
2026

Training and workshops
[EU - Webinar: IP Assessment](#)

(*) Live streaming available

17
MAR
2026

Training and workshops
[EU - Webinar: IP Commercialisation and Licensing](#)

(*) Live streaming available



Thank you!

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- helpline@iprhelphdesk.eu
- training@iprhelphdesk.eu
- Twitter [@iprhelphdesk](https://twitter.com/iprhelphdesk)
- LinkedIn [/european-ipr-helpdesk](https://www.linkedin.com/company/european-ipr-helpdesk)





European IP Helpdesk

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Copyright in Collaborative Projects

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Today's speaker



Dr. Eugene Sweeney

- Over 30 years experience with EC as **proposal evaluator, rapporteur, project reviewer and consultant**
- Over 40 years experience of **commercialising IP/research** and new technology
 - 1970's **Researcher** (first spin-out in 1978)
 - 1980's Computer **industry** (bringing new technologies to market)
 - 1990's Early-stage technology/IP **investment** and commercialisation
 - 2000 - **Consultant** in IPR, Innovation and research exploitation
- Member of International (ISO) and European (CEN) Standards Committees on **Innovation Management and IP Management**
- Member of Licensing Executive Society

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Roadmap

- What is copyright?
- Why is it important for researchers?
- What do you do with copyright?
- Ownership and rights of collaborators?
- What should be agreed in collaborations?
- Copyright and Open Science
- Licensing Copyright



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What is copyright?

A legal right for creators **and** owners of creative, literary and artistic works

- For **owners**: **economic rights**
 - related to **financial gain** from the use of the work
- For **creators(authors)**: **moral rights**
 - to **link them** (or not) with their work

A wide range of works

- Books
- Music
- Paintings
- Films
- Teaching materials
- Software code
- Databases
- Technical drawings
- Advertisements
- Maps

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Owners may not be the same as creators/authors

- Check your employment contracts, contractor agreements, grant agreements, etc!
- Check you institution's IP policy
- Many research institutions used to waive their (copy)rights for academic books, articles, research papers, etc.
- ..but this is changing!

Copyright belongs to author
unless explicitly assigned as part
of employment contract

Increased pressure to valorise
research AND TEACHING

The growth and importance of online
teaching

Software is all pervasive

Mandatory requirements of Open
Science in EU funded projects

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What are the rights?

The **owner** can **authorise or prohibit** others from using the work without permission (may be €).

- **Reproduction** of the work in various forms (e.g. making copies of your work)
- **Distribution** of copies of the work (e.g. software)
- **Public performance** of the work (e.g. music, or a play, in a theatre)
- **Translation** of the work into other languages (including computer languages or to binary)
- **Adaptation** of the work (e.g. turning a novel into a movie)

The **creator** can **asset their moral rights** to be named as the author, or not to be named

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Exceptions

Reproduction (copy)

- private use
- reproductions by libraries, archives and museums

Copy & communicate to the public

- for illustration purposes for teaching, or scientific research
- quotations for criticism or review
- use for caricature, parody or pastiche...

..and many other exceptions

Exceptions have been harmonized in the EU through Directive 2001/29/EC

Member states can choose from the list of exceptions in the Directive which ones they decide to implement through their national legislation (so **check national legislation** just in case!)

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How long does the right last?

For a literary, dramatical, musical or artistic work

- **70 years** from the end of the year in which the last surviving author dies.

For other types of work (sound recordings, film and typographical arrangements, software code, data, etc)

- varies, but usually **less than 70 years**

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New Copyright Directive 2019/790 Why was it needed?

To **increase the availability of works** for people across Europe, creating more favourable conditions for the **distribution of TV and radio programs**

To **modernise the key exceptions** in favour of education, research and preservation of culture, **focusing on digital and cross-border use**

To **create a fair marketplace for online content**, especially for press publications, online platforms and remuneration of authors and performers.

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What does it mean for you?

For researchers	• allows you to safely data-mine.
For educational establishments	• allows you to use pieces of protected works and make them available to your online students.
For cultural heritage institutions	• allows you to make copies of protected works that might disappear due to the deterioration of their support.
For press publisher	• allows you to control the use that internet service providers make of published news
For online content-sharing service providers (“OCSSPs”)	• requirement to avoid infringing materials to be uploaded, and to act upon receiving an infringement notice
For users of OCSSPs	• requirement to provide OCSSP with information so they can perform their obligations, as soon as possible, with the required proof regarding infringements.
For authors or performers	• the rights to receive information how work is exploited and the money generated; to renegotiate the payments, and to revoke an exclusive contract if expectations not met

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More information

https://intellectual-property-helpdesk.ec.europa.eu/regional-helpdesks/european-ip-helpdesk/europe-fact-sheets_en



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The AI Act

 Official Journal of the European Union EN
L series

2024/1689 12.7.2024

REGULATION (EU) 2024/1689 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 June 2024

laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act)

To ensure safe and trustworthy AI, the AI Act puts in place rules for providers of AI based systems, including transparency and copyright-related rules

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The AI Act

Generative AI, like ChatGPT, will have to comply with transparency requirements

Disclosing that the content was generated by AI

Designing the model to prevent it from generating illegal content

Publishing summaries of copyrighted data used for training

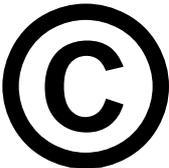
Content generated with the help of AI (images, audio, video files, deepfakes, etc) – must be clearly labelled as AI generated so users are aware when they come across the content

A GPAI (General-Purpose AI) – Code of Practice will be prepared in an iterative drafting process by April 2025, facilitated by the European AI Office

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Why is copyright important for researchers..

and how should it be used?



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Intellectual Assets

Products of the mind

An asset which can be traded

All of these can be legally protected using copyright

The KEY assets in any project or company
Project Inputs & Outputs
Company USPs

- Inventions
- Software code
- New methods
- Manuals/Reports
- Designs (aesthetic/functional)
- Databases
- Works of art
- Music
- Videos
- Books
- Roadmaps
- etc

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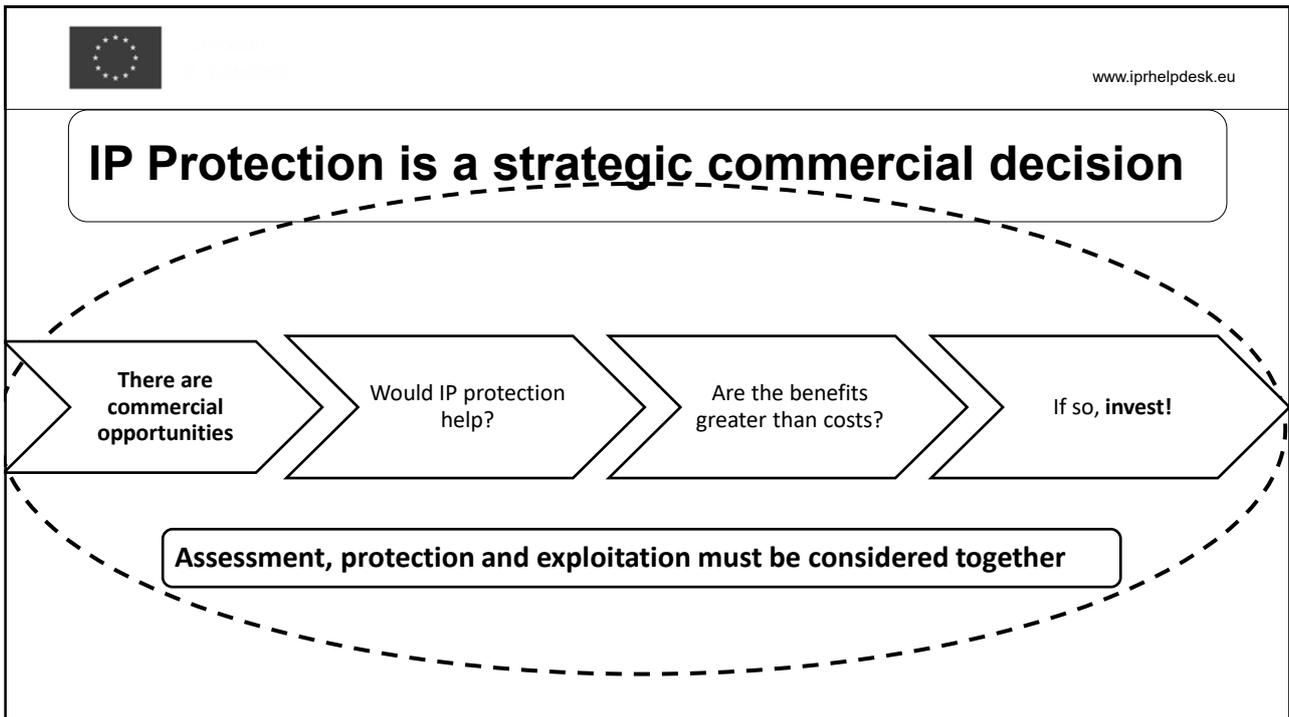


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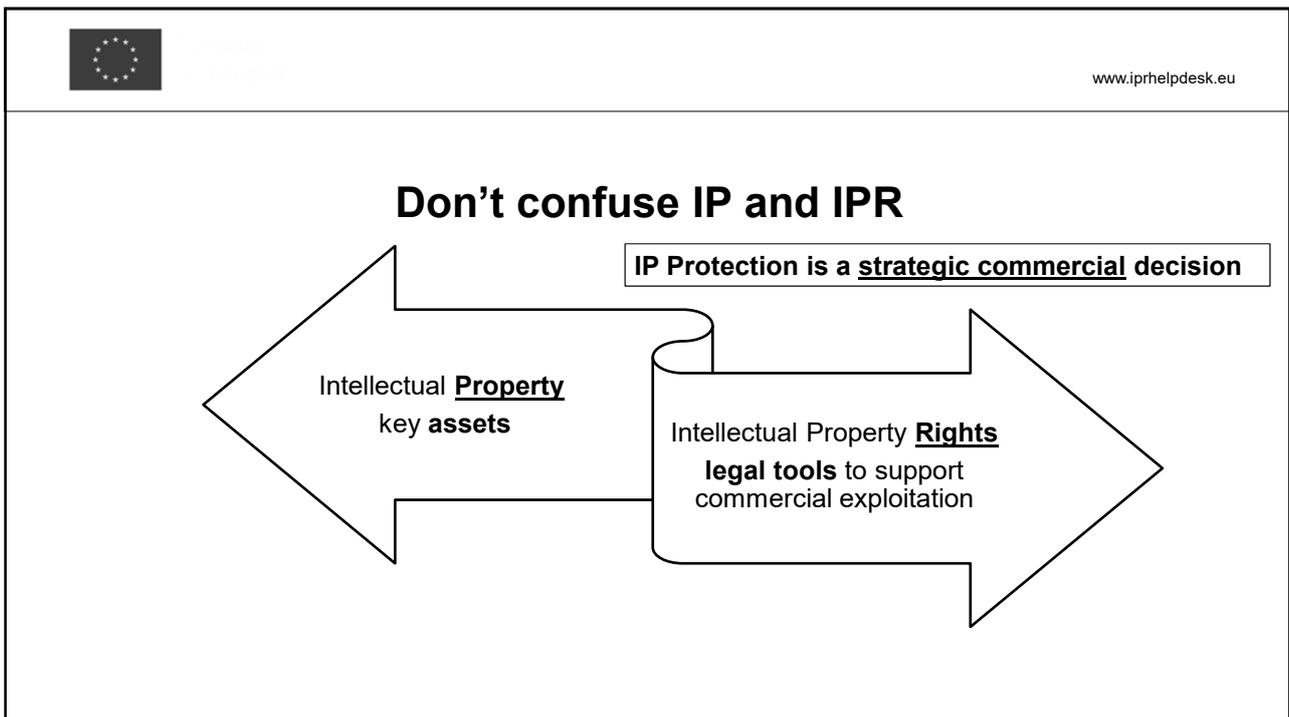
Intellectual Property Right (IPR)

Patents	Some legal rights come into existence automatically
Copyright	
Design Rights	Some need registration
Database Rights	Confidentiality Agreements (Know-how)
Trade marks	
Plant Breeders Rights	Secrets (Trade Secrets)
Utility Models/petty patents	Time limited rights
Plant varieties	
etc	National rights

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MANAGING COPYRIGHT IN RESEARCH COLLABORATIONS



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Collaboration is about sharing

It's about "Give and Take" (usually IP!)

How should this be done?

BEFORE, DURING and **AFTER** the collaboration

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Challenges in any collaboration

Partners **bring something** to the table... and expect to **take something away**

Any “investment” expects a **return on investment**

..but there are challenges **aligning individual and shared strategies**

..and agreeing strategies for **managing, protecting and exploiting the IP**

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Understand who needs what, why, and when?

**Before the collaboration
(negotiation)**

Existing knowledge

New ideas

**During the collaboration
(research and/or commercial)**

Background IP and other assets

Management and use of new (shared) IP

Exploitation of new (shared) IP

After the collaboration ends

Management of collaborative results

Management of (collaborative) exploitation

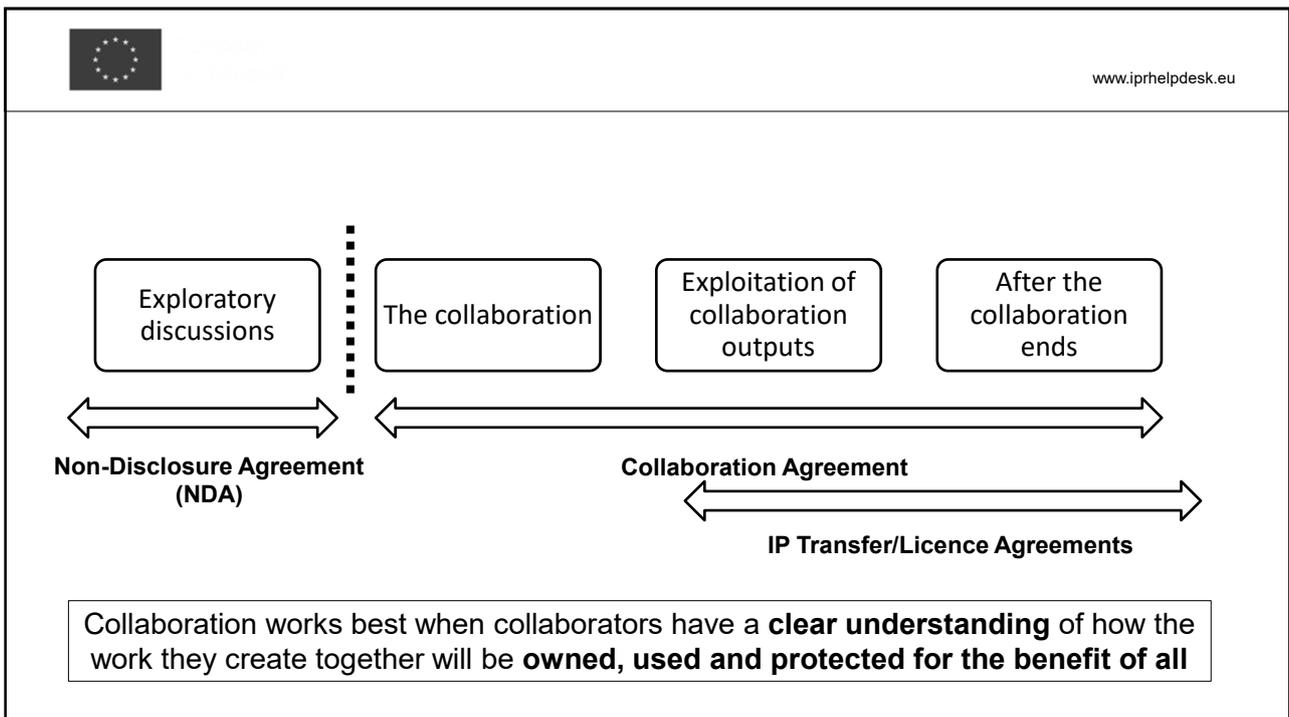
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COLLABORATION AGREEMENTS



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Exploratory Discussions - what should be disclosed?

Protected background

- Make collaborators aware of any existing IP Rights
- Clarify use during and **after collaboration** (research or commercial)

Unprotected (confidential or secret) background

- only on a “**need to know**” or “**black box**” basis with **NDA**
- Mark as “**confidential**”
- **Minute** all discussions

New ideas

- Discuss under an **NDA**
- Disclose the potential of the ideas, but not the “**how**” (unless agreed)

You cannot protect ideas, unless they are expressed in tangible form (e.g. written, built, drawn, etc)

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Disclosing confidential information and know-how

Always have an NDA prior to any discussion related to confidential information (trade secrets, know-how or new ideas)

An NDA **only covers disclosure, NOT commercial transactions.**

Make the **purpose of the disclosure** clear in the NDA

Do not use an NDA beyond exploratory discussions which may lead to a (commercial or research) collaboration agreement

Confidentiality and trade secret **laws may differ outside Europe**, so ensure NDA serves its purpose – and is “water tight”

Only disclose on a “**need to know**” basis

Consider “**black box**”, or **SaaS rather than the software code** if access is needed.

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Agree what happens during the collaboration

Clear management responsibilities, structures and procedures for:

- **Accessing** existing IP
- **Capturing, assessing**, and agreeing strategies for **protecting** new IP
- Agreeing terms of **joint ownership**, and its management and exploitation
- **Implementing the exploitation** strategies

Ensure the collaboration agreement covers this

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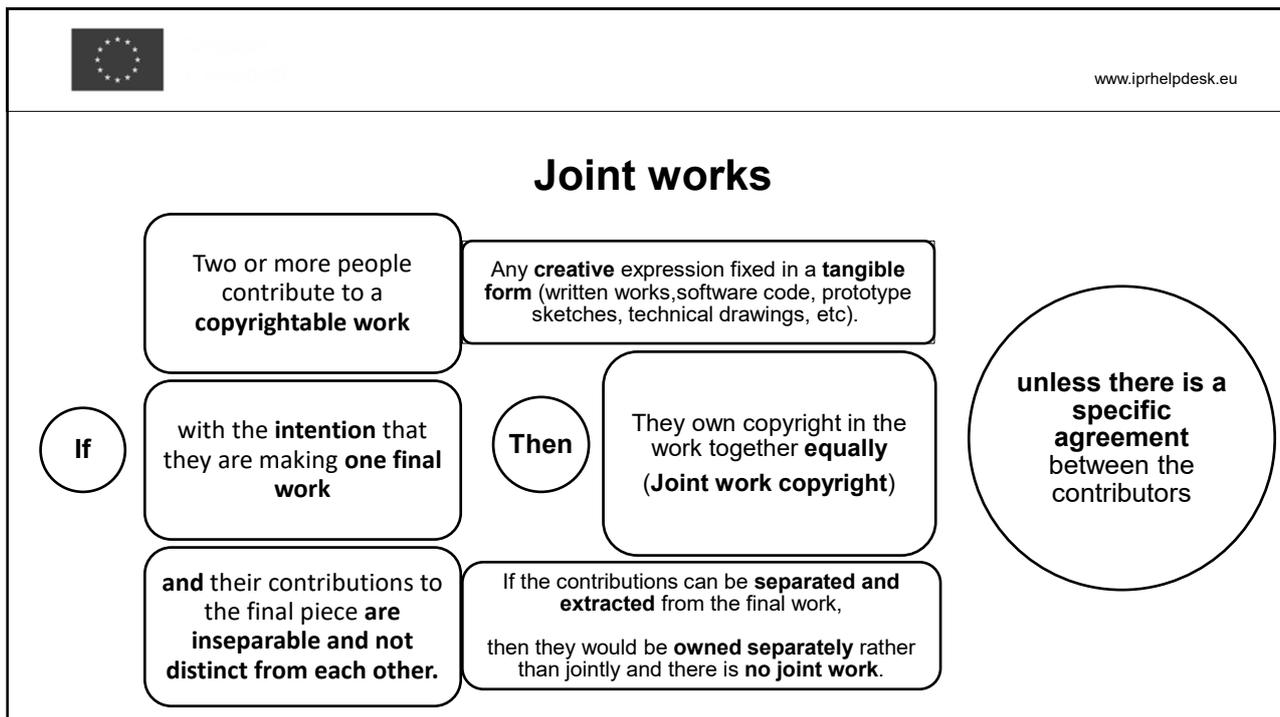


WHO OWNS WHAT?

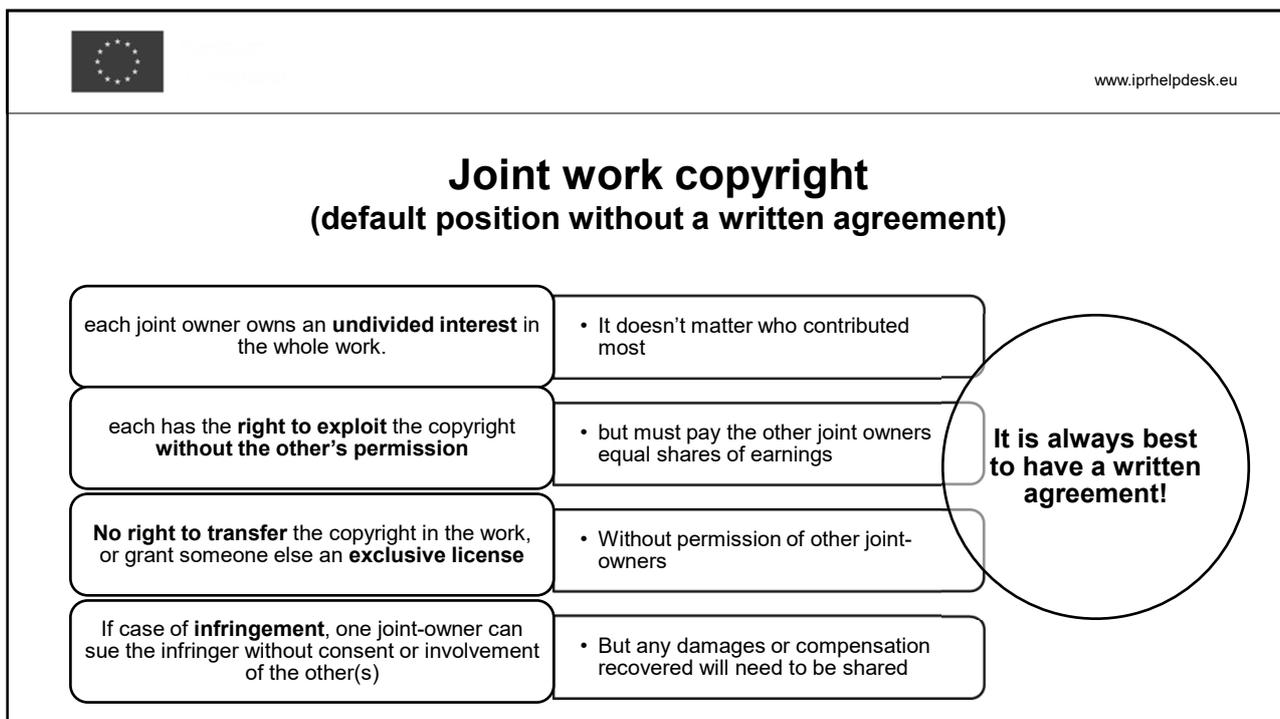
**JOINT WORKS
DERIVATIVE WORKS**



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Derivative works

A **new work** based on a **separate, original work**

- The author **adds new copyrightable material** to make another work.
- The new author's creative process happens **later and separately** from the making of the original work.

Examples

- movie based on a novel
- an illustration based on a photograph
- a new software program based on existing software code

The author/owner of the new content **owns copyright in the derivative work**

- But that copyright **only covers the new content**.
- The original copyright owner still owns copyright in the underlying work.

A derivative work is an **infringement** if it is made **without the original copyright owner's permission**

- In granting permission to make a derivative, the original copyright owner **can impose conditions** on how the derivative work is used

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Agree exploitation of the collaboration outputs

Agree exploitation strategies and pathways and responsibilities

- **Who exploits** what, where and how?
- How, and **under what terms**, is IP made available for commercial or other use?
- Rights of first refusal for **upgrades/improvement**?
- Who will manage **infringement, litigation**?
- Post-deal **auditing**?

Copyright is usually made available under a licence
MORE LATER

Ensure the collaboration agreement covers these points

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Agree what happens after the collaboration ends (or terminated)

Terms of access and use of IP post-collaboration

Ongoing management of jointly owned IP and its protection

Who will **manage** and **monitor** existing **licences**, and **derivative works** including auditing

How will **infringement** and **litigation** be managed?

Ensure the collaboration agreement covers these points

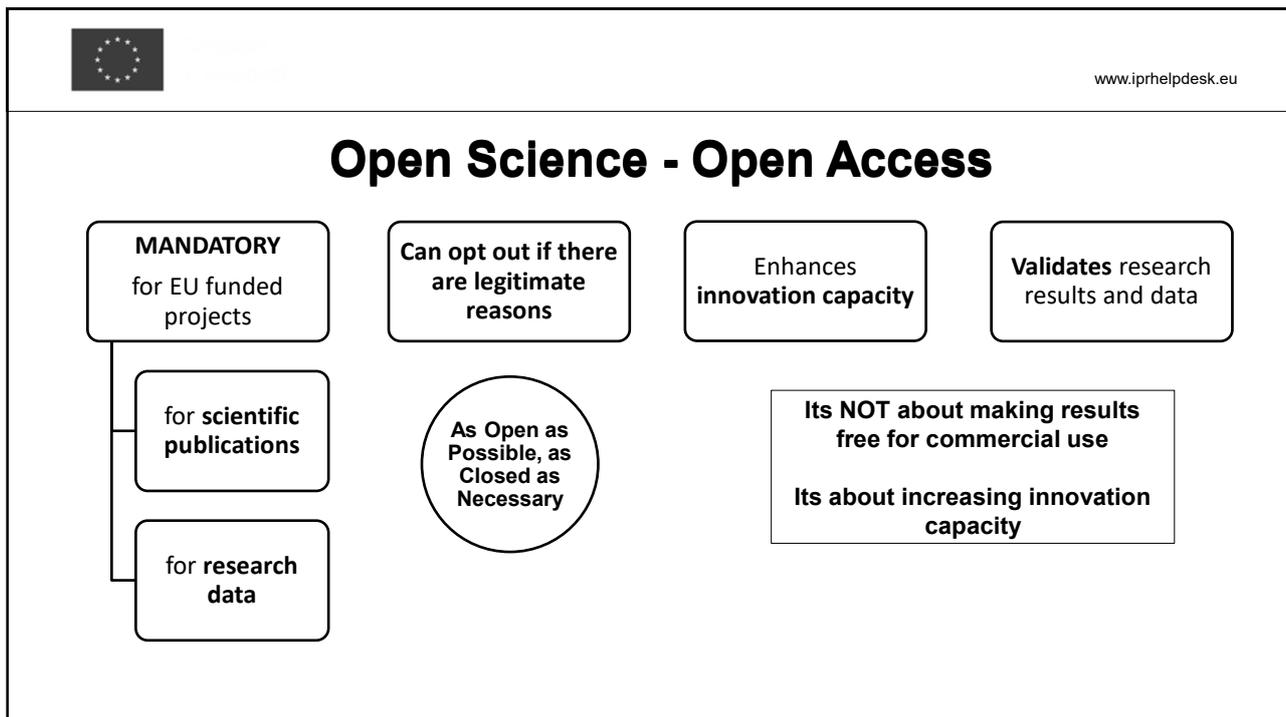
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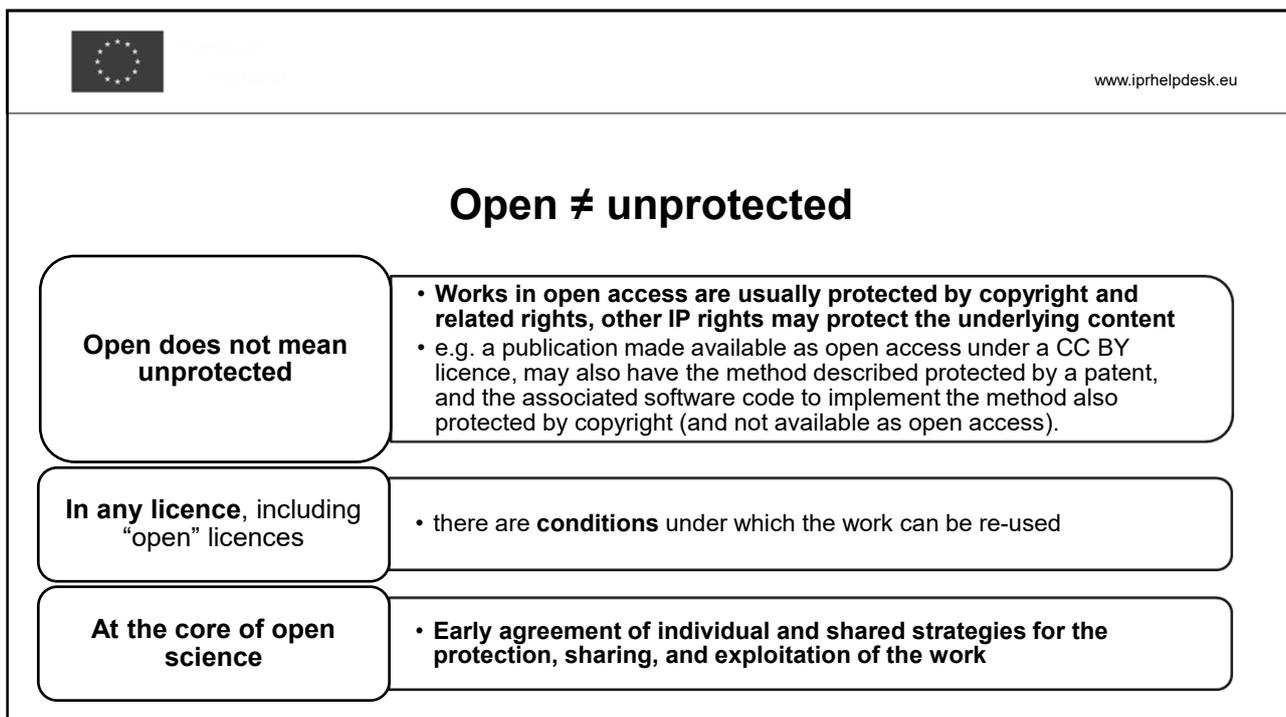
COPYRIGHT AND OPEN SCIENCE



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Research Publications and Data in Horizon Europe



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Open Science Obligations in Horizon Europe (for publications)

Not an obligation to publish

If/when a scientific article is published, it will have to be in open access

Not an obligation to disseminate or ignore IP rights

The dissemination of results can be postponed to allow the appropriate protection of results beforehand

But owners of the copyright must: retain sufficient intellectual property rights (copyright) to comply with the OA requirements

At the latest upon publication: deposit the AAM or VoR in a trusted repository, and ensure open access via the repository under CC BY licence, or equivalent

AAM: Accepted Author Manuscript. VoR: Final version

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Research Data

- **Copyright** protects the **contents (the data)**
- **Database right** protects the **collection** if there has been a "substantial investment" in obtaining, verifying or presenting the contents of the database.

IP Helpdesk Webinars
“IP and Artificial Intelligence”
“IP and Artificial Intelligence – Advanced”

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Open Science Obligations in Horizon Europe (Research data management)

Digital research data generated must be managed responsibly	<ul style="list-style-type: none">• In line with the FAIR principles and:
As soon as possible deposit the data	<ul style="list-style-type: none">• In a trusted repository• Ensure open access under CC BY or equivalent• Follow principle ‘as open as possible as closed as necessary’
Provide information via the repository	<ul style="list-style-type: none">• Any research output/tools/instruments needed to re-use or validate the data• Information about the licensing terms
Metadata must be open	<ul style="list-style-type: none">• Under CC 0 or equivalent (to the extent legitimate interests or constraints are safeguarded), in line with the FAIR principles

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Licensing Copyright

- Licensing in general
- Creative Commons Licences
- Open Source Licences



Licensing (in general)

Granting right to use
Granting the right to use the **protected IP** under agreed terms and conditions

- Field of use
- Geographic territory
- To validate not sell
- Subject to conditions

European IP Helpdesk Bulletin No.1 - IP Licensing



http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/bulletin/01/IP-H_b01_content-3.html



Creative Commons Licences

Standardised (public) licence agreements for **copyright** works

Grant permission to use the work under **copyright law**

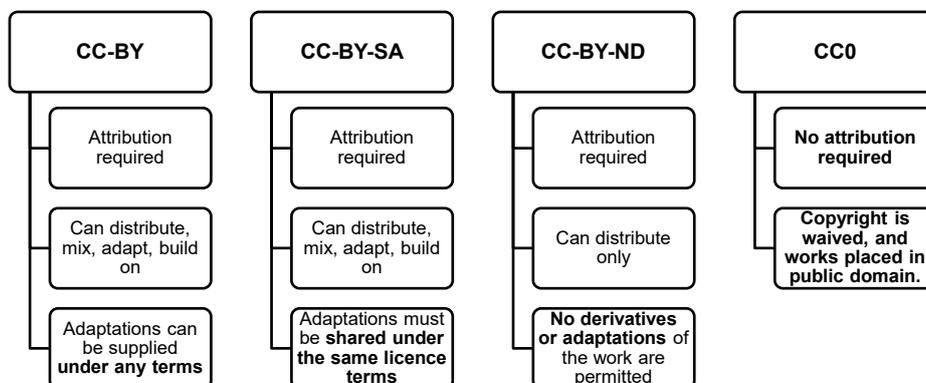
The licenses **cannot be revoked**.

You **must own copyright** in the work

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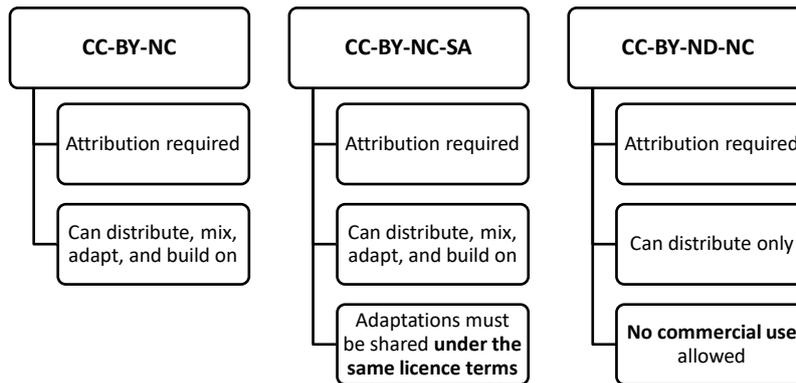
Types of CC licence allowing commercial use



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Types of CC licence not allowing commercial use



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- Confirm that CC licensing is appropriate**
I confirmed the appropriateness of CC licensing.
- Attribution**
Anyone can use my work, even without giving me attribution.
- Commercial Use**
Others can use my work, even for commercial purposes.
- Derivative Works**
Others can remix, adapt, or build upon my work.
- Sharing Requirements**
Others can share adaptations of my work under any terms.
- Attribution Details**
Filling out this form is optional, but helps others attribute your work to you, and fills in machine-readable code.

RECOMMENDED LICENSE
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Attribution 4.0 International
This license requires that reusers give credit to the creator. It allows reusers to distribute, remix, adapt, and build upon the material in any medium or format, even for commercial purposes.
BY: Credit must be given to you, the creator.
See the License Deed

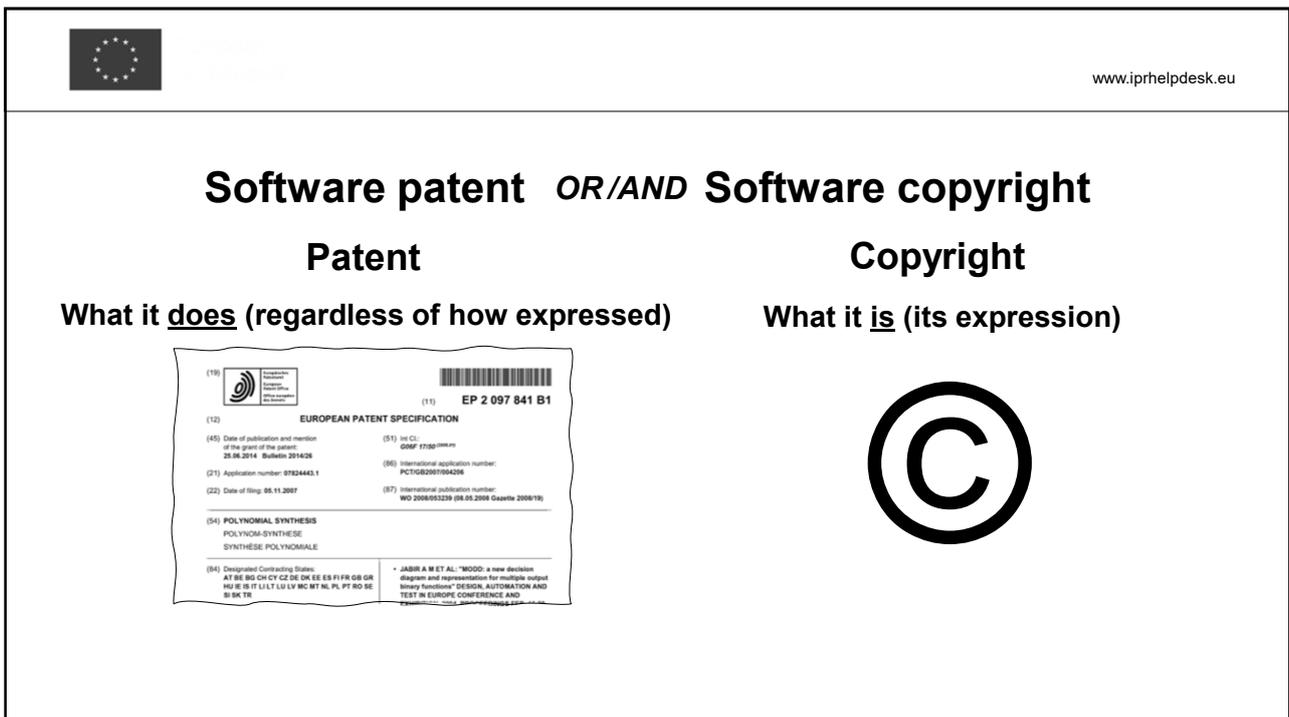
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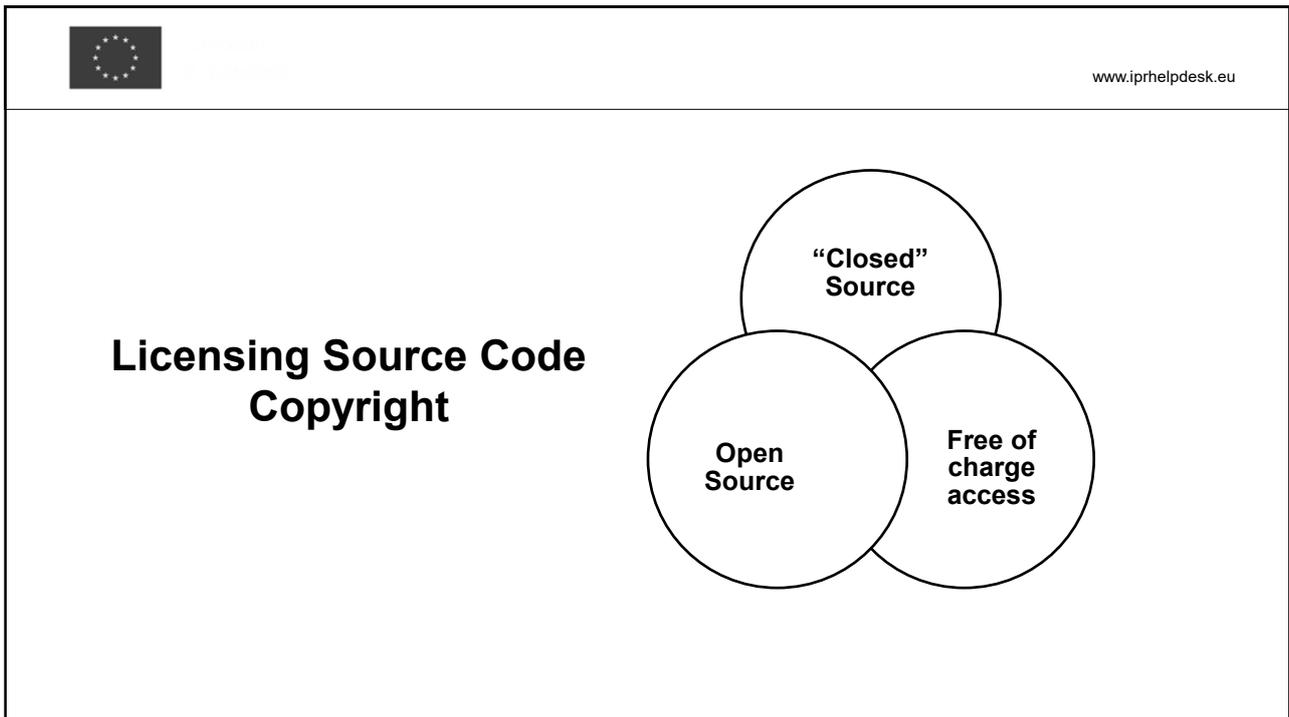
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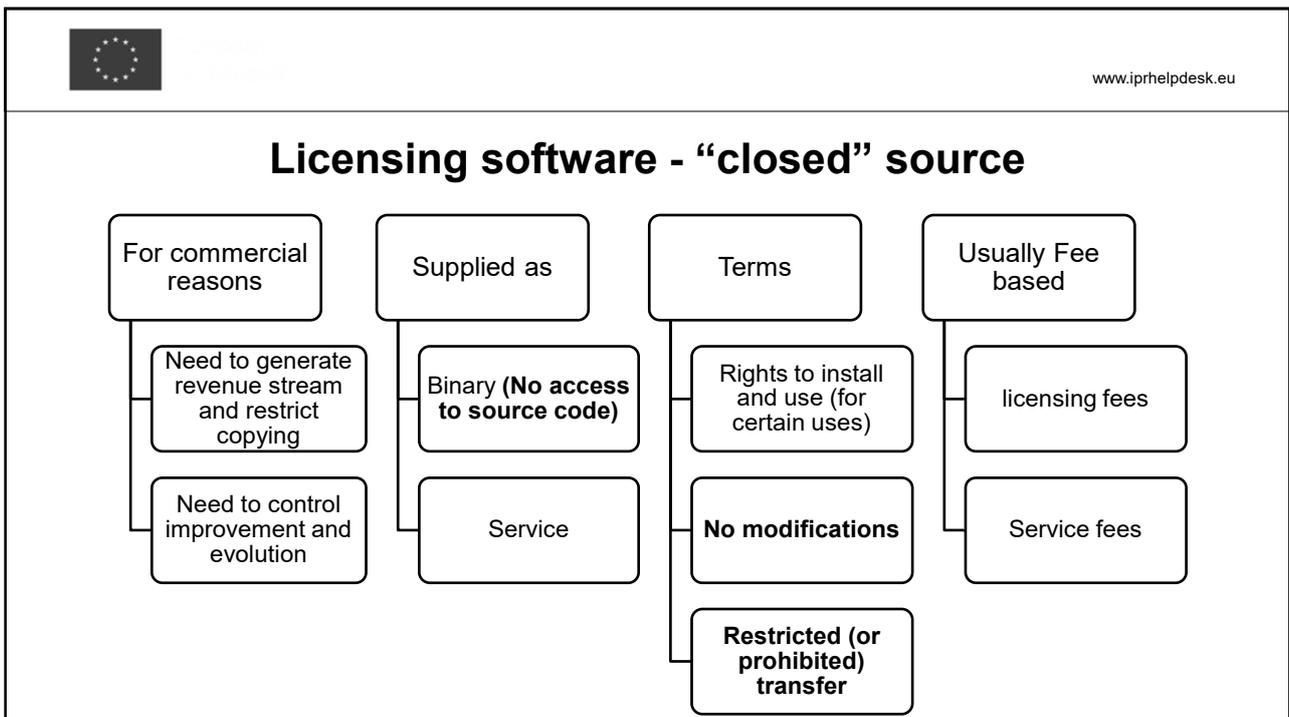
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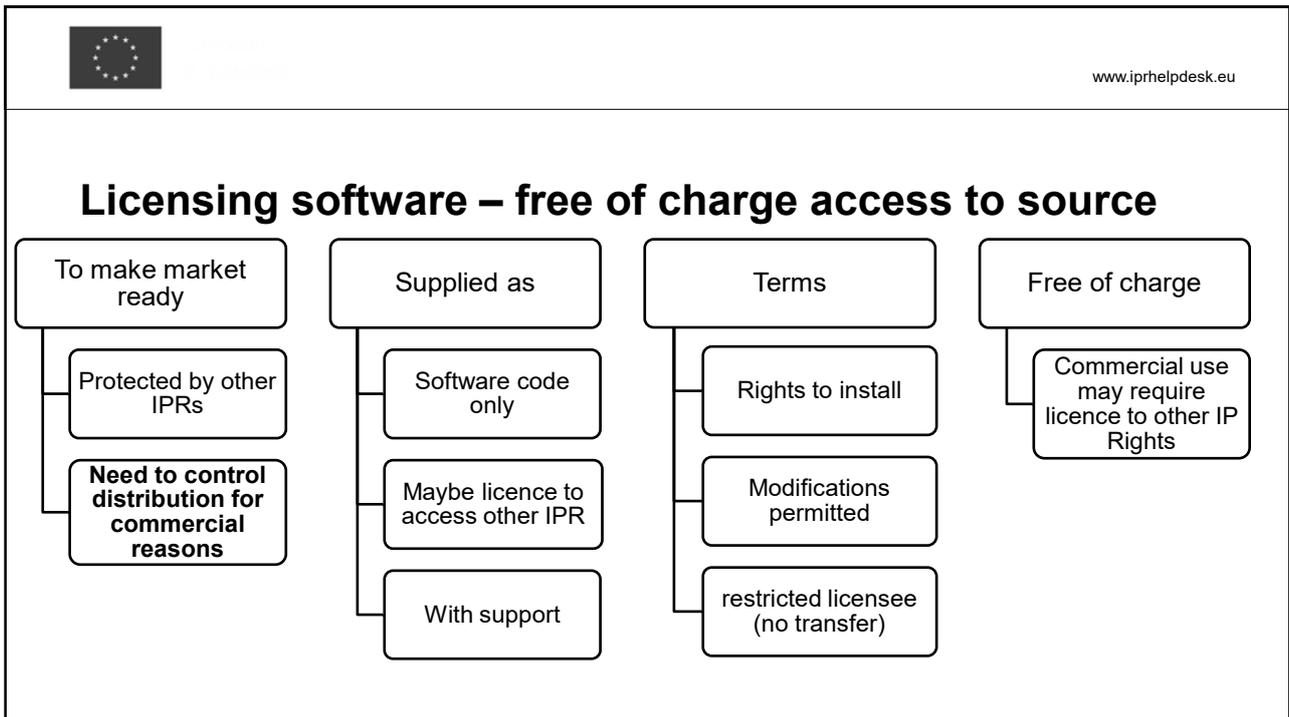
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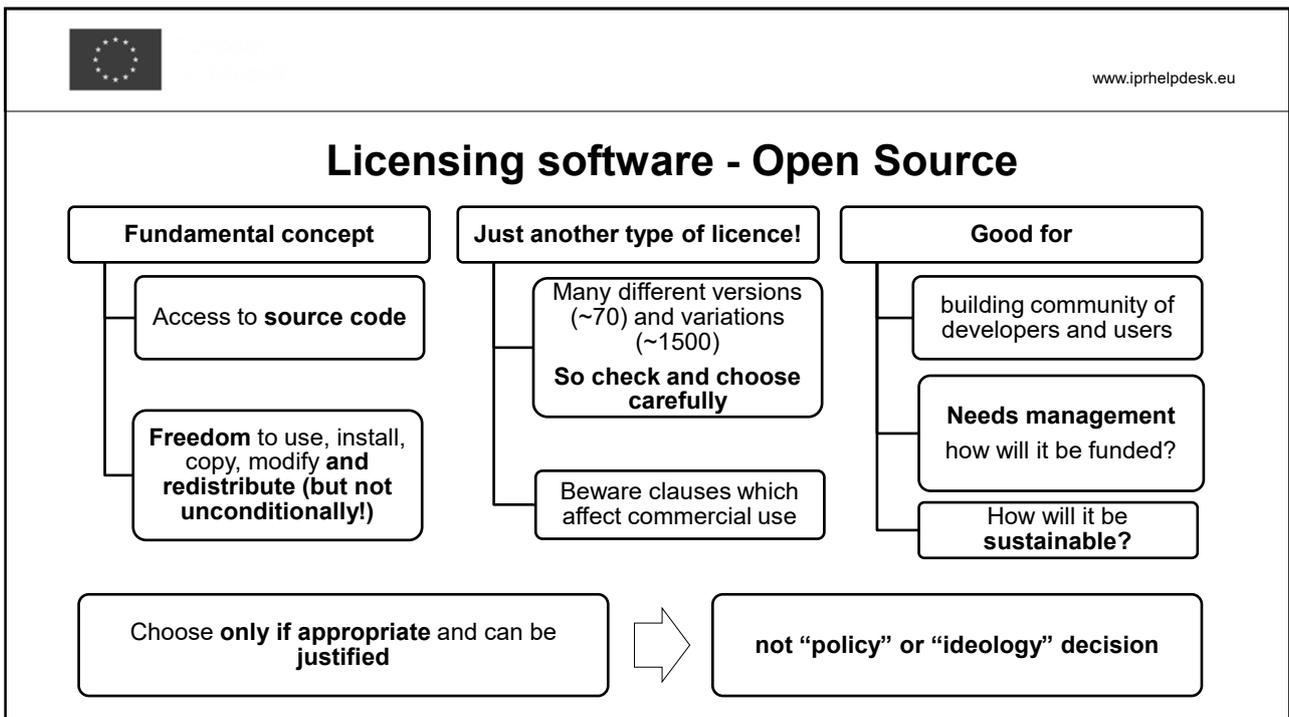
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Two main types of Open Source licence

Permissive Licences (e.g. MIT, Apache, BSD...)	Copyleft Licences (e.g. GPL, MPL, EUPL...)
<ul style="list-style-type: none">• Do not control how modified code is licensed• Modifications can be released under any licence, open source or not• Must include attribution, permission and copyright notices	<ul style="list-style-type: none">• Additional conditions about derivative works• Same rights included in derivative works (Strong) - GPL• No restrictions on derivative works, but original code must have same rights (Weak) – EUPL, LGPL, MPL

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JLA - Compatibility Checker

How compatible are:
the (planned) outbound
licensing terms

with the
inbound licensing terms

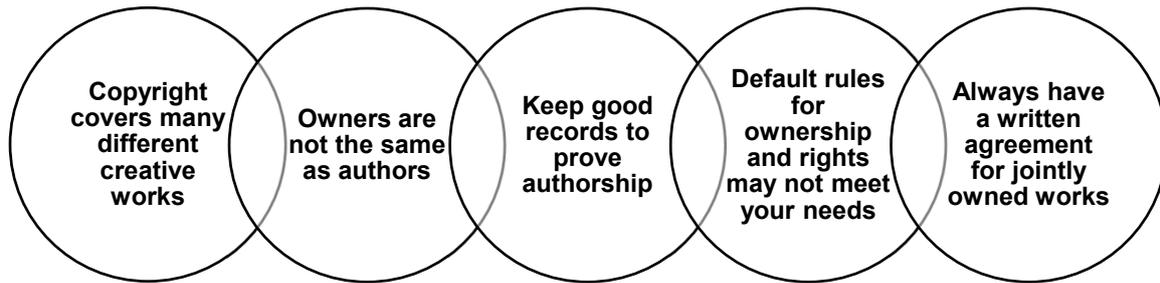


<https://joinup.ec.europa.eu/collection/eupl/solution/joinup-licensing-assistant/jla-compatibility-checker>

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Summary



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Presentation produced by Dr. Eugene Sweeney, Iambic Innovation Ltd.

DISCLAIMER

The European IP Helpdesk provides free-of-charge first-line support on IP-related issues aiming to help current and potential beneficiaries of EU-funded projects, as well as EU SMEs, manage their Intellectual Property assets.

The European IP Helpdesk is managed by the European Commission's Executive Agency for Small and Medium-sized Enterprises (EASME), with policy guidance provided by the European Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG Grow).

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