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"The German Situation" on Industry-University Partnership

The Effect of Intellectual Property Issues

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Industrial Partnerships

= German Exchange Service
DAD = Deutscher Akademischer Austauschdienst

AVH = Alexander von Humboldt Stiftung / Foundation

DFG = Deutsche Forschungsgemeinschaft

Sponsored by the Ministry for Agriculture
= Agency for Renewable Resources

FNR = Fachagentur fur nachwachsende Rohstoffe

Ministry of Education and Research

= Bundesministerium fur Bildung und Forschung

Frameworks of the European Community

= Forschung in Germany
In Free Licence for the other partners who are not interested in.

- IP and contract regulations

Special programs such as COST only for travel expenses and livelihood

Industry, Leadership by an industrial partner mostly 50% of the expenses for the industrial partners, rest comes from 100% coverage for the university and research institution partners,

Support for man power, equipment, consumables, traveling and overhead.

Special programs for collaborations between EU and Non EU - countries

Number of members varies. Members come from EU countries. But Foundation of consortia including members from industry, academia as well e.g. renewable sources, nanotechnology, climatic research, energy sources

Such frameworks include all areas of science. Certain topics are supported

7th Framework of the European Community
than the amount of the research fund - DFG might be not so generous, payment of a certain amount but not more.

- DFG might be generous, and give it for free particularly for German Com.

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The company applies for a patent and takes over all the costs for that. Now:

Individual research group can offer the rights to a third party e.g. company. 

Concerning the IP, in case patentable results will be achieved then the

- working in the same field but using other complementary tools up to 3 years
- SFB = Sonderforcherprogramme (Supported by DFG) for their salaries, equipment, consumables and travel expenses
- Only for academic and governmental research institutions. Individuals are connected to the application and commercialization.
- DFG supports the academic fundamental research without or only minor
Concerning the IP, in case that patentable results will be found then the

such cases only funding for travel expenses and livelihood

DAD sponsors very talented students from outside of Germany,

but also foreign highly distinguished Professors and industrial scientists.

AVH sponsors very talented students from outside and inside of Germany

Support for man power, travel expenses and recently a bit for consumables

Only basic research is sponsored

AVH and DAD, both organizations provide individual scholarships

AVH and DAD Funding
IP belongs to the industrial partner paying the patent application etc.

the industrial partners, rest comes from industry, 100% for the university and research institution partners, mostly 50% for support for man power, equipment, consumables, traveling and overhead.

Financial support of the industrial partner. That is not sponsored by BMNB. However, competitive research and development of new or already existing processes and products should be carried out in bilateral contracts. Collaborations of academic and industrial partners under the guidance and laboratory of academic and industrial partners.

Research approaches are evaluated. In pre-competitive studies of a consortium of academic and industrial techniques, new reactor and engineering concepts etc. In fields such as new type of catalysts, new characterization research etc. G. BMFB picks up new and innovative approaches as a result of the basic
IP belongs to the industrial partner paying the patent application etc.

- 60% of the expenses for the industrial partner, rest comes from industry,
- 100% coverage for the university and research institution partner, mostly
  Support for manpower, equipment, consumables, traveling and overhead,

Feedstock and close to the application

This research must be in connection with the use of renewable

Within the frame of bi- and tri-lateral collaborations.

FNR funds research projects between academic and industrial partners.
Number of industrial collaborations is increasing

- depending on the expertise and industrial experience of the head of the academic group.
- depending on the right equipment in the academic group.
- depending on the right organization of the academic group.
- depending on the importance of the field for industry.

Less industrial collaborations, then technical or polymer departments.
Less industrial projects, Physical, Inorganic and Organic Chemistry have involved more or less in the field of chemistry, the research group is involved in the industrial partner.

Industry-Funding of Research
Cycle of Development

- Scouting area
- Extensive, modest
- Improvement efforts, modest
- In spite of additional
  maturity, technological
- Improvement efforts, no further
- Rapid development
- Time
of expertise, experience and equipment i.e. use of brain resources.

For the Industry

- They are better prepared for the future job. Easier to find a job.
- Getting aware of industrial questions and needs, learning the terminology,
- Learning how to interact with industrial researchers and to work in a team.

For the Students

- Disadvantage: not so much fundamental and free research.
- U.S.A. Funding of Universities via private foundations is not existing.
- Without the industrial research and money the Universities in Germany can not survive. Therefore the Federal Government, the States and the

For the University

Importance of University Industry Research = Win - Win Situation
European and Japanese companies faster than American companies.

Privately owned companies need only 2-3 weeks to set up a project but sometimes also years when a big company is involved. Patent and license department is the slowest part. It takes 4 to 6 months to get a patent and several management levels, often management change, the reasons.

Rule: If the larger the companies the longer it takes to set up a contract.

University have to get involved and then it becomes more complicated. However, if companies insist on their own contracts then the lawyers of the agreements can be done alone by the head of the research department. The negotiation of these standard contracts and standard secrecy agreements can be done alone by the head of the University. Professor can sign alone in case nothing is changed in the text. Legal are legal standard contracts, secrecy agreements, personal contracts, consulting contracts, meeting etc.

Set up of New Industry Funded Projects.
accept such contracts and its conditions.

They failed with that idea; there was a lot of reluctance from companies to negotiate the
royalties when the invention became commercialized etc.
at the table, to discuss the value of the invention and to negotiate the
with that money part of the expenses for the universities. They wanted to sit
the USA and wanted to take over similar IP management in order to pay
The German Federal Government, the States and the Universities looked to

Now the universities are the owner of the IP.

In 2002 the situation changed drastically when these rights have been taken
away and the professors have been not anymore the owners of the IP.

At that time a quite common rule could be: Who pays who owns?

The professors in Germany had all the rights of the IP until 2002

intellectual Properties in Former Days until 2002
all the costs to patient, to write, to prosecute, to maintain, to pay fees etc.

The IP is owned and controlled by the client / industrial partner, taking over
accurate and irrevocable right of use in respect of all such protective rights as may

The inventors of the university must be named on the patent

The inventors of the university shall retain 30% of that will be paid to the inventors

However, than a total of 5% of the value of order as agreed under § 3.

By way of compensation of the Contractor in accordance with § 42 Sub-

1000, are paid to the university; £ 1,000.00 for every invention

introducing inventions through employees [ARNEG],

"the client(s) shall undertake to pay the Contractor a once-
paragraph 4 of the law governing inventions through employees

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