

Bird & Bird Research & Innovation



Legal Partner

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We have considerable experience in dealing with collaborative research and innovation projects. Not only do we frequently advise consortia and participants, but Bird & Bird also participates itself in several projects under FP7 and H2020

Bird & Bird is the legal counsel of consortia and participants

Our Brussels-based lawyers assist public and private participants to collaborative research and innovation projects funded under FP7 and H2020 programmes.

More particularly, we:

- Assist participants and consortia with their **establishment** (including in relation to the pre-contractual documents).
- Advise on legal issues **affecting the conduct of activities**, including contract law (under Belgian law), project governance, corporate, regulatory and public procurement, EU and competition, employment, tax, and data protection.
- Advise on strategies to **keep control over intellectual property rights**, including intra-group strategies to secure intangible assets, anticipation of IP aspects as from the proposal stage, assessment and control the information to be introduced in the project, review and putting in place of contractual arrangements at all levels, putting in place internal policies, etc.

In addition, we can rely on the expertise of our colleagues from other Bird & Bird offices across Europe, should the situation require advice involving other jurisdictions.



Advising in relation to participation

- Advising a Belgian leader in high temperature semiconductor solutions on its participation to both national and FP7 consortia.
- Advising an American company specialising in computer storage and data-management on its participation to a H2020 call regarding infrastructures supporting cloud computing.



Advising in relation to intellectual property rights

- Advising a leading global IT company in relation to the complex layered legal framework and the multiple parties to projects related to 5G. We were able to combine the expertise and experience in such projects of IP lawyers and commercial lawyers to provide tailored advice and recommendation which our client can replicate for other projects. Our advice ensures the client can obtain EU funding and participate to high profile collaborative R&D projects enhancing its technology, without jeopardising its own strategic technology.



Advising on the adequate legal structure

- We advise PRACE (the "Partnership for Advanced Computing in Europe") on the adoption of an adequate legal structure, including the analysis of the adoption of an ERIC (European Research Infrastructure Consortium) and, on all public procurement, contractual and EU regulatory aspects connected to the PCP (Pre-Commercial Procurement) project on "Whole-System Design for Energy Efficient High Performance Computing".

Bird & Bird participates in EU research and innovation projects

Bird & Bird participates in EU projects related to disruptive technologies such as big data and cloud computing.

More particularly, a legal partner such as Bird & Bird plays a particular role in a research and innovation project:

Our role vis-à-vis the EU Commission:

- Perform long-term research and innovation in specific fields.
- Align technology with legal requirements.
- Apply existing regulations and anticipate upcoming ones.
- Assess legal risks that may arise in the framework of a project.
- Facilitate the review process by the EU Commission.

Our role vis-à-vis the consortium participants:

- Ensure general compliance of the consortium.
- Advise on internal legal issues.
- Mediator in case of conflict.
- Legal review of certain documents.
- Bridge between business and legal.

The EU Commission's experts consider a legal partner as an added value:

“Defining an EU-wide standard for legal questions around Big Data is covered in the proposed work and could be a major benefit”

“Trans-disciplinary issues are considered – a positive aspect is the inclusion of a work package to deal with legal aspects.”

“Further positive impacts, particularly in the legal domain, can be expected from the proposal: the implementation of the project could lead the consortium to identify potential gaps in the data protection legislation, which may require real time responses (e.g. via comitology).”

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Bird & Bird notably participates in the following EU-funded projects:



Confidential and Compliant Cloud

Since 2013, Bird & Bird participates in this project concerning the provision of confidential and compliant cloud computing services.

Bird & Bird examines legal issues in several jurisdictions connected with the provision of cloud computing services with particular reference to data protection, liability of providers, and intellectual property issues; and supports from a legal perspective the pilot projects on mobile, public administration, and health services.

As part of the work performed in the project, Bird & Bird has provided a cross-jurisdictional study of ten selected EU Member States.



Service legal Agreement – Legal and Open Model

Since 2015 Bird & Bird participates in the SLALOM project, which is a support action tackling the complexity of cloud computing SLAs and contracts through standardisation of the SLA and contract terms and a reference model for SLA management. Bird & Bird's role in the project involves defining all legal and contractual issues inherent to the standardisation of SLA and contract terms.



Trustworthy model-aware Analytics Data platform

Since 2016, Bird & Bird participates in this big data related project which aims at overcoming some major hurdles that until now have prevented many European companies from reaping the full benefits of Big Data analytics (BDA).

Bird & Bird's involvement requires the analysis of big data analytics technology and the related legal issues (privacy, security, data ownership, database rights, etc.) in order to ensure the entire legal compliance of the project as from the outset and throughout its lifespan.

Bird & Bird will submit 3 substantial legal research & innovation reports and 4 project compliance reports and 4 pilot-specific legal reports.

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