
STATUTORY INSTRUMENTS

2022 No. 1271

The Competition Act 1998 (Research and Development Agreements Block Exemption) Order 2022

Conditions, obligation and consequences of breach

Excluded restrictions

- 12.**—(1) Subject to article 13, the R&D agreement must not contain an excluded restriction.
- (2) Subject to paragraphs (3) and (4), an excluded restriction means—
- (a) an obligation not to challenge, after completion of the research and development to which the agreement relates, the validity of intellectual property rights which—
 - (i) are held by a party to the agreement under the law of any part of the United Kingdom, and
 - (ii) are relevant to the research and development;
 - (b) an obligation not to challenge, after the expiry of the agreement, the validity of intellectual property rights which—
 - (i) are held by a party to the agreement under the law of any part of the United Kingdom, and
 - (ii) protect the results of the research and development to which the agreement relates;
 - (c) an obligation not to grant licences to third parties to produce a contract product or to apply a contract technology
- (3) As regards paragraph (2)(a) and (b), provision permitting termination of the R&D agreement in the event of one of the parties to the agreement challenging the validity of the intellectual property rights referred to in those sub-paragraphs is not an excluded restriction.
- (4) As regards paragraph (2)(c), an obligation not to grant licences to third parties to produce a contract product or to apply a contract technology is not an excluded restriction if the agreement provides for exploitation of the results by at least one of the parties to the agreement and such exploitation relates to the contract product or contract technology concerned and takes place in the United Kingdom.
- (5) For the purposes of paragraph (4), the exploitation takes place in the United Kingdom if it involves—
- (a) distribution of the contract product to customers (including third party distributors) in the United Kingdom,
 - (b) production of the contract product or the application of the contract technology within the United Kingdom, or
 - (c) the assignment or licensing of intellectual property rights, or the communication of know-how, required for the production of the contract product or the application of the contract technology, to a third party in the United Kingdom.

Changes to legislation: There are currently no known outstanding effects for the The Competition Act 1998
(Research and Development Agreements Block Exemption) Order 2022, Section 12. (See end of Document for details)

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Commencement Information

II Art. 12 in force at 1.1.2023, see **art. 1(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Competition Act 1998 (Research and Development Agreements Block Exemption) Order 2022, Section 12.