
STATUTORY INSTRUMENTS

2022 No. 1271

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

Block exemption

3.—(1) The category of agreements identified in paragraph (2) as R&D agreements is specified for the purposes of section 6 of the Competition Act 1998(1).

(2) Subject to paragraph (3), for the purposes of this Order an R&D agreement is an agreement entered into between two or more parties which relates to the conditions under which those parties pursue—

- (a) joint research and development, including cases where the agreement concerned also provides for joint exploitation of the results of that research and development,
- (b) paid-for research and development, including cases where the agreement concerned also provides for joint exploitation of the results of that research and development,
- (c) joint exploitation of the results of research and development carried out under a prior agreement falling within paragraph (a) between the same parties, or
- (d) joint exploitation of the results of research and development carried out under a prior agreement falling within paragraph (b) between the same parties.

(3) R&D agreements which include provisions relating to the assignment or licensing of intellectual property rights to one or more of the parties, or to an entity the parties establish to carry out the joint research and development or paid-for research and development to which the agreement relates or joint exploitation of the results, are specified provided that those provisions—

- (a) do not constitute the primary object of the agreements, and
- (b) are directly related to and necessary for the implementation of the agreements.

(4) In paragraph (2) references to “exploitation of the results” of research and development are references to the production or distribution of products or the application of technologies arising out of the research and development concerned or the assignment or licensing of intellectual property rights or the communication of know-how required for such production or application.

(1) An agreement specified for the purposes of section 6 of the Act is exempt from the prohibition in Chapter 1 of Part 1 of the Act. See section 6(3) of the Act.