
STATUTORY INSTRUMENTS

2022 No. 1271

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

Conditions, obligation and consequences of breach

Joint exploitation

7.—(1) If the R&D agreement provides for joint exploitation of the results it must meet the conditions in paragraphs(2) and (3).

(2) The condition in this paragraph is that the joint exploitation must relate only to results which are—

- (a) indispensable for the production of the contract product or the application of the contract technology concerned, and
- (b) protected by intellectual property rights or constitute know-how.

(3) The condition in this paragraph is that, if one or more of the parties to the R&D agreement are charged with the production of a contract product by way of specialisation relating to exploitation, those parties must be required to fulfil orders for supplies of the contract product from the other parties to the agreement, except where—

- (a) the R&D agreement also provides for distribution of the contract product by a joint team, organisation or undertaking or by a third party jointly entrusted with distribution of the contract product by the parties, or
- (b) the parties to the agreement have agreed that only the party producing the contract product may distribute it.

Commencement Information

II Art. 7 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 7.