



Sent by email: [REDACTED]

12 December 2024

Dear [REDACTED]

Freedom of Information request: FOI2024/01061

Thank you for your Freedom of Information request received on the 9 November in which you requested the following:

Your request:

The request is regarding grants, values, the numbers of contracts awarded by Innovate UK, and to the presence of intellectual property (IP) clauses of the general type included in "INTELLECTUAL PROPERTY RIGHTS Guidance Note JUNE 2023", published by the Government Commercial Function. With specific reference to Section 3 – Model and Example Contract Clauses:

1. How many different types of grants do Innovate UK award each financial year (FY) to UK companies?
2. What is the financial value, or range of values, of each type of grant?
3. How many of each type of grant was awarded in FY2023 and to what size (turnover/heads) of company?
4. Of each type, which grant types contain Foreground IP license wording which directly follows the guidelines in the above referenced document?
5. Of each type, which grant types contain Foreground IP license wording which are more onerous (from an applicant's perspective) than the guidelines in the above referenced document?
6. Of each type, which grant types contain Foreground IP license wording which also has sub-license provisions?
7. Of each type, which grant types contain Foreground IP license wording which also has extra-territorial sublicense provisions?
8. Do any grant types require a license to an applicant's Background IP and if so, which?
9. Do any grant types not follow the guidelines in the above referenced document? If so, why?
10. For which grant types (if any) are applicants allowed to negotiate the Foreground IP clause? If they are, is it made clear to applicants that they can do so and how?
11. How many grants have been agreed in the last FY with modified Foreground IP license wording and of which grant types?
12. In FY2023 how many grant applications were discontinued because of the Foreground IP wording?
13. In FY2023, how many grant agreements have resulted in sub-licences to third party companies? Of these, how many have included FRAND provisions requiring a monetary payment to the IP owner
14. According to your records, have there been any grant agreements that have resulted in a sub-licence(s) to third party companies? Of these, how many have included FRAND provisions requiring a monetary payment to the IP owner?

Our response

I can confirm that UK Research and Innovation (UKRI) holds some information relevant to your request.

For Questions 1–3, please see the information provided in the attached document, "FOI2024_01061 Appendix 1".

- Question 1, is answered in Column A.
- Question 2, is answered in Column B.
- Question 3, is answered in Columns C to F.

Question 4: “Of each type, which grant types contain Foreground IP license wording which directly follows the guidelines in the above referenced document?”

All grant awards are subject to agreeing to the [terms and conditions](#)¹ published for Innovate UK, and are set out in Clause 19 of the grant offer letter (GOL). An extract of this is provided below:

Intellectual property rights Clause 19:

19.1) Any intellectual property rights (IPRs) developed during or as a result of the project are owned by you.

19.2) You will ensure that you have the necessary rights to use or access third party IPR needed to carry out the project.

19.3) You manage IPRs in a professional and business-like manner in order, amongst other things:

19.3.1) To help the achievement of Innovate UK’s overall aims of encouraging the commercialization of new technologies.

19.3.2) To help businesses to grow by benefiting from UK research.

19.3.3) To enhance the growth of high technology industry in UK.

19.3.4) To comply with the [National Protective Security Authority | NPSA guidance](#)² as highlighted in the Obligations clause 5.5.

The referenced document, “INTELLECTUAL PROPERTY RIGHTS Guidance Note JUNE 2023” relates to intellectual property where a contract is concerned or where shared IP needs to be well established. As your request relates to grants, most of the points raised in the guidance are not applicable.

The intellectual property involved in all grant projects is owned and managed by the project owner; UKRI sets the expectation that the project owner needs to establish IPRs on their own and within the regulatory framework that governs their location.

Questions 5 – 14:

This information is not held; Innovate UK’s intellectual property clauses do not change from one competition to another; the only stipulations we have around IP for grants have been provided for the answer to question 4.

Because the terms and conditions around IP does not change, we are unable to answer question 5 – 14. As noted above, we expect intellectual property rights to be managed, owned and maintained by the project owner, and set this expectation around IP from the inception of the competition; UKRI does have any further involvement.

If you have any queries regarding our response, please do let us know. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review, explaining which elements of this decision you disagree with and why.

Internal review requests should be submitted within 40 working days of the date of our response and should be addressed to:

Head of Information Governance

Email: foi@ukri.org

Please quote the reference number above in any future communications.


¹ [Terms and conditions of an Innovate UK grant award – UKRI](#)

² <https://www.npsa.gov.uk/>

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: www.ico.org.uk.

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see [UKRI's complaints procedure](#)³.

Yours sincerely,


Information Governance
Information Rights Team
UK Research and Innovation
foi@ukri.org | dataprotection@ukri.org

³ <https://www.ukri.org/who-we-are/contact-us/make-a-complaint/#skipnav-target>