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AMICI

Accelerator and Magnet Infrastructure for Cooperation and Innovation
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MILESTONE REPORT

COLLECTION AND ANALYSIS OF EXISTING BI- OR MULTILATERAL AGREEMENTS BETWEEN AMICI MEMBERS AND OTHER PARTNERS MILESTONE: MS13

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1. Introduction

The AMICI (Accelerator and Magnet Infrastructure for Cooperation and Innovation) H2020 project is charged by the European Commission with the challenging task of building the conditions for consolidating and exploiting collaborations based on networking and coordination. AMICI will engage the Technology Infrastructures (TIs), which are currently dedicated to European science-based accelerators and to large superconducting magnets with a new efficient and sustainable collaboration / production model by means of Cooperation and Innovation.

The overall goal of WP3 is to define the conditions of the coordination of Technological Facilities (TFs) in the area of accelerators and superconducting magnets in order to harmonize their operation and increase their efficiency, to adapt to the development of present and future European Research Infrastructures and to establish a co-innovation platform with industry. This would finally lead to the establishment of the Accelerator and Magnet European Technology Infrastructure.

It is proposed that cooperation between existing major and active TFs can be used for the formation of a Core Group, with the incorporation of flexible links to smaller TFs as being an essential mechanism for improving innovation and support to smaller research centers and universities. Defining the eligibility criteria for the participation to this Core Group is the subject of Task 3.1. The goal of Task 3.2 is to investigate the possible networking and coordination models within the Core Group and between the Core Group and the other associated partners from academia and industry.

Task 3.3 is to study existing cooperation and collaboration contracts between AMICI members and partners to propose a collaboration agreement model. This report summarizes the findings of the analysis of contracts collected from various partners within the AMICI group to satisfy the completion of milestone M3.3 due after 18 months.

2. Description and work performed

All AMICI core-group members base their actual cooperation or project driven collaboration on a variety of written agreements or contracts. Since most activities are temporarily funded, sustainability is not always guaranteed. AMICI will study existing general collaboration agreements and use the expertise of the involved legal experts to harmonize such agreements with the goal to ease the later definition of attachments dealing with technical developments. Innovation brings technology transfer, and the latter requires license agreements – either with license fees or with royalty arrangements.

Task WP3.3 will study the path from successful cooperation to collaboration. Existing bi- or multilateral agreements between AMICI members and with other partners will be studied in detail. Results of an investigation how to harmonize such agreements within the core group of large TIs is reported in this document corresponding to milestone MS13.

To study the type and content of contracts in place, members of the AMICI core group were contacted by task 3 of WP3 to provide some (typical) examples for such agreements. The following type of contracts were received and included in this comparison:



- *Memoranda of Understanding* (MoUs) or Collaboration Frameworks between non-commercial partners provided by DESY, Uppsala University, INFN, and STFC,
- Contract for the non-commercial usage of a technical platform provided by DESY,
- Contract for a commercial usage of a technical platform or the provision of services provided by DESY, CEA, PSI, and STFC.

A detailed comparison including section headlines and excerpts of the contract texts is available¹ for most of the above listed examples. The examples not included in the detailed comparison, however, show essentially the same structure and address the various topics in a similar way. It should also be noted, that the template for a CRADA agreement between a Department of Energy (DOE) lab and an international partner was received and included in the comparison even though it is in fact outside the AMICI core group.

3. Contract Comparison

In general, a large overlap in the structure and topics covered by the reviewed contracts was observed in both the different kind of contracts (see bullet list in the previous section) and between the same kind of contracts from different core group labs, respectively. This indicates that it seems feasible to develop a proposal for a template that could be acceptable for all core group members for collaboration among AMICI members or between AMICI member and other collaborators, respectively.

As the MoU / Collaboration Framework sample of contracts was the largest, the typical table of contents is given in the following. It should be noted, that among the different sources, the headings might be named slightly different even though the content covers essentially the same issues.

Section	Comment
Objective or Scope	
Organization	also sometimes referred to as <i>Form of cooperation</i>
Appendices	these annexes to the main agreement often cover the exact scope of a collaboration of specific projects together then also including the respective contributions in personnel, money, material or schedule
Confidentiality, Knowledge	covers e.g. items like sharing of knowledge available before the formation of a cooperation and of commonly acquired knowledge
Intellectual Property	
Publication	
Personnel	responsibilities / rules for personnel working on the premises of a partner lab

¹ The excel file containing the comparison is available with in the WP3 place on the AMICI intranet:

https://espace.cern.ch/amici/wp3/Shared%20Documents/WP3.3/ContractComparison_2018-01-04.xlsx?Web=1



Equipment	responsibilities regarding equipment used by partner personnel in the home lab or sent to a partner lab
Safety	defines responsibilities of personnel safety for work performed outside the home lab
Liability	
Disputes	
Changes	
Duration	

Table 1: List of typical and common section names of MoUs or Collaboration Agreements

A large overlap of the content was observed when looking at contracts that cover the usage of a technical or research platform at a lab by a non-commercial user. In addition to the sections given in Table 1, the following topics are addressed:

- Admission to the facility / platform,
- Conduction of the experiment / measurement campaign,
- Access requirements,
- Terms and condition.

Including the commercial user of a technical or research platform, a section regarding *Compensation* or *Payment* is added to the contract. This section is probably very specific to the lab providing the service and may reference a valid *price list*.

4. Conclusion and Outlook

Various contract formats of several institutions were studied over the last period of the AMICI project. All analyzed agreements cover essentially the same basis of topics with comparable content. In case of a commercial aspect, additional sections regarding the compensation scheme have to be added, which might be / probably is very specific to the service and the service provider.

From the result of this study so far, it seems reasonable to create a common template for collaboration / work-together agreements which could be used within the core group of AMICI and between core group members and associated partners. The collaboration contract should include a section on the governance of a (future) AMICI collaboration, which still has to be developed. A proposal for such a contract / template will be developed with the DESY legal department and the department of innovation and technology transfer, and will be distributed for further iterations to AMICI members within WP3.