

PROMOTING A NEW ENTREPRENEURIAL RESEARCH CULTURE - RCD ASESORES

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A consensus has been reached among Spain's major economic and political entities on the need to promote entrepreneurialism linked to science, technology and research initiatives, and for legislative change to do so, says Ignasi Costas, Partner with Rousaud Costas Duran in Barcelona.

Las nuevas Leyes de la Ciencia, la Tecnología y la Innovación (LCTI) y de Economía Sostenible (LES) han dado un giro al anterior marco normativo que impedía a los investigadores públicos la explotación comercial de sus trabajos, explica Ignasi Costas de RCD Asesores en Barcelona.

"In such a context it is extremely important to establish collaborative mechanisms, public-private partnerships and technology transfer agreements to allow into the market of the research results of public entities."

The intention is to reflect the success of other countries that in recent years have generated policies promoting the creation of technology-based enterprises to commercialise public research, he says. "Such companies are characterised by the participation of researchers who wish to commercially exploit the results of their own investigations and where there is a shared ownership with the public

entities for who they work." Spain's new Science Technology and Innovation (LCTI) and Sustainable Economy Law (LES) have both refocused the applicable legal frameworks to overcome previous obstacles, says Costas.

"The new legislation provides an explicit recognition of the right of public researchers to benefit commercially from their work. This previously only applied to university staff and certain State-owned organisations and was limited to patents. The LCTI has extended this to also encompass 'creations', 'inventions' and software development."

The Acts include measures to facilitate deeper private sector involvement in research, funding and commercialisation, says Costas. But also promote the creation of new private entities by public institutes and remove certain previously applicable employee conflict rules.

"The new regime presents a clear intention to boost productivity and competition and to promote a new entrepreneurial culture. There may still be significant gaps in the regulation but this marks a significant step forward."