



Corporation Tax Act 2010

2010 CHAPTER 4

[^{F1}PART 8A

PROFITS ARISING FROM THE EXPLOITATION OF PATENTS ETC

CHAPTER 7

SUPPLEMENTARY

Cost-sharing arrangements

[^{F1}[^{F2}357GCZB] **Exclusive licence held by another party to CSA**

- (1) This section applies if—
 - (a) a company is a party to a cost-sharing arrangement,
 - (b) another party to the arrangement (“P”) holds an exclusive licence in respect of a qualifying IP right granted in respect of the invention, and
 - (c) the company does not hold the right or another exclusive licence in respect of it.
- (2) But this section does not apply if the arrangement produces for the company a return within section 357BG(1)(c).
- (3) The company is to be treated for the purposes of this Part as if it held an exclusive licence in respect of the right.
- (4) The right is to be treated for the purposes of this Part as a new qualifying IP right in relation to the company if—
 - (a) the company or P (or both) became a party to the arrangement on or after 1 April 2017, or
 - (b) the right is a new qualifying IP right in relation to P (or would be if P was a company).

***Changes to legislation:** There are currently no known outstanding effects for the Corporation Tax Act 2010, Section 357GCZB. (See end of Document for details)*

- (5) Subsection (4) does not apply if—
- (a) the company held the right immediately before it became a party to the arrangement, and
 - (b) either—
 - (i) the right had been granted or issued to the company in response to an application filed before 1 July 2016, or
 - (ii) the right had been assigned to the company before the relevant date.
- (6) Subsection (4) also does not apply if—
- (a) the company held an exclusive licence in respect of the right immediately before it became a party to the arrangement, and
 - (b) that licence was granted to the company before the relevant date.
- (7) The right is to be treated for the purposes of this Part as an old qualifying IP right in relation to the company if it is not to be treated as a new qualifying IP right by reason of subsection (4).
- (8) Subsections (7) and (8) of section 357BP (meaning of “relevant date”) apply for the purposes of subsections (5) and (6) of this section as they apply for the purposes of subsections (5) and (6) of that section.]]

Textual Amendments

- F1** Pt. 8A inserted (with effect in accordance with [Sch. 2 paras. 7, 8](#) of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 2 para. 1\(1\)](#)
- F2** [Ss. 357GC-357GCZF](#) substituted for [s. 357GC](#) (with effect in accordance with s. 23(5) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [s. 23\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Corporation Tax Act 2010, Section 357GCZB.