



European IP Helpdesk

Stay ahead of the innovation
game.

IP in EU-funded Projects

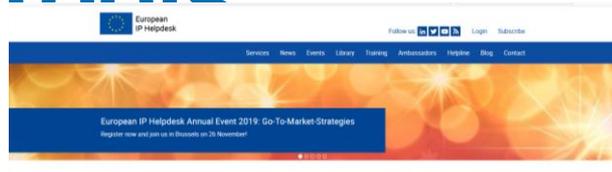
Webinar
18/02/2021

Michele
Dubini

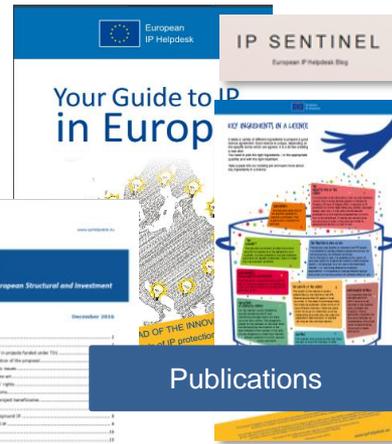




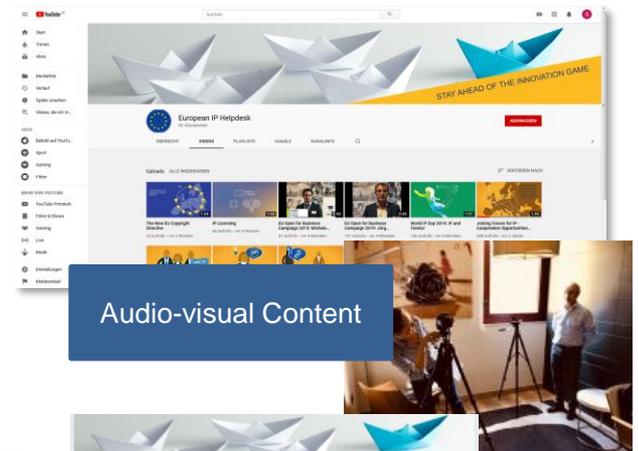
Communication Formats & Outreach Tools



Website



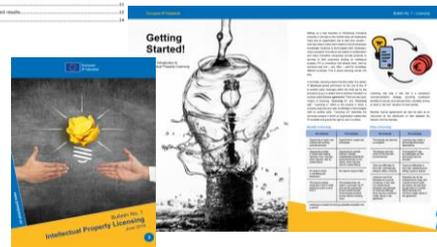
Publications



Audio-visual Content



Training

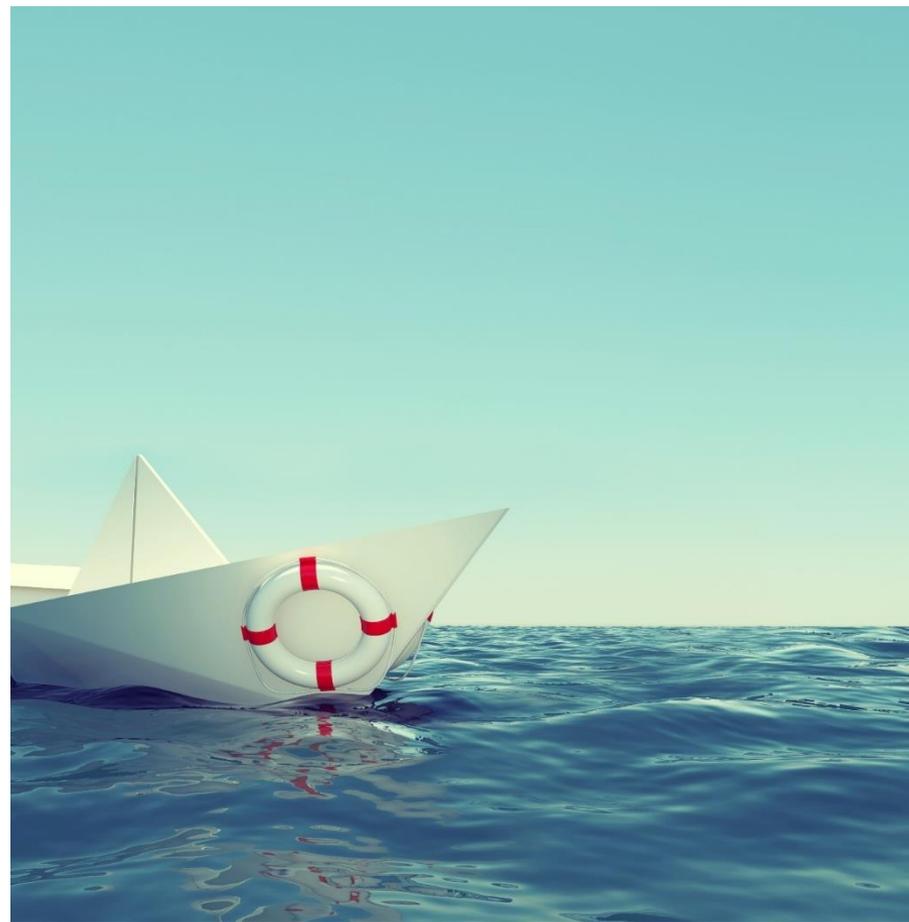


Social Media



Helpline

- Free of charge first-line IP support
- Personal and “to the point”
- Answer within 3 working days
- Email, phone and web
- Confidential





Upcoming Webinars

Date	Topic
21.01.2021	Introduction to IP – see the recording
29.01.2021	IP Assessment - recording
03.02.2021	IP in Biotechnology - recording
08.02.2021	Consortium Agreements - recording
10.02.2021	Technology Transfer
17.02.2021	Impact and Innovation in EU funded projects
18.02.2021	IP in H2020
24.02.2021	Geographical Indications
03.03.2021	IP and Artificial Intelligence
10.03.2021	IP Commercialisation and Licensing
17.03.2021	Effective IP and outreach strategies to help increase the impact of research and innovation





Ambassador Scheme

- **Cooperation scheme** with the Enterprise Europe Network (EEN): 48 ambassadors – 28 countries
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- **Local awareness** and **training events**





Other innovation support initiatives

International IP SME Helpdesks



LATIN AMERICA
IP SME HELPDESK

CHINA IP
SME HELPDESK

SOUTH-EAST ASIA
IP SME HELPDESK



www.ipr-
hub.eu



The STARTED Project

INDIA
IP SME HELPDESK





Thank you!

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Roadmap

- **Rules and Agreements**
- **Specific Vocabulary**
- **IP management in project life cycle**



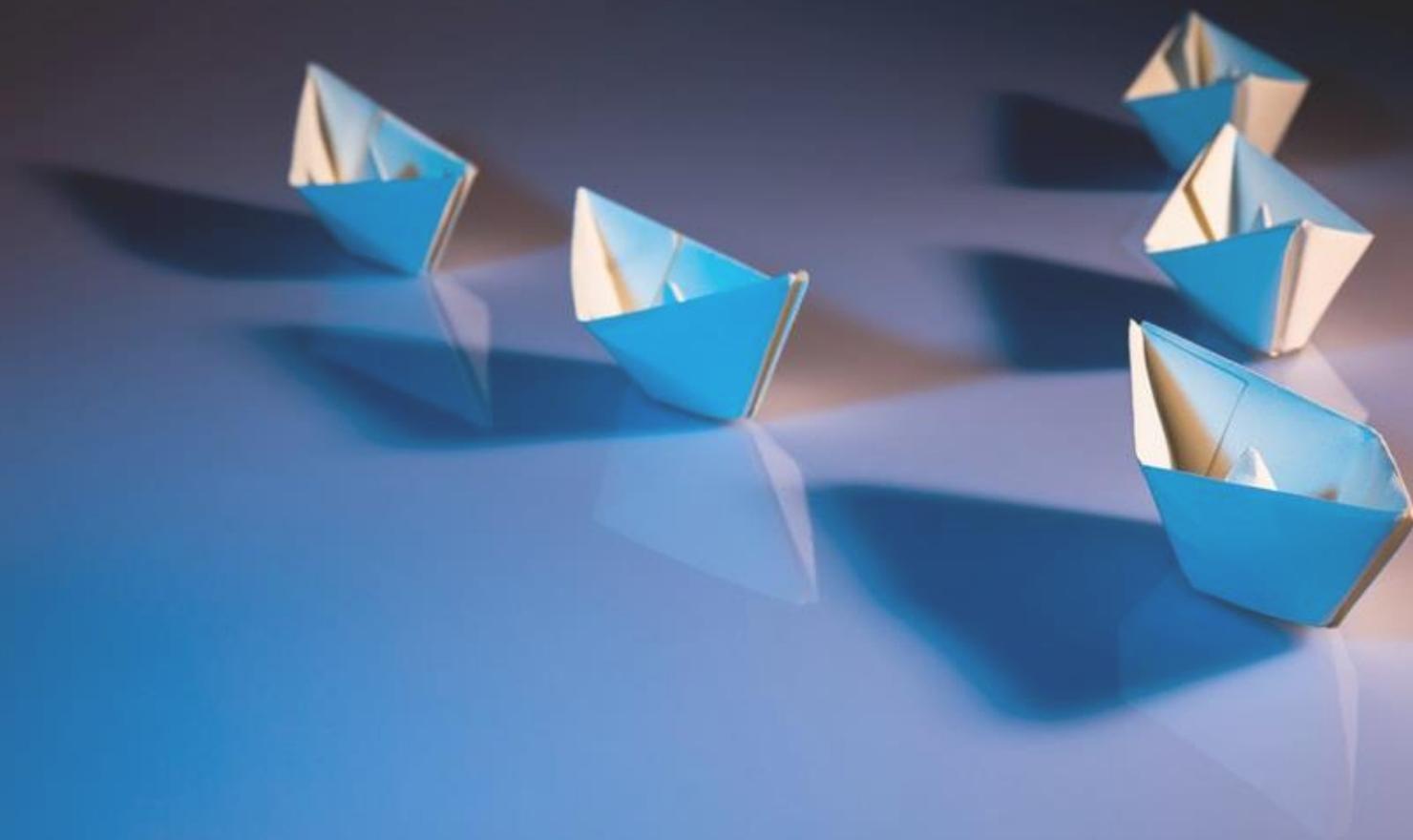


Why is it important to consider IP in H2020?

- IP and exploitation issues are subject to evaluation regarding **impact and feasibility** of the proposal.
- The Rules for Participation establish **best efforts** commitments of participants to **exploit their own results**.
- **Therefore, a convincing outline of IP management and exploitation strategies at individual and consortium level within the proposal is a relevant matter.**
- Results of research and development activities require further and often substantial investments to take them to market, which is **appealing** if the results are well-protected through **intellectual property**.
- Properly managing IP in the projects helps participants **avoid future conflicts** among the consortium.

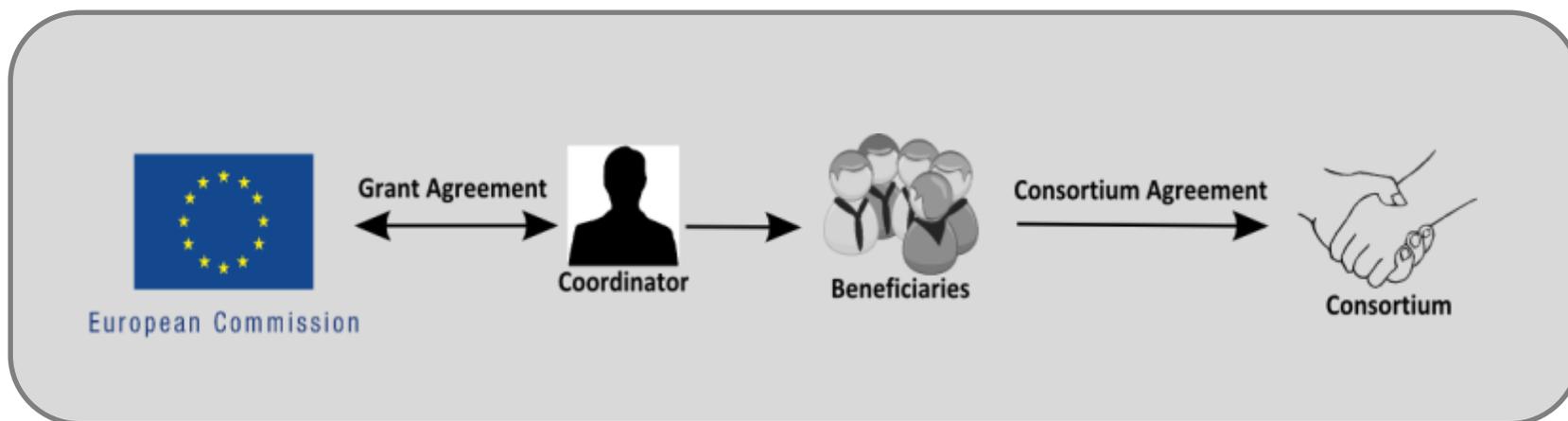


Rules & Agreements



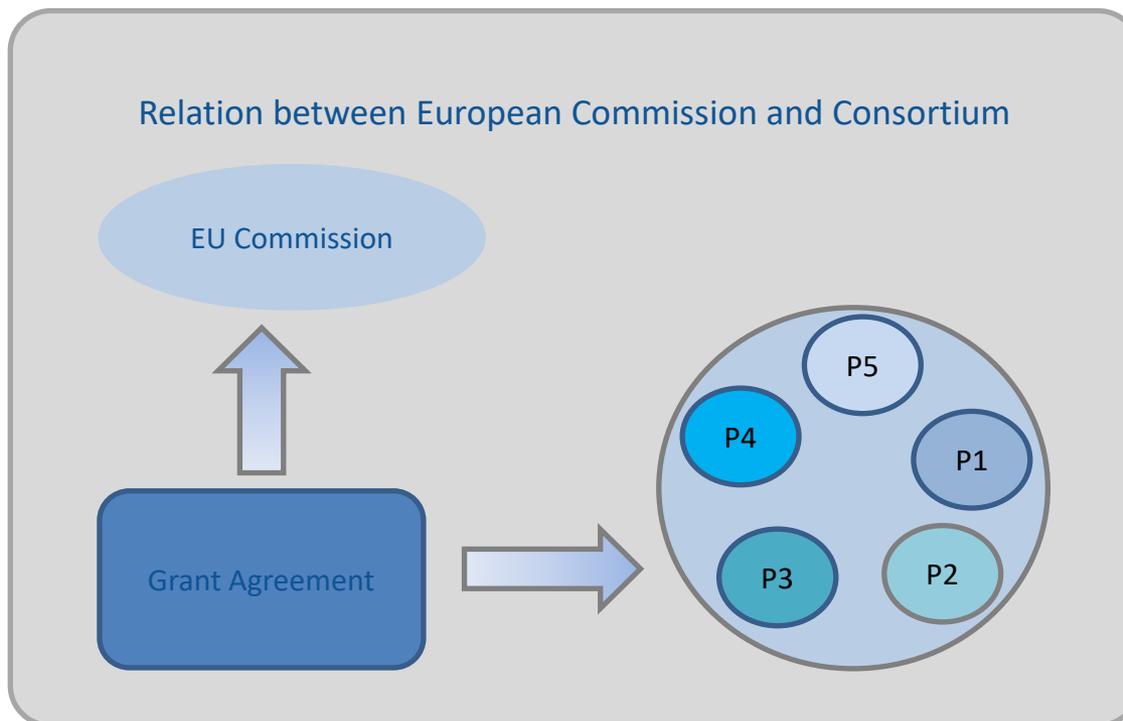


Overview: Agreements



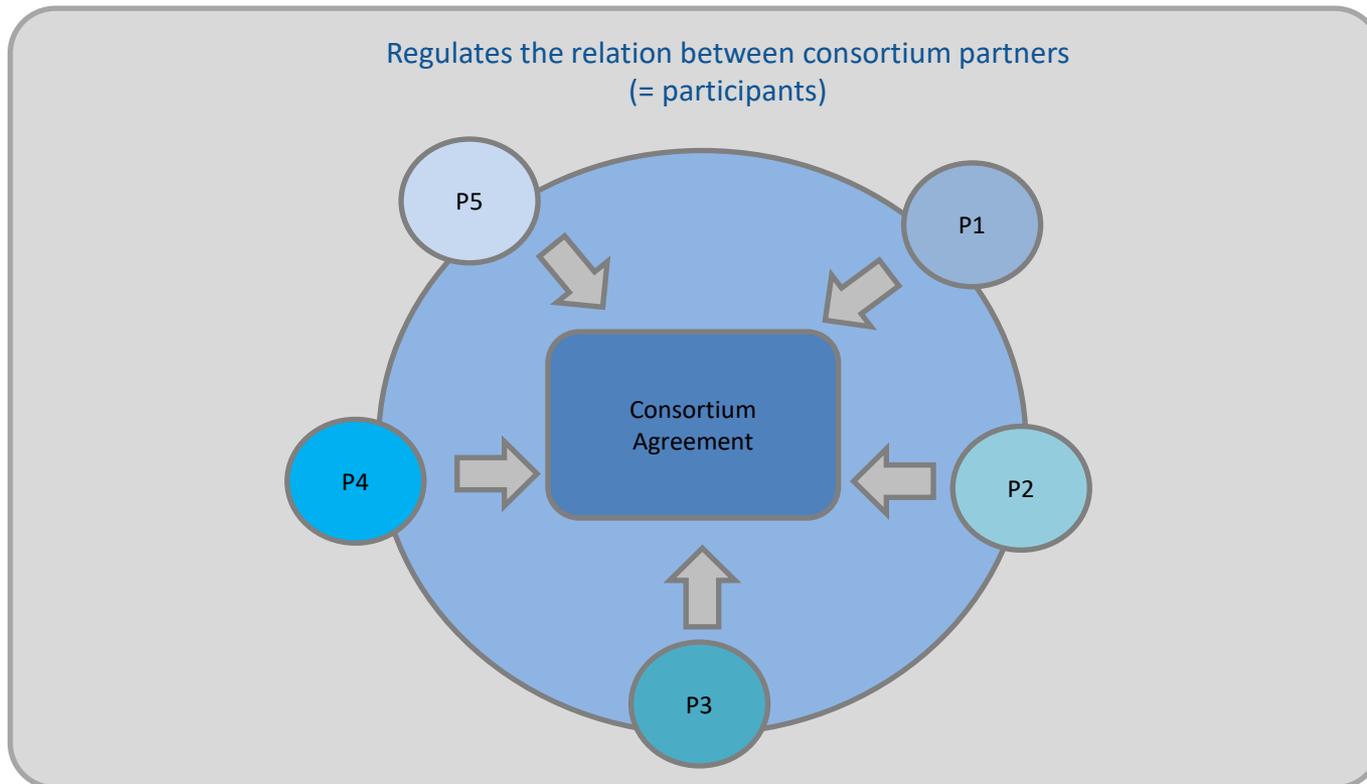


Grant Agreement (GA)





Consortium Agreement (CA)





Intellectual Property rules

The IP rules in Horizon 2020 can be found in:

- (i) the **Rules for Participation**
- (ii) the (model) **Grant Agreement**
- (iii) the applicable **work programme**
- (iv) H2020 **Online Manual** (IP section is a work in progress)



How to find them: **Funding & Tenders Portal**

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/reference-documents>



Specific Vocabulary





Vocabulary

Key terms in the context of Horizon 2020 projects are:

- Background
- Results
- Exploitation
- Dissemination
- Access rights





Definitions (I)

Background

Tangible or intangible input (data, knowhow, information) which is held by the project partners prior to their accession to the GA. Includes IP such as copyright, patents/patent applications (filed prior to access to GA).

Rule: taking part in Horizon 2020 does not have any influence upon the ownership of background = your background remains yours!

Results

All results which are generated under the project – whether or not protectable. Such results may include copyright, design or patent rights, trademarks or others, and **belong to the partners who have generated them.**





Definitions (II)

Access rights

User rights (incl. licences) to results or background of project partners.

Exploitation

Utilisation (direct/indirect) of results in research activities, which are not part of the project, as well as utilisation for further development, creation and commercialisation of a product or service.

Dissemination

Public disclosure and transfer of transfer of project results with the aim to enable others to use and take up results, thus maximising the impact of EU-funded research. Targeted audiences that may take an interest in the potential USE of the results (e.g. scientific community commercial partner, policymakers).





Ownership of Results

- In Horizon 2020, generally the Grant Agreement establishes that the results of the project belong to the participant generating them.
- It is advisable to take appropriate measures to properly manage ownership issues, such as keeping laboratory books or other kinds of documentary evidence (e.g. a properly completed Invention Disclosure Form).



Ownership of Results

- Given the collaborative nature of most projects, some results can be jointly developed by several participants. Hence, situations of joint ownership might arise.
- **Joint Ownership Agreements** (i.e. defining specific conditions for granting licenses or issues related to costs of protection and sharing of potential revenues); Default rule in Consortium Agreement



Access Rights (I)

- Each project partner has the right to request access rights to the other project partners' background and results **as long as it needs them** in order to carry out its work under the project or to exploit its own results (these are minimum access rights: additional ones can always be negotiated!).
- To avoid conflicts, it is recommended that beneficiaries agree (e.g. in the consortium agreement) on a common interpretation of what is “**needed**”
- Shall be **requested in writing**. Can be granted in any form.
- Are to be requested/granted throughout the duration and up to 1 year (or as otherwise agreed in the CA) after the end of the project for exploitation needs. Once requested, access rights may be exercised as long as they are needed for exploiting the results (e.g. until the background patent expires).

Access rights do not confer the right to grant sub-licences!





Access Rights (II)

Grant of minimum Access Rights (*note: additional Access Rights can always be agreed upon!*)

	Access to background	Access to results
Project implementation	Royalty-free (unless differently agreed before the signing of the GA)	Royalty-free
Exploitation of results	On fair and reasonable conditions	On fair and reasonable conditions



IP in Project Life Cycle



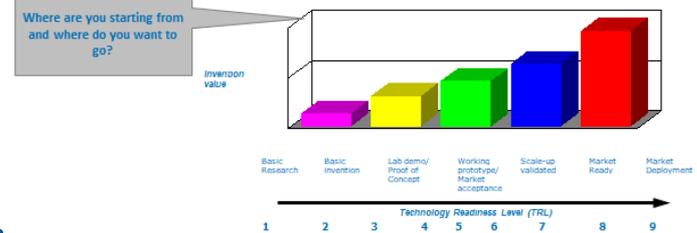
Expectations on IP management

Expectations on sound IP management in H2020 differ depending on:

- Specific Programme (i.e. EIC Accelerator, FTI)
- Technology Readiness Level (TRL)
- Participation of SMEs/Industry
- Financing Instrument (i.e. Innovation actions)
- Size of consortium/International partners
- **Check the work programme/topic description**



Technology Readiness Level





Before Project Start

Every project starts with an idea ...

- Define the state of the art: was this already done?
- Search in patent databases & documents
- Protect technical drawings (e.g. by copyright)
- Protect all information linked to the idea: make use of [Confidentiality Agreements](#)
- Beware of Third Parties' IPR infringement (check acronyms against registered Trade Marks)

Contact your legal department as early as possible!





Before Project Start

Exploitation and dissemination planning

- Draw a convincing outline of **exploitation strategies** at individual/consortium level
- IP exploitation issues are subject to evaluation regarding **impact and implementation**. Identifying **relevant bodies/competences** within the consortium should demonstrate the potential of addressing IP management properly
- Include relevant tasks/**deliverables**: PEDR, Innovation-related workshops, Market Analysis, Business Plans, Risk-Analysis, Freedom-to-Operate analysis, Specific contracts/agreements





Exploitation and Dissemination Plan

Beneficiaries have an obligation to define the expected results and their strategy for exploitation and dissemination.

Hence the following information must be included:

- A list of expected results that might be exploited (i.e. with commercial or industrial applicability) including their:
 - description
 - ownership status
 - sector of application, and
 - protection measures
- A list of all the means through which they intend to bring the results to the public knowledge
- A potential/expected impact – quantifiable – in terms of marketability and research advancement
 - See our [Fact Sheet on the PEDR in H2020](#)!



During implementation

Secure and manage research results:

- Have a **clear strategy** for securing and managing newly generated knowledge
- Continuously **update the plan for the exploitation and dissemination of results**
- **Monitor regularly relevant external factors** affecting your exploitation potential (other projects, publications, patents, markets, competing technologies, standards, norms, etc.)





Reminder: asserting the ownership of results

Ownership rules can be found in the GA (default regime) and in the CA.

Principle = results belong to the participant generating them.

If results have been generated by several partners jointly = joint ownership. The GA contains a default ownership regime, usually CA templates do too.

Best practice: agree on a tailored joint ownership agreement adapted to each jointly owned result. JO clauses included in the CA are usually too broad.

It is always advisable to clarify the question of the ownership of results within the consortium once they have been created, in line with your CA, before the partners start setting up exploitation strategies!



Joint ownership: set up some rules in the CA

General MGA: “unless otherwise agreed in the joint ownership agreement, each joint owner may grant non-exclusive licences to third parties to exploit jointly-owned results [...]”

In the CA (usually):

- Possibility to create a default joint ownership regime which differs from the default one set forth in the GA.
 - ✓ Define whether or not an authorisation from the co-owner is requested before exploiting the joint results.
 - ✓ Distinguish commercial and non-commercial exploitation (DESCA).
- Possibility to create specific joint ownership regimes for some of the joint results already foreseen.
 - ✓ This will be useful for results to be jointly owned by all partners.
 - ✓ For results to be jointly owned by only some of the partners, it is advisable to resort to **a separate joint ownership agreement.**



Joint ownership: the JOA



In your JOA:

- Identification of joint owners
- Allocation of shares (i.e. equally split, split in proportion to individual contributions)
- Conditions of non-commercial use of jointly owned IP
- Conditions of commercial exploitation of jointly used IP
- Rules on licensing/sub-licensing, transfer of shares
- IP protection and maintenance
- IP monitoring and enforcement
- Governing law and jurisdiction

More in our [fact sheet on IP Joint Ownership!](#)



General obligation to protect

Each participant must **examine the possibility of protecting its results and must adequately protect them** — for an appropriate period and with appropriate territorial coverage — if:

- (a) the results can reasonably be expected to be commercially or industrially exploited and
- (b) protecting them is possible, reasonable and justified (given the circumstances).

When deciding on protection, the beneficiary must consider its own interests and the interests (especially commercial) of the other beneficiaries.

Protection can be secured by IPR or other means (e.g. trade secret protection).



Protection by IPR

IPR	What for?	Registration?
Patent	New inventions	Registration is required
Utility model	New inventions	Registration is required, but conditions are less stringent than for patentability
Trade Marks	Distinctive signs	Registration is required
Industrial Design	Appearance of products	Registration is usually required, but it is possible to acquire an unregistered design right
Copyright	Literary, artistic and scientific works	Not required, but it can be registered in some countries
Confidentiality	Confidential business information/trade secrets	Not required, but internal protection measures needed (i.e. NDAs)

Always use IPR symbols, such as © for copyright, ™ and ® for trademarks, or any other equivalent indicating that it is protected by one or more different IPR



Obligation to disseminate

Project partners are obliged to disseminate the results swiftly (i.e. to scientific community/broader public) by any appropriate means

But:

- *no dissemination of results may take place before decision is made regarding their possible protection, and*
- *All publications or any other type of dissemination (also in electronic form) shall include a statement that the action received financial support from the Union – the same applies to results incorporated in standardisation activities.*





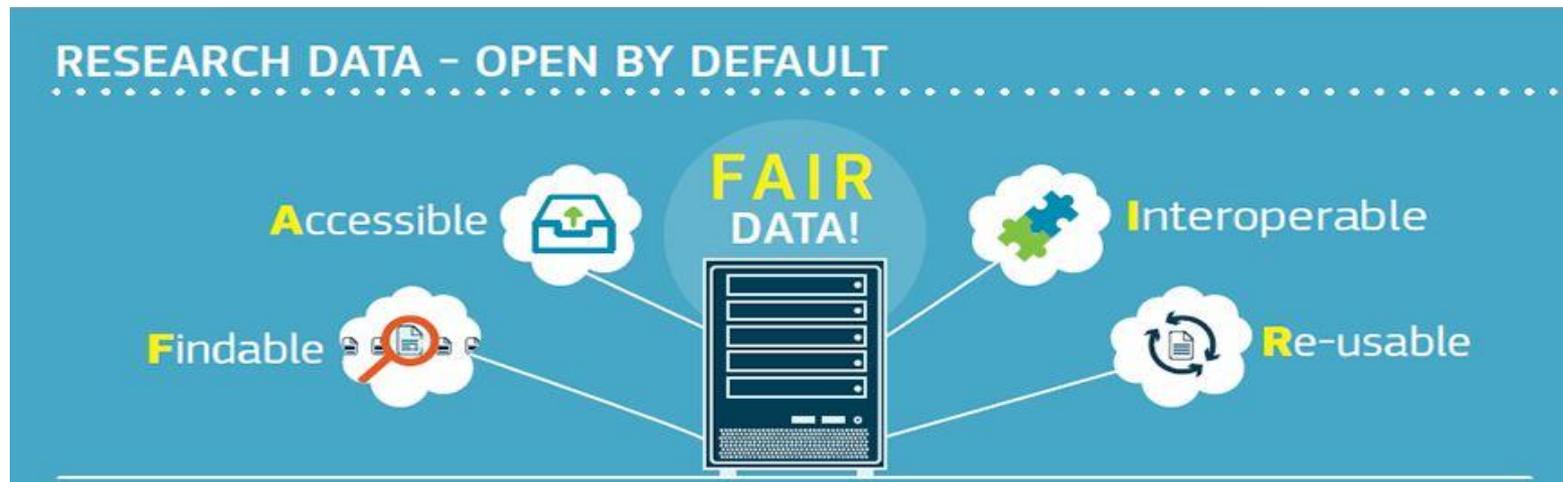
Dissemination checklist

- Take a decision about the **protection** of results and all required steps
- **Inform the other consortium partners** in writing 45 days before the planned dissemination activities and include enough information to allow them to analyse whether their interests are affected or not. Note that this time limit can be changed (for more or less days) in the CA. Wait 30 days for any objection to the dissemination (unless otherwise agreed in the CA).
- Beware not to infringe third parties' intellectual property rights
- Open access as a general principle of scientific dissemination
- List the dissemination activities in the Exploitation and Dissemination Plan



Open Data/Access

- Open access means providing on-line, free of charge access to scientific information that to the reader/user.
- H2020: obligation to ensure open access to all peer-reviewed scientific publications related to the results of a project (Article 29 GA) and participation in Open Research Data (ORD) Pilot as default option





Obligation to disseminate Vs. Obligation to protect

Make sure you comply with the
obligation to protect...

Sometime early disclosures
(dissemination or communication
of results) may undermine
potential future exploitation
activities.

THEN!

...comply with the
obligation to
disseminate



Questions about Open Access?

The European Commission has published a fact sheet and guidelines on Open Access to Scientific Publications and Research Data in Horizon 2020, that can be downloaded at:

- https://ec.europa.eu/programmes/horizon2020/sites/horizon2020/files/FactSheet_Open_Access.pdf
- http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/oa_pilot/h2020-hi-oa-pilot-guide_en.pdf

For more guidance and support on Open Access: the OpenAIRE initiative aims to support the implementation of the Open Access policies of the European Commission and the European Research Council. <https://www.openaire.eu/>



Costs Reimbursement

- Costs of intellectual property rights (IPR), including protecting results (e.g. fees paid to the patent office for patent registration) and royalties on access rights are **eligible costs**
- Cost for open access publications are also considered eligible by the GA, e.g. Author Processing Charges (APCs)
- For more information on costs eligible for reimbursement in H2020: contact your Legal & Financial [National Contact Point!](#)



General obligation to exploit

Each participant receiving EU funding must — **up to four years** after the project completion take measures aiming to ensure ‘exploitation’ of its results (either directly or indirectly, in particular through transfer or licensing by:

- (a) using them in further research activities (outside the action);
- (b) developing, creating or marketing a product or process;
- (c) creating and providing a service, or
- (d) using them in standardisation activities.



Setting up an Exploitation Strategy

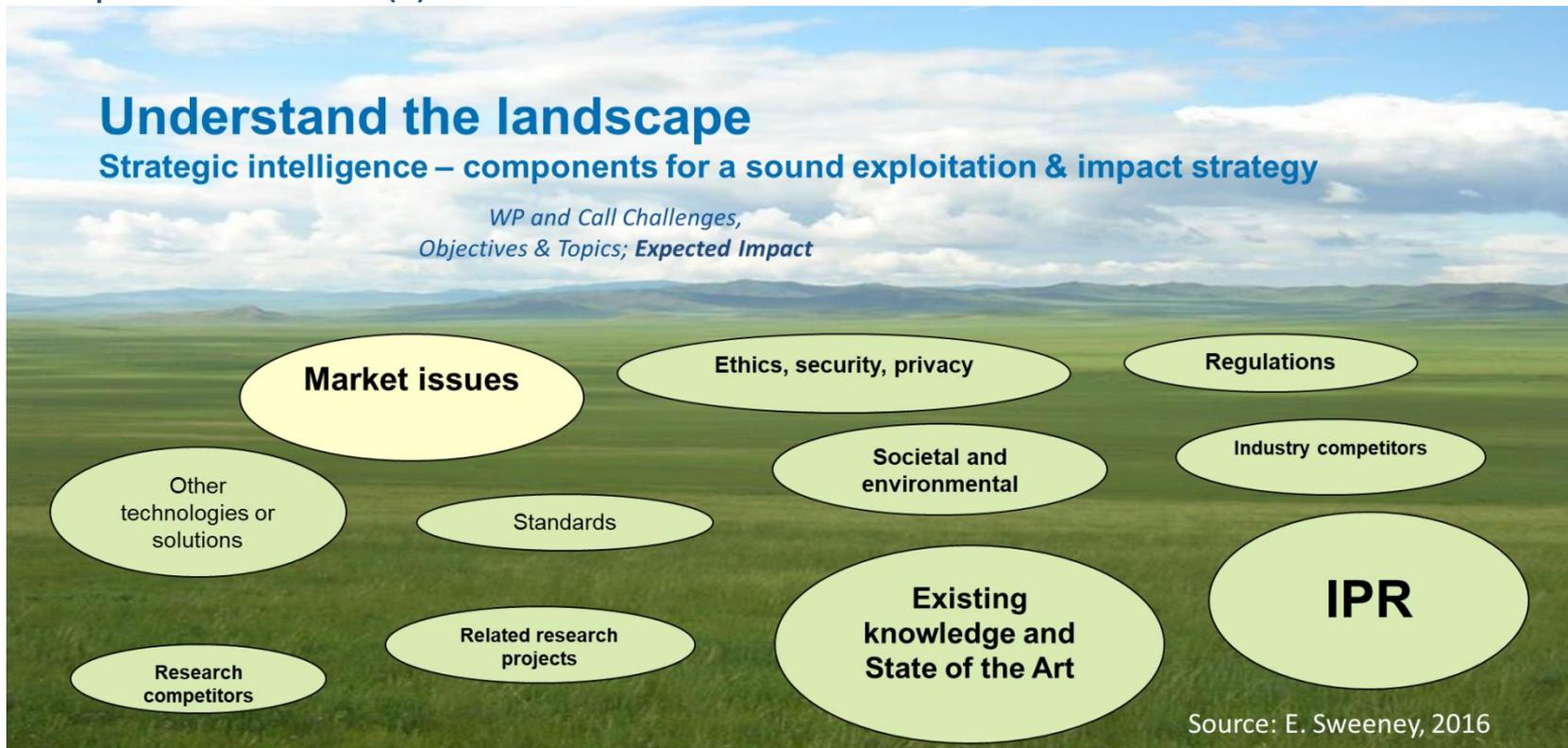
Strategic plans for the future exploitation of results should include the following elements:

- ✓ The purpose of the results;
- ✓ How they might be exploited, when and by whom;
- ✓ IPR exploitable measures taken or intended;
- ✓ Further research required, if any;
- ✓ Potential/expected impact (quantifiable)



Exploitation Roadmap

- Understand the landscape, develop a credible exploitation strategy and plan the exploitation route(s)





Routes for exploitation

Basic options

- Use for further research
- Developing and selling own products/services
- Spin-Off activities
- Cooperation agreement/Joint Ventures
- Selling IP rights/Selling the (IP based) business
- Licensing IP rights (out-licensing)
- Standardisation activities (new standards/on-going procedures)





To summarize: Knowledge (IP) Management in H2020 (5 pillars)

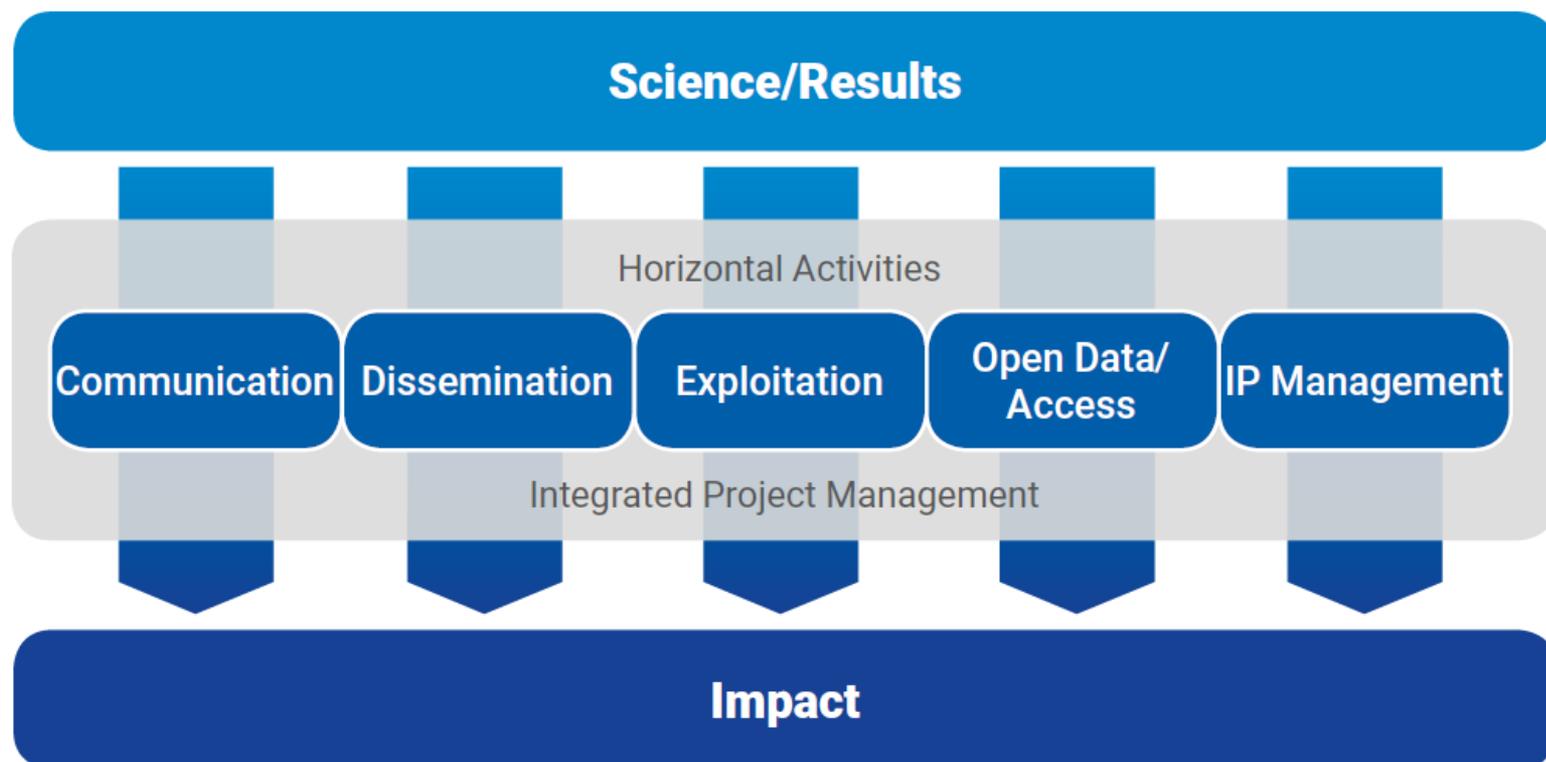
- **IP used** by the project
 - access and usage rights during AND after the project (foreground, background and 3rd party, licenses)
- **IP generated** by the project
 - Capture/disclosure, ownership, management of IP, secure evidence of creation, pre-publication reviews for technical inventions
- **IP assessment**
 - prior art, market opportunity, F-T-O, exploitation and protection strategies, etc.
- **IP protection**
 - patents, copyright, database rights, trademarks, etc.
- **IP dissemination and exploitation (use!)**
 - Research, education, commercial, policy, etc





Impact-driven Horizontal Activities in Horizon Europe

Keeping track of communication, dissemination and exploitation means keeping track of your project!



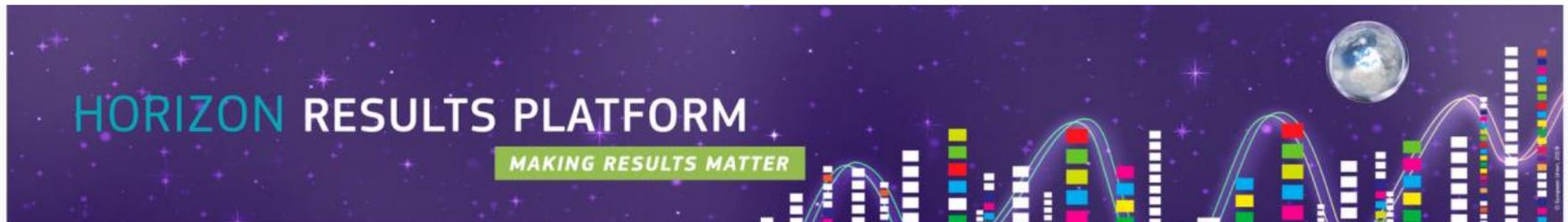


IP Management Matrix Tools

- The following figure (next slide) shows a matrix structure of impact-driven activities addressing:
 - Project Management
 - Innovation Management
 - Innovation Management
- NB: Most activities are relevant for both RIAs and IAs



HORIZON RESULTS PLATFORM

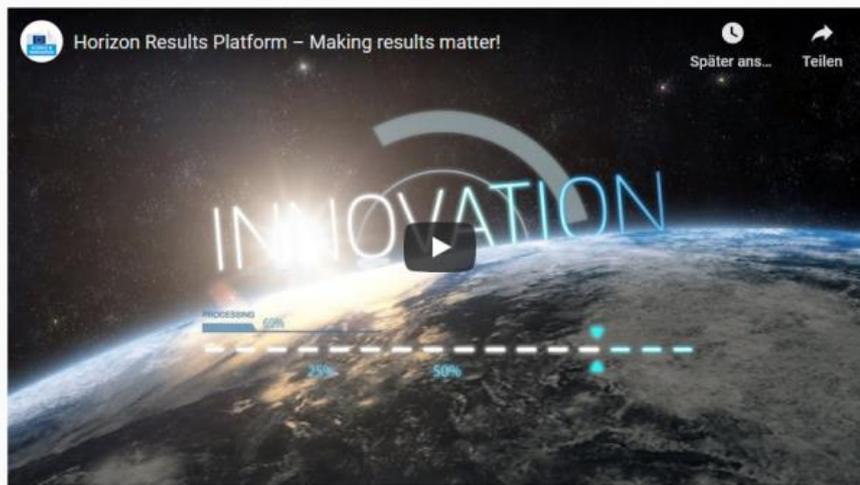


" Turning Europe's research results into innovations which generate value for economy, society and contribute to a sustainable future. "

Instructions to publish results on the Horizon Results Platform



— LAB – FAB – APP Investing in the European future we want



Welcome to the Horizon Results Platform! Whether you are a policy-maker, an investor, an entrepreneur, a researcher, an innovation, legal, business development or financing expert, or any interested citizen, this is the place where you can discover the wealth of EU-funded research results and get in contact with their creators!

Can you play a role in **making their results matter**? Contact them now and find out more about their results, their needs and plans for the future, or form partnerships and invest in them!

News

25 Sep, 2020

Happy First Birthday Horizon Results Platform! - Praise from Commissioner Gabriel!

Join us today to celebrate the first anniversary of the Horizon Results Platform, and to do so with ...

16 Sep, 2020

Horizon Results Platform – Making results matter’ – Join us at the EU R&I Days!

We are happy to announce that the Horizon Results Platform will host a workshop during the EU R&I Days...

15 Sep, 2020

Horizon Impact Award 2020: 10 finalists short-listed

The European Commission has announced the 10 projects to reach the final stage of the second edition...



Any questions?





Find out more

General

- [Horizon 2020 Programme: Annotated Model Grant Agreement](#)

Communication Activities

- Brochure: [Making the Most of Your H2020 Project – Boosting the impact of your project through effective communication, dissemination & exploitation](#)
- Online Manual: [Horizon 2020 Participant Portal Online Manual “Communicating Your Project”](#)
- Guide: [Communicating EU Research & Innovation](#); [Social Media Guide for EU-funded R&I Projects](#)
- Videos: [The EU Guide to Science Communication](#)
- Webinar: [60-minute Communication Workout](#)
- Social Media Guide: http://ec.europa.eu/research/participants/data/ref/h2020/other/grants_manual/amga/soc-med-guide_en.pdf

Dissemination & Exploitation

- Online Manual: [Horizon 2020 Participant Portal Online Manual “Dissemination & Exploitation of Results”](#)
- European IP Helpdesk Fact Sheet: [The Plan for the Exploitation and Dissemination of Results in Horizon 2020](#)

IP Management

- European IP Helpdesk Guide: [Your Guide to IP in Horizon 2020](#)

Open Access & Data Management

- Online Manual: [Horizon 2020 Participant Portal Online Manual “Open Access & Data Management”](#)
- Guidelines: [Rules on Open Access to Scientific Publications & Open Access to Research Data in Horizon 2020](#); [Data Management in Horizon 2020](#)
- Infographic: [Open Access](#)
- European IP Helpdesk Fact Sheet: [Open Access to scientific publications and research data in Horizon 2020: Frequently Asked Questions](#)



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Thank you !

For further questions about this presentation: training@iprhelphdesk.eu

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