

## **Working Together to Strengthen Research in Europe European Research Area Conference 21-23 October 2009, Brussels**

### Summary of discussion and conclusions of individual session 1.4 International knowledge transfer

#### The issue and context:

EU public research institutions are increasingly engaging in cooperation activities with non-European partners, which are not only important from an economic perspective but which can also, through the establishment of longer-term relationships, bring new ideas and improve the quality of European public research.

The Commission Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations (COM(2008)1329) was prepared in order to provide guidance for Member States and for research organisations to improve knowledge transfer practices in Europe and encourage a more consistent approach. Until its adoption, mainly national initiatives existed. The Recommendation called for a European approach to knowledge transfer not only within Europe but also in the context of international knowledge transfer. This Recommendation and Code of Practice were welcomed and endorsed by Council in May 2008.

However, the Recommendation and Code of Practice did not address specifically knowledge transfer between European public research institutions and non-European public/private partners. Due to the added complexity in this area of knowledge transfer there is a need for further guidance, addressing issues of intellectual property management and the fair and equitable treatment of results in a manner which brings mutual benefits to all involved. As a follow-up to the Council Resolution, Member States, Associated countries and the Commission have recently begun to work on such guidelines in partnership via a CREST working group, which was established to promote the take up of the Commission Recommendation and Code of Practice and develop further guidelines where justified.

The purpose of this workshop is to identify and discuss with stakeholders the issues which affect knowledge transfer between European public research institutions and non-European public/private partners, to examine their effect, and to identify how they may be addressed, through guidance, support measures and/or other means.

The speakers are experienced in different aspects of "international" knowledge transfer, and the Chair of the workshop is also the Chair of the CREST working group on knowledge transfer in which discussions on these and other subjects are taking place between Member States and Associated countries.

#### Analysis of the challenges and European dimension,

Cooperation between European research institutions and non-European partners is increasing, and, in a growing global knowledge economy will continue to do so. However the significant differences in legal systems, different cultural approaches and divergent business practices affect this cooperation and need to be addressed properly. It is important to raise awareness of the issues which affect this cooperation and help research institutions develop policies for cooperation with non-European partners

At present, advice and support offered at a European level does not fully address the needs of European research institutions as well as SMEs wishing to engage in knowledge transfer with non-European partners. The provision of guidelines in combination with other support mechanisms (e.g. interactive IT tools, Helpdesks), for example, could help to raise awareness and provide the necessary guidance on knowledge transfer in an international context and therefore facilitate a more consistent European approach. The implementation of common European guidelines could also ensure fair and equitable treatment of European research institutions in international research projects whilst mutually benefitting all partners, making cooperation with European research institutions more attractive.

### Conclusions/Recommendations:

The following issues were identified as being important considerations to research cooperation with non-European partners:

- Building trust. Cooperation should extend beyond the reliance on contracts and/or often abstract legal frameworks. Common practices, such as the development of a “code of conduct” used by partners from both countries, could help.
- Cooperation should be carefully planned beforehand, and a strategic approach should be adopted, addressing issues including "why undertake cooperation? Where? With whom?"
- Organisations need to be clear about what they want to achieve, and whether a potential partner can deliver.
- Guidelines should reflect that, even in individual countries, a great deal of regional diversity exists and that individual approaches may be required to reflect that diversity.
- Existing intellectual property provisions in international research cooperation agreements should be evaluated.

To address these, policy makers could work together with stakeholders to develop guidelines aimed at helping public research institutions to develop strategies for cooperation with non-European public/private partners, and update them as necessary. Such guidelines could be used by the Commission to complement the Code of Practice, and could address in particular the following aspects:

- *Differences in IPR systems which may affect knowledge transfer, such as:*
  - *Ownership*
  - *Access*
  - *Dissemination*
  - *Use/exploitation*
- *Problems arising from different legal systems and cultures, including:*
  - *Enforcement of IPRs*
  - *Different approaches to contract negotiation and agreement*
  - *Different approaches to knowledge transfer at the institutional level*
- *Building trust between partners*

Member States, stakeholders and the Commission could promote these guidelines at national and European level, and ensure that adequate support measures are put in place for their implementation.

A dialogue could be developed and maintained with non-European partners as part of the process of promoting and implementing the guidelines.