IP Management in Horizon 2020
Focus on MSCA

European IPR Helpdesk
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Key success factors for „bridging“ academic/non-academic sector

- Mutual Trust
- Managerial Capacities
- Governance Structures
- Clear and transparent contracts
- Active involvement of all parties
- Agreements on IPR
- Win-Win-Situation
MSCA – IP relevant characteristics

• Intersectoral exchange – academic/non-academic (i.e. SMEs) – Different IP policies/interests; Publication vs. Exploitation

• International dimension EU-MS/AC vs. Third Countries – Different IP laws/regulations

• Joint research and innovation activities between the participants - Exchange and sharing of knowledge (IP); joint protection and exploitation of results

• Secondments of research and innovation staff (exchanges) focusing on the exploitation of complementary competences of the participants – Granting access to background/results for/by “Visitors“
Setting the scene
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 agreement. Includes IP as copyright, patents/patent applications (filed prior to access to agreement).

Examples: prototypes; cell lines; database rights, licences with the right to sublicense

Project partners *must identify their background in writing*

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

**Access rights**
User rights (incl. licenses) 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 marketing of a product or process.

**Dissemination**
Means through which research results are presented to the public. Official publications (e.g. patent applications) are not considered as dissemination.
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).

- 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 (II)

## Granting of Access Rights

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<tr>
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<th>Access to background</th>
<th>Access to results</th>
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<tbody>
<tr>
<td>Project implementation</td>
<td>Royalty-free</td>
<td>Royalty-free</td>
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<tr>
<td>Use of results</td>
<td>Royalty-free, or on fair and reasonable conditions</td>
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Access Rights for Researchers

• Unlike in other H2020 projects, the MSCA fellows are entitled to access rights to the beneficiaries’ background and results for the purpose of allowing them to undertake the research activities under the project.

• These access rights are granted on a royalty-free basis, and only for the duration of the project.

• Beneficiaries must moreover ensure that partner organisations and entities with a capital or legal link give similar access.
General obligation to exploit

Each beneficiary 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.
Knowledge (IP) Management

Managing the KEY assets!

- **IP used** by the project
  - access and usage rights **during AND after** the project (foreground, background and 3<sup>rd</sup> party)

- **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, exploitation and protection strategies, etc.

- **IP protection**
  - patents, copyright, database rights, trademarks, etc.

- **IP dissemination and exploitation** (use!)
  - Research, education, commercial, policy, etc.

**IMPACT!**
societal, environmental, research technical, commercial, educational
Key IP Management Tasks
to maximise impact

1. Secure the foundations
2. Capture the project outputs
3. Assess and protect the project outputs
4. Disseminate and exploit the project outputs

STRATEGY for management of IP
EU IPR Helpdesk: Further assistance
All of our services are offered free of charge.
Publications
Helpline

- **First-line support**
- **User-friendly** service provided in English
- **Personalised answers** to individual questions within **three working days**
- **Wide range of IP topics**: IP protection, IP management and exploitation, revision of agreements, etc.
- **Understandable** for non-legal experts
Webinar schedule 2017/2018

20 December 2017
Maximise the Impact of Horizon 2020 project results

1st half of 2018

17 January 2018
Introduction to IP
07 February 2018
IP Commercialisation and Licensing
28 February 2018
Geographical Indications
21 March 2018
Technology Transfer
11 April 2018
IP in EU funded projects
02 May 2018
Consortium Agreements

23 May 2018
IP Management in H2020 with a special focus on Marie Sklodowska Curie Actions

04 July 2018
Impact and Innovation in H2020
18 July 2018
Maximise the Impact of Horizon 2020 project results
Transferable skills training in MSCA

- IP & Innovation related training activities dedicated to the needs of Young Researchers could/should be included in your capacity building programme

- Contact us for any further assistance in setting-up
- IP & Innovation related training and capacity building programmes

- Most popular IP training programme for non-professionals in Europe (> 5500 participants in 2016/17): 60% researchers, 28% SMEs

- Access to a network of high-level experts (i.e. EPO, Patent attorneys, License managers)
Thank you.

We look forward to getting in touch with you!

For further questions and general IP advice, please contact our Helpline team:

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For questions related to our training activities, please send us an email at: training@iprhelpdesk.eu

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