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Intellectual Property in Horizon 2020 grants



European IPR Helpdesk,
How to prepare a H2020 project

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Slovenia



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Roadmap

- *Rules and Agreements*
- *Specific Vocabulary*
- *IP in the proposal*





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Rules and Agreements



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*Where do I find the rules
regarding intellectual property
in Horizon 2020?*

Intellectual Property rules

The intellectual property rules in Horizon 2020 grants can be found in:

- (i) the **Rules for Participation**
- (ii) the (model) **Grant Agreement**
- (iii) the applicable **work programme**, which may established further commitments expected by the European Commission in name of an European strategic interest





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Specific Vocabulary

Background

- Information, data or information, including intellectual property rights, which are held by the participants prior to the project and needed for the project.
- Project partners **must identify their background in writing** (e.g. in the consortium agreement)
- Remains the property of the project partner that brings it into the project.

Results (I)

Ownership:

- Each beneficiary is the owner of the results it generates during the project.
- Personnel rights have to be taken into consideration.

Joint ownership:

- Appears for results generated in common while respective parts of the partners can not be determined or is not possible to separate the results for the purpose of obtaining intellectual property protection.
- Project partners must therefore conclude a **joint ownership agreement** to deal with allocation and exercise of rights.
- In absence of such an agreement, a default joint ownership regime applies.

Results (II)

Protection of results:

- Where the results are capable of or may reasonably be expected to be capable of commercial or industrial exploitation, the participants must assess the possibility to protect them for an **appropriate period of time** and in **an appropriate territorial coverage**.
- The EC must be informed if a participant that has received funding within a period of five years:
 - (a) intends to **abandon protection** of results;
 - (b) intends **not to seek the extension** of protection for reasons other than the lack of potential for commercial or industrial exploitation.

Results (III)

Exploitation of results:

- Participants have a **best efforts obligation** obligation to exploit the results, that is, to use (directly or through other organisations) the results in:
 - (a) further research activities
 - (b) developing, creating and marketing a product or process,
 - (c) creating and providing a service, or
 - (d) **standardisation activities**.

Transfer and licensing:

- A beneficiary **may transfer** ownership of **its** results, but obligations must be passed on.
- The **other project partners** should be **informed** about the envisaged transfer where access rights are still applicable or can be requested – objection possible if their access rights are not preserved. The **European Commission** can object to transfer in determined situations.
- **Exclusive licenses** are possible, even when access rights can still be requested, if the other partners waive their right of access.

Access Rights (I)

- Each project partner has the right to **request access rights** to the other project partner's background and results as long as it needs them in order to carry out its work under the project or to use its own results (these are **minimum access rights**).
- **Affiliated entities** enjoy access rights for use purposes in certain circumstances. Affiliated entities also include entities that directly or indirectly control a participant.
- **The Union enjoys access rights to the results generated by participants that received Union funding (limited to non-commercial and non-competitive uses). Under the „Secure societies“ objective, also the Member States enjoy access rights.**



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Dissemination

the public disclosure of results by any appropriate means other than that resulting from the formalities for protecting it or **exploiting the results**, and including the publication of results in any medium.

Research & Innovation
European Commission » Research » Science-society » Guide to successful communications

Guide to successful communications

- Homepage
- Communications strategy
- Media relations
- Websites
- Publications
- Presentations
- Audiovisual media

With a view to enhancing the impact of research funded by the EU, and to foster dialogue and debate, the Seventh Framework Programme (FP7) grant agreement requires project participants to communicate and engage with actors beyond the research community. The relevant clauses in the grant agreement (22 kB) are shown here. Plans for these outreach activities should already be outlined at proposal stage. These plans are in turn taken into account during the evaluation process.

This website is intended to assist project coordinators and team leaders to generate an effective flow of information and publicity about the objectives and results of their work, the contributions made to European knowledge and scientific excellence, the value of collaboration on a Europe-wide scale, and the benefits to EU citizens in general. The content particularly addresses communications via the 'mass media' (TV, radio and the written press), the workings of which may be less familiar to scientific/academic partners. It also covers websites and other internally generated support such as print publications, CDs and videos.

It outlines good practices that can be employed in:

- Defining key messages;
- Establishing target audiences;
- Selecting the appropriate modes of communication;
- Tailoring information to the intended outlets;
- Building good relationships with the media;
- Evaluating results;
- Maximising the exposure of messages; and
- Tapping useful Commission and other external resources.

Events
Links
Bibliography

Presentation:
Communicating EU Research (3 MB)

Communicating research for evidence-based policymaking – a practical guide for researchers in Socio-economic sciences and humanities

Download the brochure:
1,4 MB



Obligation

Project partners are obliged to disseminate the results as soon as possible.

But:

No dissemination may take place before decision is made regarding its possible protection.

Open Access

- **General rule** in Horizon 2020 grants for scientific publications
- Open access to research data may be required in appropriate areas
- **Two main OA publishing business models**
 - **Green OA**: deposit of manuscripts
immediate/delayed OA: provided by author
 - **Gold OA**: costs covered (e.g. by 'authors')
immediate OA: provided by publisher



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IP in Project Life Cycle: the proposal

The proposal stage

Every project starts with an idea ...

- ❑ Define the **state-of-the-art**: also search in **patent databases** and make reference to search results in the proposal
- ❑ **Identify** the intellectual property taking to the project (background)
- ❑ Best practice to conclude non-disclosure agreements
- ❑ Consider **protecting** inventions or technical drawings not yet protected
- ❑ **Beware not to infringe third parties' rights**



The proposal stage

Exploitation and dissemination strategy

- ❑ **Convincing outline of exploitation strategies on individual/consortium level**
- ❑ IP/exploitation issues are subject to evaluation regarding impact and implementation.
- ❑ Include relevant **activities/deliverables**: PUDF, Innovation-related workshops, Freedom-to-Operate analysis...
- ❑ Consider an effective management structure



Further information

- Intellectual Property Management in Horizon 2020: the proposal stage **SOON AVAILABLE!**
- Fact sheets series on commercialisation of intellectual property

Check www.iprhelpdesk.eu/library!

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:

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