



IP Management in Horizon 2020

Focus on MSCA



European IPR Helpdesk

Jörg Scherer

Head of Training & Communication

CEO Eurice GmbH

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Roadmap

IP Management in H2020/ MSCA

- *Knowing the rules*
- *Anticipating risks*
- *Avoiding problems*
- *Further assistance: EU IPR Helpdesk services*





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”



STOP

Specific Vocabulary



- 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.





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

	Access to background	Access to results
Project implementation	Royalty-free	Royalty-free
Use of results	Royalty-free, or on fair and reasonable conditions	Royalty-free, or on fair and reasonable conditions



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.



STOP

EU IPR Helpdesk: Further assistance





Website & Publications

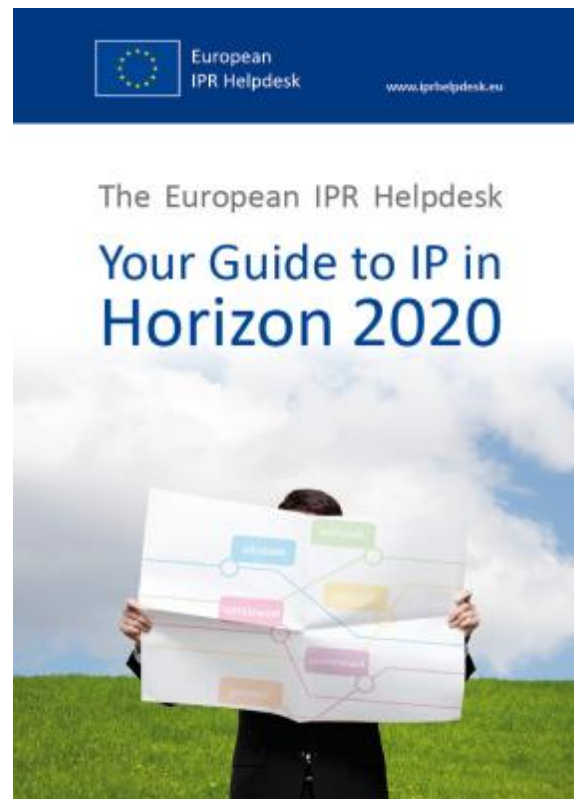
- **Information on exploitation of results?** we have clear and practical fact sheets on
 - a) Exploitation channels for public research results
 - b) **Non-disclosure agreement**
 - c) **Licence agreement**
 - d) Assignment agreement
 - e) Joint ventures
 - f) Spin-offs
 - g) **Internal product development**
- Events & news
- Case Studies
- Glossary & FAQs
- Bulletin





Intellectual Property rules

Guide to IP in Horizon 2020





Sample Publications

Horizon 2020 fact sheet series:

- IP management in MSCA (May 2015)





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 and **business oriented**





Helpline

- **Understandable** for non-legal experts and **business oriented**
- Topics in H2020 (non-exhaustive):
 - Revision of MoU and non-disclosure agreements
 - Analysis of plans on exploitation and IP within proposal
 - Questions on commercial exploitation of IP
 - Revision of consortium agreement
 - Questions of IP rules in projects
 - Questions on interpretation of IP clauses in the grant agreement and other agreements...



Sample questions/requests sent to Helpline

- ☐ Who owns the results generated during the secondment period?
- ☐ Our TC partner is requesting to be assigned all patent rights generated during the researcher's secondment period. What can we do?
- ☐ Review of IP and confidentiality clauses contained in draft Partnership Agreements (compatibility with MSCA rules...)



Sample questions sent to Helpline

- Questions sent by **beneficiaries** of MSCA actions (formerly Marie Curie):
 - ☐ Who owns the results generated during the secondment period?
 - ☐ Our associated partner (a University located in the US) is requesting to be assigned all patent rights generated during the researcher's secondment period. What can we do?
 - ☐ Is the IP policy of our associated partner compatible with our obligations under the Grant Agreement?
 - ☐ Can we reach an agreement transferring part of the results to our associated partner if this partner is located outside the EU?
- Questions sent by **partner organisations**:
 - ☐ We have been contacted to become involved in an MSCA action as a partner organisation. Will we have any rights over the results?
- Questions sent by **researchers**:
 - ☐ As a researcher, how can I be sure to have rights to exploit the results of my research at the end of the fellowship?



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/activities
- 2014/2015: > 5,500 researchers, SMEs, research managers participating in our on-site/on-line training modules
- Access to a network of high-level experts (i.e. EPO, Patent attorneys, License managers)





Training offers

- **“Capacity building”: IP & Innovation Management**
- Practical and comprehensive **training approach**
- **Individual organisation of on-location training events** in cooperation with multipliers/ intermediaries
- **Web-based training sessions- Check our webinar schedule**





Related training modules

Exploitation of research results - strategies
and case studies

Impact and Innovation in H2020

Licensing and Technology Transfer

IP Management

Introduction to IP

IP for Business Development

IP in Biotech/Health

IP & Software



IP4Business

Co-operation Scheme between **European Patent Office** and **European IPR Helpdesk** to provide high-quality training modules and materials **to help SMEs and academics** to enhance their understanding and use of intellectual property rights with a view to promoting innovation and competitiveness

- **Operational in 2016**
- **Different business oriented IP training modules (i.e. IP commercialising, IP-based Business Planning, Licensing)**
- **Primarily designed for IP trainer, TTO, multipliers in business & academic organisations**
- **Self-learning training material in different languages (up to 14!)**
- **Regular check and up-date of materials**
- **Stakeholders get free access to materials via website (after registration)**
- **Additional service offer: Onsite-events/webinars using training modules**



New training formats on IP strategies in Horizon 2020



Large, supranational, open IP Training Events

- Maximizing the impact of H2020 projects
- Exploitation of H2020 project results



Thank you.

We look forward to getting in touch with you!

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

service@iprhelppdesk.eu

Phone +352 25 22 33-333 (Helpline)

Fax + 352 25 22 33-334 (Helpline)

www.iprhelppdesk.eu

For questions related to our training activities, please send us an email at:

training@iprhelppdesk.eu





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