



European
IPR Helpdesk

The basics of successful IP-Management in Horizon 2020



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Prague
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Roadmap

- *Setting the scene – The Framework*
- *Our service offer*





Speaker profile: Jörg Scherer

Managing Director of European Research and Project Office (Eurice) GmbH – 45 staff members) for international R&I projects with offices in Saarbrücken, Berlin and Brussels

Eurice & Horizon 2020: 22 participations (project and innovation management, exploitation & dissemination): Top 3 EU SME Ranking

Founder of 4 companies; Evaluator in EC programmes;

Co-ordinator of Innovation-Related Activities in FP7 & H2020 projects

Involved in European IPR Helpdesk activities since 2005



The European IPR Helpdesk

.....an Innovation Support Action offering support on IP matters to beneficiaries of EU funded research projects and EU SMEs

www.iprhelphdesk.eu

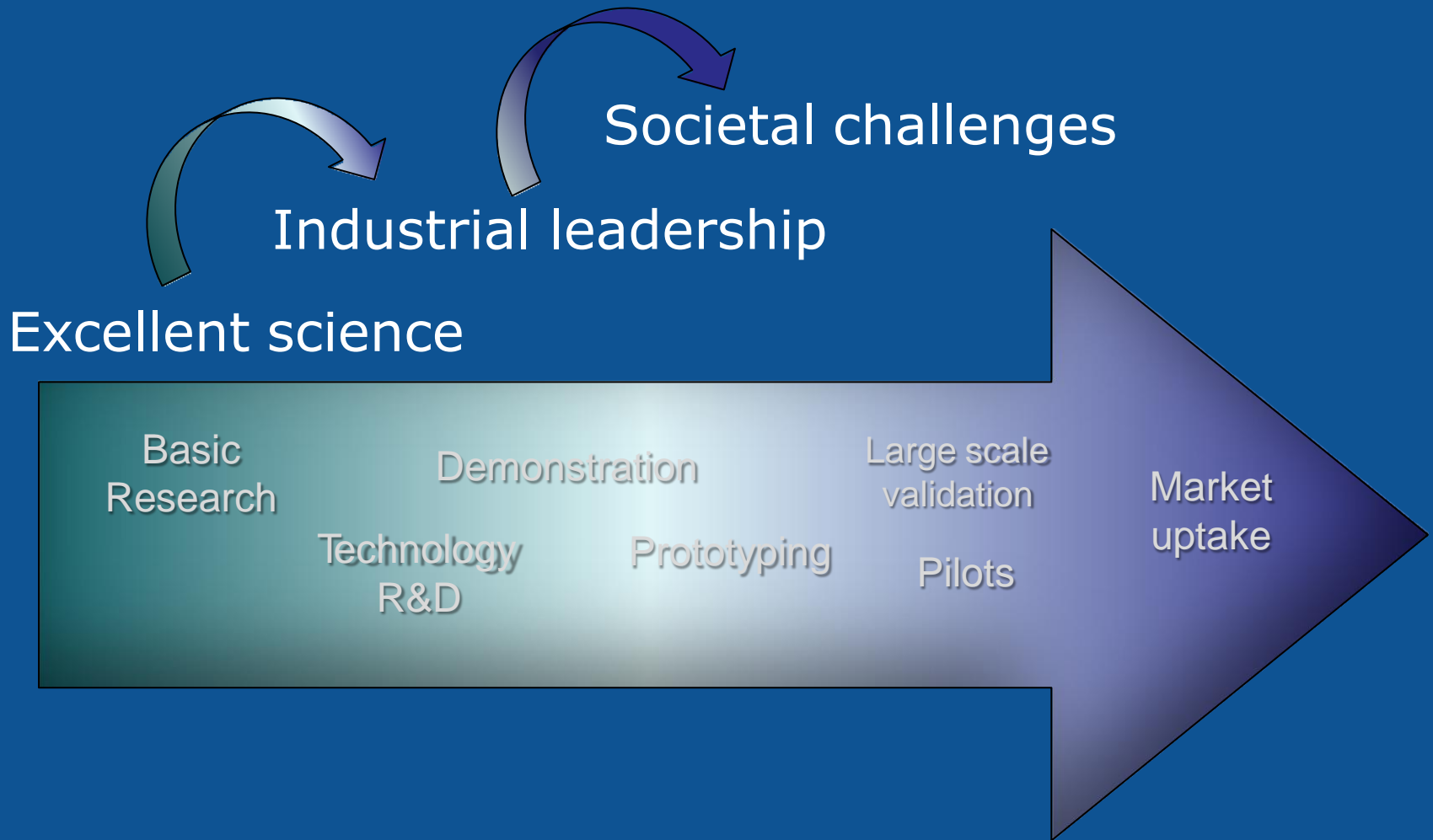




Why is it important to consider IP in H2020?

- The Rules for Participant establish **best efforts** commitment of participants to **exploit their own results**.
- IP and exploitation issues are subject to evaluation regarding **impact and feasibility** of the proposal.
- A **convincing outline of IP management and exploitation strategies** on 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 to **avoid future conflicts** among the consortium.

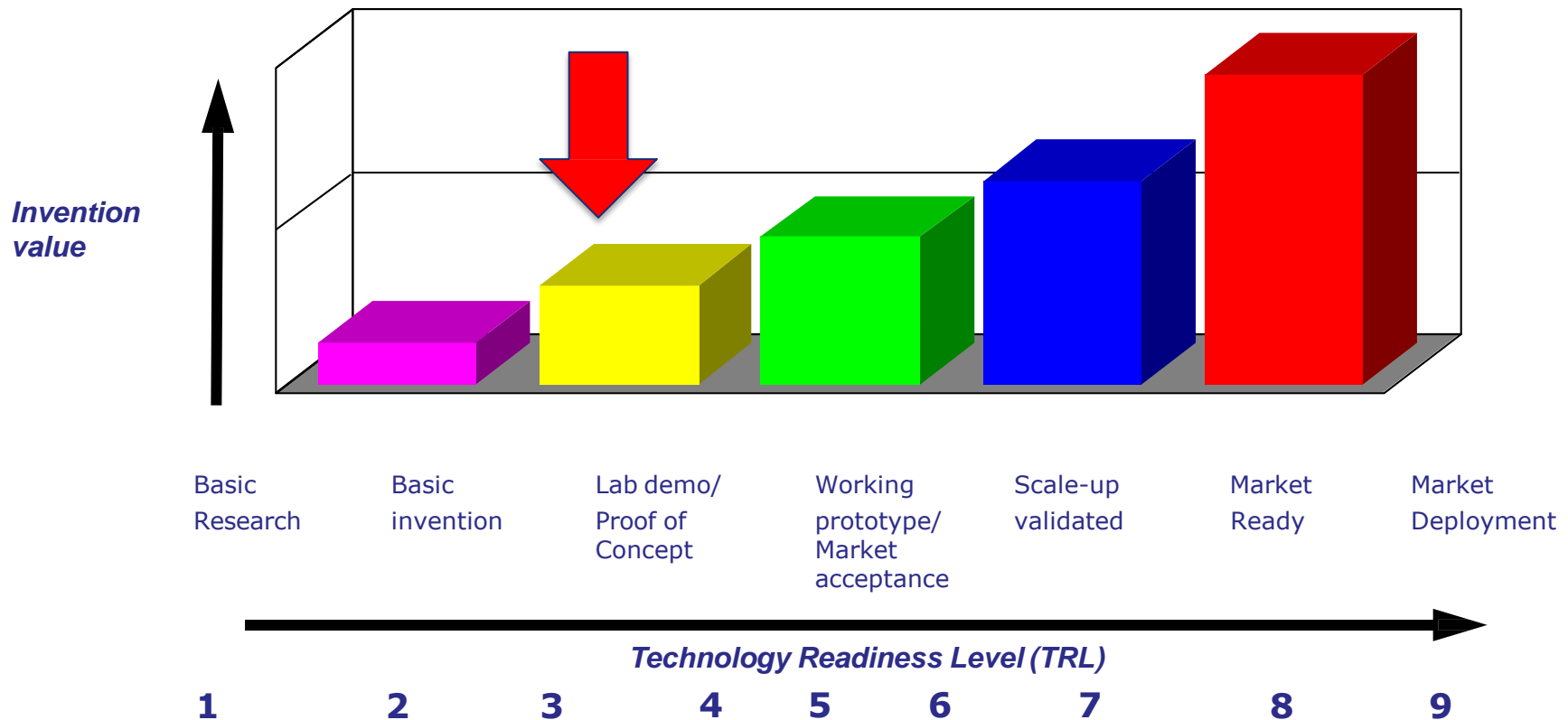
Coverage of the full innovation chain





Technology Readiness Levels

Where are you starting from and where do you want to go?





IP downstream route/Steps

- Understanding the scene (Terms, Rules, Model Agreements, etc)
- Setting the scene (Which IP provisions are negotiable?)
- Getting to know the individual interests, motivations and expectations of individual partners regarding IP management and exploitation
- Strategies and Plans to capture, manage and exploit results of H2020 projects on consortium level
- Developing the right innovation management structures
- Definition of appropriate activities and tasks to implement innovation-related activities
- Exploitation pathways, route to market, business models

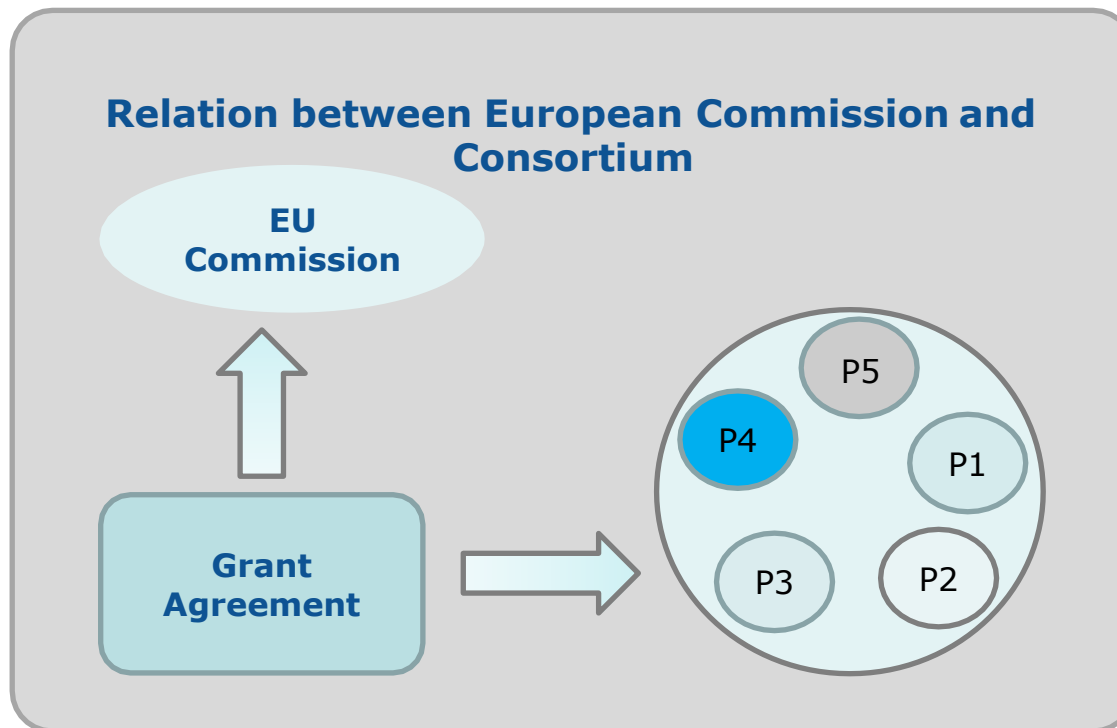


STOP

IP Framework under H2020



Grant Agreement (I)





H2020 – Annotated Model Grant Agreements

- **General Model Grant Agreement**

Section 3 addressing „Rights and Obligations related to Background and Results“

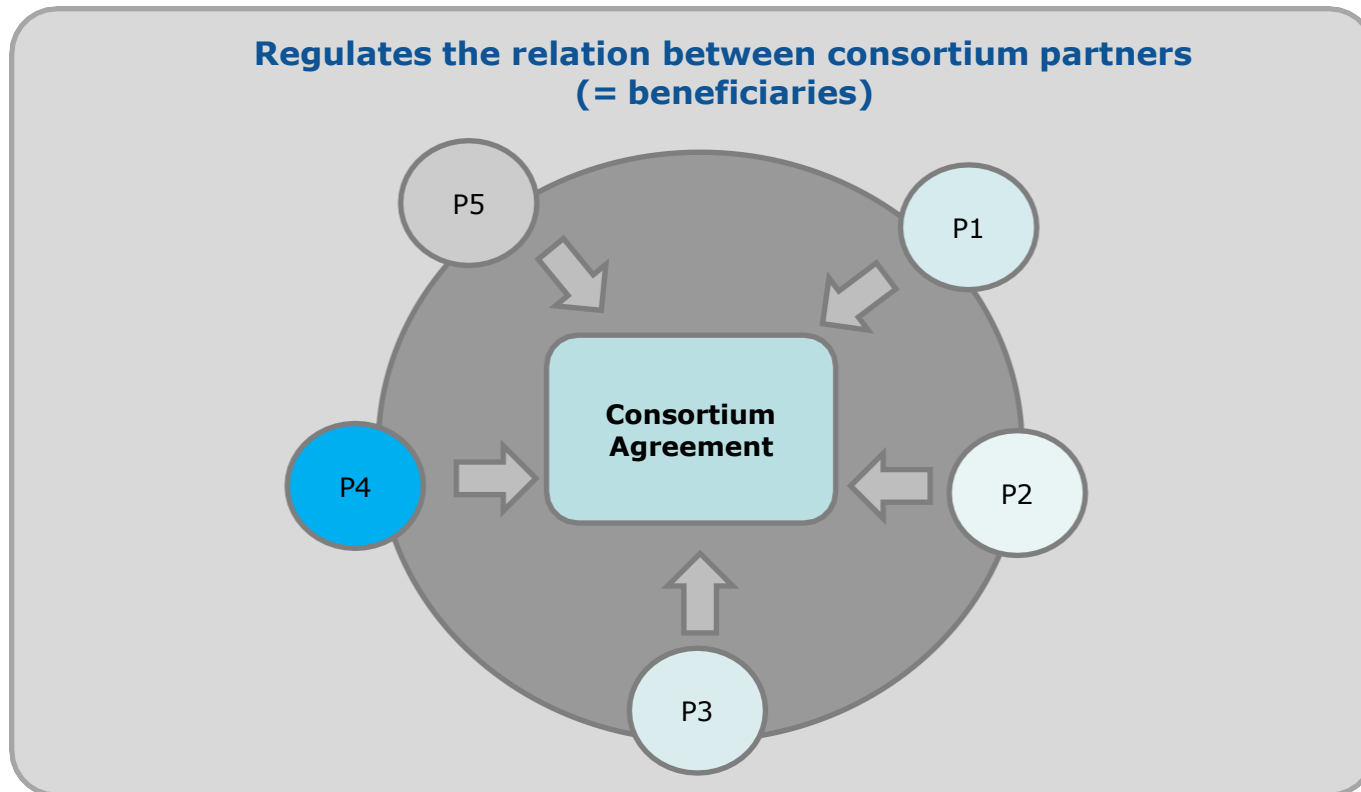
Structure:

- Core text with relevant articles
- Annotations to articles
- Examples, best practices, lists and procedures, exceptions

The document will be periodically updated with new examples and explanations, based on practical experience and on-going developments



Consortium Agreement (CA)





Consortium Agreement (II)

- A legal document that regulates the internal work of the Consortium
- Mandatory for the majority of projects
- Legal basics: Grant agreement (+ Annexes)/ RfP
- Implements the provisions of the Grant Agreement/programme rules
- May in no way contradict the prerequisites laid out in the EU Agreement/programme rules; the latter always take precedence!
- The CA should be worked out during the "*time to grant*" at the latest ; be prepared!
- Consortia are responsible for set up the governing rules; the Commission has no binding model, but... see participant portal
- **DESCA** (Development of a Simplified Consortium Agreement) model; Different options/modules, i.e. related to software development
MCARD-2020 - ICT industry; **EUCAR** – Automotive industry; **IMG4** - Model Consortium Agreement for the Aeronautics projects

<http://www.desca-2020.eu/>





*Where are the rules regarding
IP in Horizon 2020 to be found?*



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 (topic description)**

How to find: **Participant Portal**

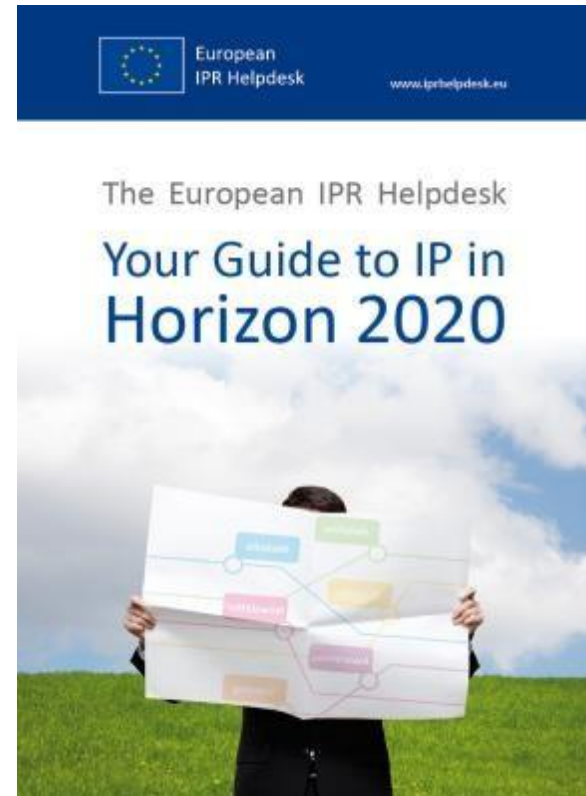




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Intellectual Property rules

Guide to IP in Horizon 2020



Vocabulary

Key terms in the context of Horizon 2020 projects are:

- Background
- Results
- Exploitation
- Dissemination
- Access rights





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 (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**).
- Shall be made in writing.
- To avoid conflicts, it is recommended that beneficiaries agree (e.g. in the consortium agreement) on a common interpretation of what is "**needed**".
- 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)

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 protect

Each beneficiary 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.



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:

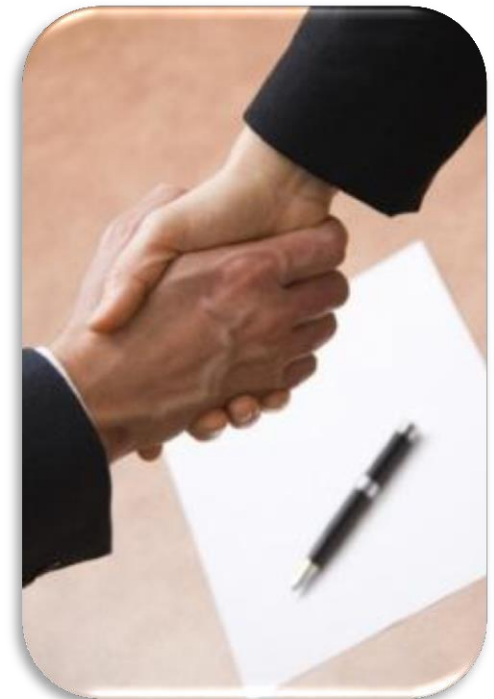
- (a) using them in further research activities (outside the action);
- (b) developing, creating or marketing a product or process;
- (c) creating and providing a service, or
- (d) using them in standardisation activities.



Routes for use/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)





European IPR Helpdesk





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Website

www.iprhelphdesk.eu

The screenshot shows the homepage of the European IPR Helpdesk website. At the top is a navigation bar with the logo and menu items: SERVICES, NEWS, EVENTS, LIBRARY, TRAINING, AMBASSADOR, HELPLINE, and CONTACT. Below the navigation bar is a large banner image featuring a city skyline at sunset and a close-up of a modern building. The main heading reads "European IPR Helpdesk" with the tagline "Get your ticket to innovation!". A paragraph explains the mission: "We believe that knowing how to manage Intellectual Property (IP) and Intellectual Property Rights (IPR) is the ticket to innovation and competitiveness in Europe. The European IPR Helpdesk offers free of charge, first-line support on IP and IPR matters to beneficiaries of EU funded research projects and EU SMEs involved in transnational partnership agreements, especially within the Enterprise Europe Network (EEN)."

Below the main text are six service tiles:

- IPR Helpline**: Place a phonecall or raise an issue and we will get back to you within three working days. Free of charge. [Contact us](#)
- Training Support**: Build up your capacity and take part in onsite or online training events to get you ready for the journey. [Get more info](#)
- Publications**: Find the tools to help you by visiting our huge library of fact sheets, FAQs, case studies and a whole lot more. [Visit the library](#)
- FAQ & Glossary**: IPR? Horizon 2020? Dissemination? [Get more info](#)
- IP SME Corner**: You are a small to medium sized business (SME) looking for information on IPR. [Get more info](#)
- Ambassador**: Looking for an IP contact point at your doorstep (cooperation with the Enterprise Europe Network). [Get more info](#)

On the right side of the banner image, there is a text overlay: "OUR NEW FACT SHEET ON INT".

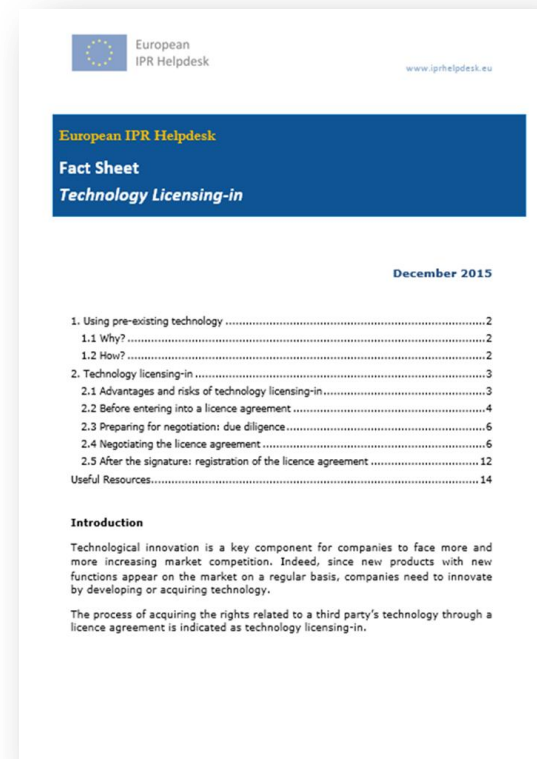
Approx.
600,000/year views
9600 subscribers



Publications @ our online library

Fact Sheets: Simple and easy to read guides on top IP topics:

- IP Audit
- Exploitation and Dissemination of Results in H2020 projects
- IP in business plans
- IP in biotechnology
- Commercialising IP
- IP valuation
- Joint ownership
- How to search for patent information
- Open access to publications and data in H2020...












55 fact sheets
and counting...



Other publications @ our online library

- **Case Studies:** Real life examples about IP
- **IP Charts & IP Guides:** Easy to read guidance on different IP topics
- **Bulletins:** Quarterly publication with articles, interviews and much more...
- **FAQ:** Frequently Asked Questions in IP
- **Glossary:** List of IP terms updated regularly
- **Newsletters:** Weekly online news on IP
- **Useful Documents:** Documents for IP management: Modal agreements, check lists....
- **Links:** Links to the IP world

 <p>Fact sheets</p> <p>Practical and easy information on how to deal with your IP issues.</p> Read more	 <p>Case studies</p> <p>Real life examples on IP practices.</p> Read more	 <p>IP Charts & IP Guides</p> Read more
 <p>Bulletins</p> <p>Find our three-monthly Bulletins in one place.</p> Read more	 <p>FAQ</p> <p>List of frequently asked questions and their answers.</p> Read more	 <p>Glossary</p> <p>Do you need to know the meaning of a specific term? We have compiled an exhaustive list of definitions that have to do with intellectual property rights.</p> Read more
 <p>Newsletters</p> <p>Keep track of the latest news in the fields of IP and R&D.</p> Read more	 <p>Useful documents</p> <p>Here you can find documents that help you manage your intellectual asset.</p> Read more	 <p>Links</p> <p>If you are looking for further information and other organisations dealing with IP, check our list of links.</p> Read more

Over 7,000
newsletter subscribers



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Intellectual Property rules

- **Guide to IP in Horizon 2020**
- **New! Guide to IP Commercialisation**







Helpline

HELPLINE


To talk to one of the IP experts, please dial +352 - 25 22 33 - 333.
To get an overview of the services offered by our helpline, please read our services page.



Response in 3 working days
Step 1: register for a free account.
Step 2: send your IP related question(s) in English.
[Read more](#)



Sample cases
Examples of answers sent by the helpline of the European IPR Helpdesk.
[Read more](#)




Success stories
Read some of our users' success stories.
[Read more](#)


- **Personalised** answers to **specific** questions
- **First-line support**
- Answers in **3 business days**
- **Wide range of IP topics** (e.g. IP Protection, IP Management, IP negotiation, licensing, IP exploitation, comments and revision of IP agreements...)
- **No legal terminology**, user friendly and «to the point» approach

950 queries/year



Training






Training Approach

"Capacity building" is the magic term regarding our training activities. Based on a practice-oriented training approach we provide free of charge training on IP and IP management.


[Read more](#)



On-site Training

In collaboration with local partner organisations we organise **joint training sessions** all across Europe. In addition, we try to support **individual events** with the help of our IP experts.

[Read more](#)



Online Training

Joining an on-site training event may sometimes be difficult due to time-constraints and travel costs. Therefore, we offer **interactive webinars** and different learning materials for your **self-study**.

[Read more](#)

- *"Capacity building"*
- **Practical and comprehensive** training approach
- Individual organisation of training events
- **Online** (*webinars and self studies*) and **on-site training**

2016:
More than 100 training events
Over 3.500 participants



Webinars

Upcoming Programme

24 May 2017

[IP Management in H2020 with a special focus
on Marie Skłodowska Curie Actions](#)

30 May 2017

[Geographical indications](#)

14 June 2017

[IP in EU funded projects](#)

19 July 2017

[Maximise the Impact of Horizon 2020 project
results](#)

05 July 2017

[Adressing Impact and Innovation in H2020
proposals](#)



Thank you.

We look forward to getting in touch with you!

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

service@iprhelphdesk.eu

Phone +352 25 22 33-333 (Helpline)

Fax + 352 25 22 33-334 (Helpline)

www.iprhelphdesk.eu

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

training@iprhelphdesk.eu

