



# European IP Helpdesk

Stay ahead of the innovation  
game.

**IP in EU-funded Projects / H2020  
with a special focus on MSCA**

Web session





# 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





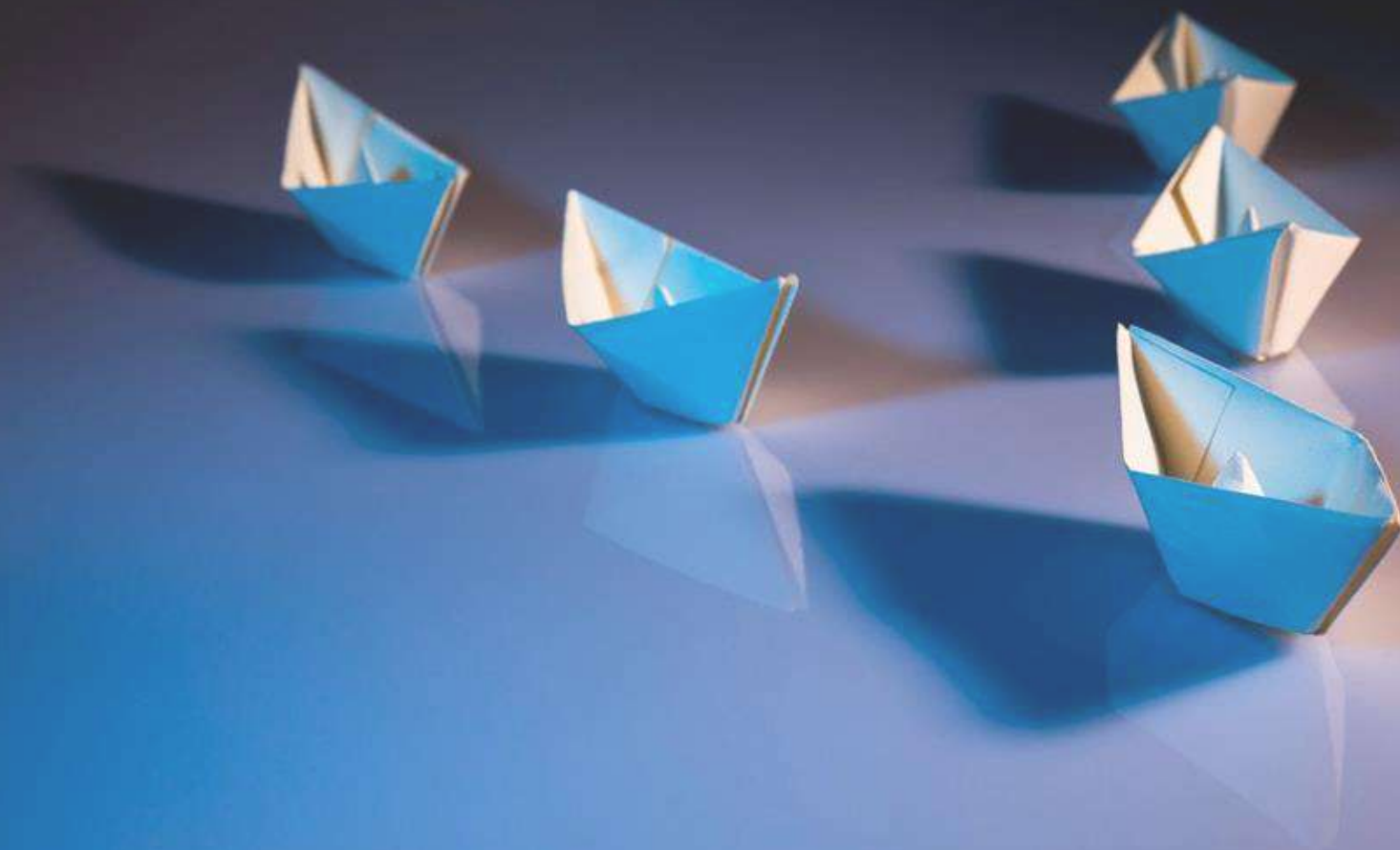
# MSCA – IP relevant characteristics

- 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“**





# Rules & Agreements





## IP rules are part of different type of agreements to be used within MSCA instruments

### Grant Agreement

- to be signed with EC/REA

### *Consortium Agreement*

- to be signed among beneficiaries
- **mandatory**

### *Partnership Agreement*

- to be signed with partner organisations

### Researcher Agreement

- to be signed between fellow and host institution (on individual basis but model contracts are available); ask your NCP

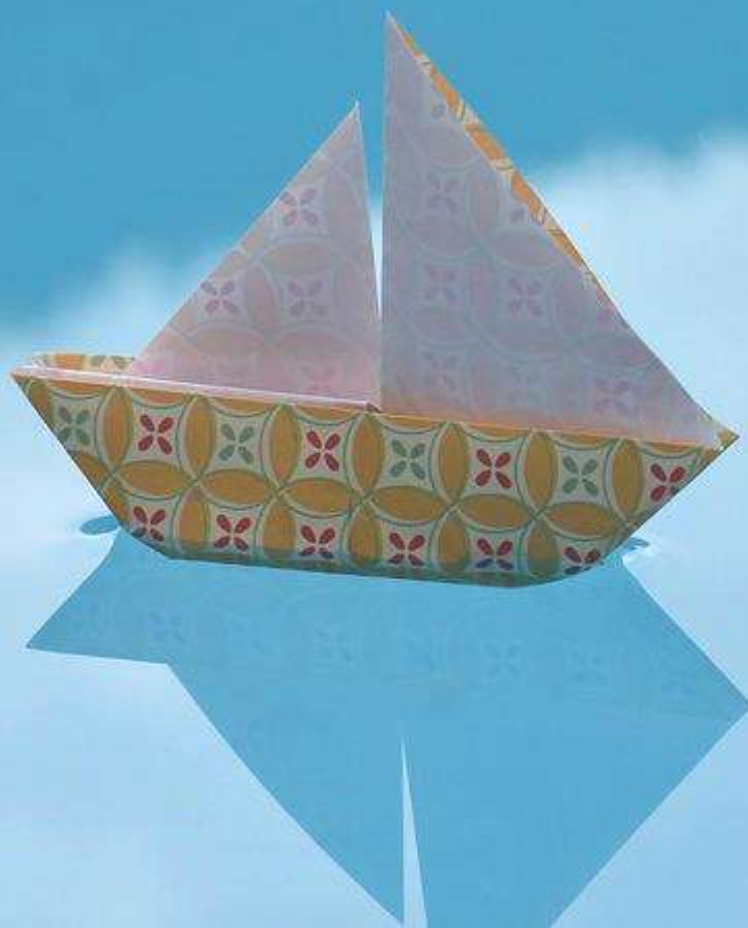
### Additional Agreements

- i.e. Confidentiality Agreement to be signed between secondee and host institution (if not already specified in the PA or RA)





# Specific Vocabulary





# Vocabulary

**Key terms in the context of Horizon 2020 projects are:**

- Background
- Results
- Exploitation
- Dissemination
- Access rights





## Access Rights (II)

Grant of minimum Access Rights (*note: additional Access Rights can always be agreed upon!*)

	Access to background	Access to results
Project implementation	Royalty-free (unless differently agreed before the signing of the GA)	Royalty-free
Exploitation of results	On fair and reasonable conditions	On fair and reasonable conditions







# Other IP rules





## Reminder: asserting the ownership of results

**Ownership rules can be found in the GA (default regime) and in the CA.**

Principle = results belong to the participant generating them.

**If results have been generated by several partners jointly** = joint ownership. The GA contains a default ownership regime, usually CA templates do too.

**Best practice:** agree on a tailored joint ownership agreement adapted to each jointly owned result. JO clauses included in the CA are usually too broad.

*It is always advisable to clarify the question of the ownership of results within the consortium once they have been created, in line with your CA, before the partners start setting up exploitation strategies!*





# General obligation to protect

Each participant 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.

**Protection can be secured by IPR or other means (e.g. trade secret protection).**





# Protection by IPR

IPR	What for?	Registration?
Patent	New inventions	Registration is required
Utility model	New inventions	Registration is required, but conditions are less stringent than for patentability
Trade Marks	Distinctive signs	Registration is required
Industrial Design	Appearance of products	Registration is usually required, but it is possible to acquire an unregistered design right
Copyright	Literary, artistic and scientific works	Not required, but it can be registered in some countries
Confidentiality	Confidential business information/trade secrets	Not required, but internal protection measures needed (i.e. NDAs)

Always use IPR symbols, such as © for copyright, ™ and ® for trademarks, or any other equivalent indicating that it is protected by one or more different IPR





# Obligation to disseminate

Project partners are obliged to disseminate the results swiftly (i.e. to scientific community/broader public) 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.

*But:*

- *no dissemination of results may take place before decision is made regarding their possible protection, and*
- *All publications or any other type of dissemination (also in electronic form) shall include a statement that the action received financial support from the Union – the same applies to results incorporated in standardisation activities.*





# Dissemination checklist

- Take a decision about the **protection** of results and all required steps
- **Inform the other consortium partners** in writing 45 days before the planned dissemination activities and include enough information to allow them to analyse whether their interests are affected or not. Note that this time limit can be changed (for more or less days) in the CA. Wait 30 days for any objection to the dissemination (unless otherwise agreed in the CA).
- Beware not to infringe third parties' intellectual property rights
- Open access as a general principle of scientific dissemination
- List the dissemination activities in the Exploitation and Dissemination Plan





## Obligation to disseminate Vs. Obligation to protect

Make sure you comply with the obligation to protect...

**Sometime early disclosures (dissemination or communication of results) may undermine potential future exploitation activities.**

**THEN!**

...comply with the obligation to disseminate





# Questions about Open Access?

The European Commission has published a fact sheet and guidelines on Open Access to Scientific Publications and Research Data in Horizon 2020, that can be downloaded at:

- [https://ec.europa.eu/programmes/horizon2020/sites/horizon2020/files/FactSheet\\_Open\\_Access.pdf](https://ec.europa.eu/programmes/horizon2020/sites/horizon2020/files/FactSheet_Open_Access.pdf)
- [http://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/hi/oa\\_pilot/h2020-hi-oa-pilot-guide\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/oa_pilot/h2020-hi-oa-pilot-guide_en.pdf)

For more guidance and support on Open Access: the OpenAIRE initiative aims to support the implementation of the Open Access policies of the European Commission and the European Research Council. <https://www.openaire.eu/>







# Costs Reimbursement

- Costs of intellectual property rights (IPR), including protecting results (e.g. fees paid to the patent office for patent registration) and royalties on access rights are **eligible costs**
- Cost for open access publications are also considered eligible by the GA, e.g. Author Processing Charges (APCs)
- For more information on costs eligible for reimbursement in H2020: contact your Legal & Financial [National Contact Point!](#)





# General obligation to exploit

Each participant receiving EU funding 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.





# Find out more

## General

- [Horizon 2020 Programme: Annotated Model Grant Agreement](#)

## Communication Activities

- Brochure: [Making the Most of Your H2020 Project – Boosting the impact of your project through effective communication, dissemination & exploitation](#)
- Online Manual: [Horizon 2020 Participant Portal Online Manual “Communicating Your Project”](#)
- Guide: [Communicating EU Research & Innovation: Social Media Guide for EU-funded R&I Projects](#)
- Videos: [The EU Guide to Science Communication](#)
- Webinar: [60-minute Communication Workout](#)
- [Social Media Guide: http://ec.europa.eu/research/participants/data/ref/h2020/other/grants\\_manual/amga/soc-med-guide\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/other/grants_manual/amga/soc-med-guide_en.pdf)

## Dissemination & Exploitation

- Online Manual: [Horizon 2020 Participant Portal Online Manual “Dissemination & Exploitation of Results”](#)
- European IP Helpdesk Fact Sheet: [The Plan for the Exploitation and Dissemination of Results in Horizon 2020](#)

## IP Management

- European IPR Helpdesk Guide: [Your Guide to IP in Horizon 2020](#)

## Open Access & Data Management

- Online Manual: [Horizon 2020 Participant Portal Online Manual “Open Access & Data Management”](#)
- Guidelines: [Rules on Open Access to Scientific Publications & Open Access to Research Data in Horizon 2020: Data Management in Horizon 2020](#)
- Infographic: [Open Access](#)
- European IP Helpdesk Fact Sheet: [Open Access to scientific publications and research data in Horizon 2020: Frequently Asked Questions](#)





## Contact:

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# Thank you !

For further questions about this presentation: [training@iprhelpdesk.eu](mailto:training@iprhelpdesk.eu)

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