

Intellectual Property In H2020 Projects

Short practical remarks on
the management of IPR in H2020 Projects



This short info sheet provides several tips on the IPR management in relation to the different project phases - the proposal stage, grant agreement preparation, the implementation and the project conclusion - briefly summarizing the crucial elements applicants should take into consideration.

Effective exploitation of projects' results strictly depends on a **proper management of Intellectual Property**. The management of intellectual property shows the maturity of the consortium in the commercialization stage in Innovation actions and knowledge management in Research and Innovation Actions. It protects not only existing ownership of background but defines future manners in terms of a successful exploitation of the project.

The main description should entail an effective intellectual property management as well as the management of regulatory requirements, describing potential standardization barriers such as certification, authorization or licensing. The management of Intellectual Property plays an important role in order to **successfully exploit projects' results** and consequently to produce an effective impact on the society.

Although intellectual property protection requires time and resources, it has undeniable advantages both for research organisations and for companies. On one hand, it contributes to facilitate technology transfer, while on the other, it enhances the growth chances of companies.

Participants in Horizon 2020 are expected to effectively manage intellectual property within their project, since in collaborative activities this management gains a higher importance. Although research collaborations lead to lower R&D expenses and risks, which are distributed among the consortium, it can also lead to disagreements in terms of results ownership, use and even misappropriations if no measures are taken to protect the interests of partners involved.



IPR helpdesk: Library

Where to find IPR-related rules:

1. **IPR helpdesk**
2. **H2020 Online Manual (work in progress)**
3. **the (annotated) Model Grant Agreement**
4. **the applicable work programme**
5. **Rules for Participation**



Annotated Model Grant Agreement

IPR Management should be taken into account during the entire project life cycle:

- Proposal stage
- Grant preparation stage
- Project implementation & conclusion

The importance of effective exploitation of project results and existence of efficient and strategic knowledge management, including the protection of the intangible assets, through Intellectual Property Rights (IPRs) is essential for a successful implementation of the H2020 projects.



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Fact Sheet IP Management in Horizon 2020: proposal stage

Proposal stage

- Partners should deal with the **confidentiality issues**, think about a set of measures to protect sensible information: **Memorandum of Understanding (MoU)**, **Non-disclosure Agreement** etc.;
- One of the most important steps in this phase is to **identify internally the Intellectual Property** which will be used in the project (in each partner organization) and to start protecting it by an **Agreement on the Background**. According to the AGA, background is defined as *“any data, know-how or information – whatever its form or nature (tangible or intangible), including any rights such as intellectual property rights – that: (a) is held by the beneficiaries before they acceded to the [Grant] Agreement, and b) is needed to implement the action or exploit the results”*;
- H2020 proposals have to demonstrate a high level of innovation (Excellence), and for this reason, each proposal should describe in which ways it goes beyond **the State of the Art** (Ambition). Indeed, in this stage, an accurate analysis should include not only the scientific literature, but also the already registered Intellectual Properties (using patents databases);
- Preparing an effective **Plan for the Exploitation and Dissemination of Results (PEDR)**: a strategic document that can also include the strategy for the IP management;



Plan for the Exploitation and Dissemination of Results



Fact Sheet IP Management in Horizon 2020: grant preparation stage

Grant Agreement Preparation (GAP)

- Focus on the **Consortium Agreement**: in order to efficiently deal with the IP management, each CA should contain provisions about confidentiality, Background, Sideground, ownership or co-ownership of project results etc.;
- The Proposal should also foresee ad hoc bodies that deal with all issues related to the protection of intellectual property: (a) **Exploitation Committee** chaired by an Exploitation Manager, (b) Steering Committee;
- Focus on the **Exploitation of Results**. In Horizon2020, beneficiaries must comply with the obligation to exploit project results through different means: further collaborative research, internal development of the product, creation of a service, joint venture, licensing, standardization, transfer, spin-off, etc.;



Fact Sheet Management in Horizon2020 project implementation and conclusion

Project Implementation & Conclusion

- Project beneficiaries should update periodically the PEDR (usually it contains project deliverables);
- Ensure constant monitoring of external factors, such as other projects, publications, patents, in the same scientific field;
- When the project generates common results, that may be co-owned only by some partners, a new contract on joint ownership should be implemented. Costs of such contractual arrangements are eligible costs. This may be carried out either by the amendment to the CA or a brand-new agreement;
- Thinking about the possibility to transfer project results to another project partner, following GA rules:
 - (a) the transfer has to be realized through an official (written) agreement;
 - (b) other project partners having access rights to that results, have to be informed at least 45 days before the transfer;
- Protecting project results, if possible. It is not mandatory;
- Once the Project ended, beneficiaries have to maintain the confidentiality of the information considered confidential for 4 years following the conclusion of the project;
- Dissemination, exploitation and the results' transfer obligations remain in effect after the conclusion of the project;