

# Enhancing the Capacity of EU transport projects to transform research results into innovative products and services

*TIPS Training Academy  
25-28.11.2013, Prague*



The **TIPS** project is supported by the European Commission through the Seventh Framework Programme for Research and Technological Development / Coordination and Support Actions (CSA)



# Intellectual Property Rights as key success factor in EU-funded research projects

## *Understanding IPR rules through an interactive game*

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Jessica Ebner, Steinbeis-Europa-Zentrum  
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Why do we need to talk about  
IPR?



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# Generic Situation

## From the Idea to an Exploitable Result



### *Question:*

What is the difference between an **Idea** and an **Exploitable Result**?



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# Generic Situation

## Difference between Idea and Exploitable Result

1st approach to solve a  
problem  
Base for a proposal  
to the RTD Research  
Programme

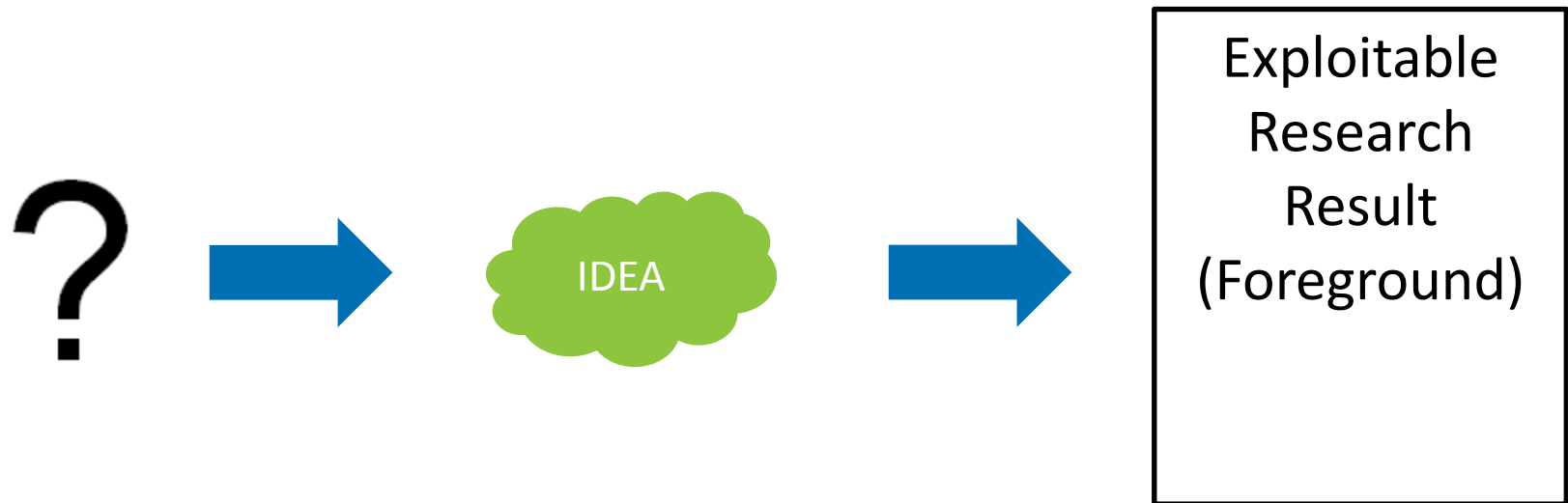
Result of a research  
project  
obtained from one or  
more idea(s)  
by contributing more  
idea(s)



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# Generic Situation



Someone has an idea that has been extended to a research project and produces a result that can be further used and which is called Foreground



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Who is the Owner of the  
exploitable result?



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# Generic Situation

## Ownership of Exploitable Result



### OWNER:

a person who has **generated the exploitable result** based on **one or more ideas** and **invested** efforts, money, etc.



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What is the usual situation in  
FP7 R&D projects when it  
comes to foreground?

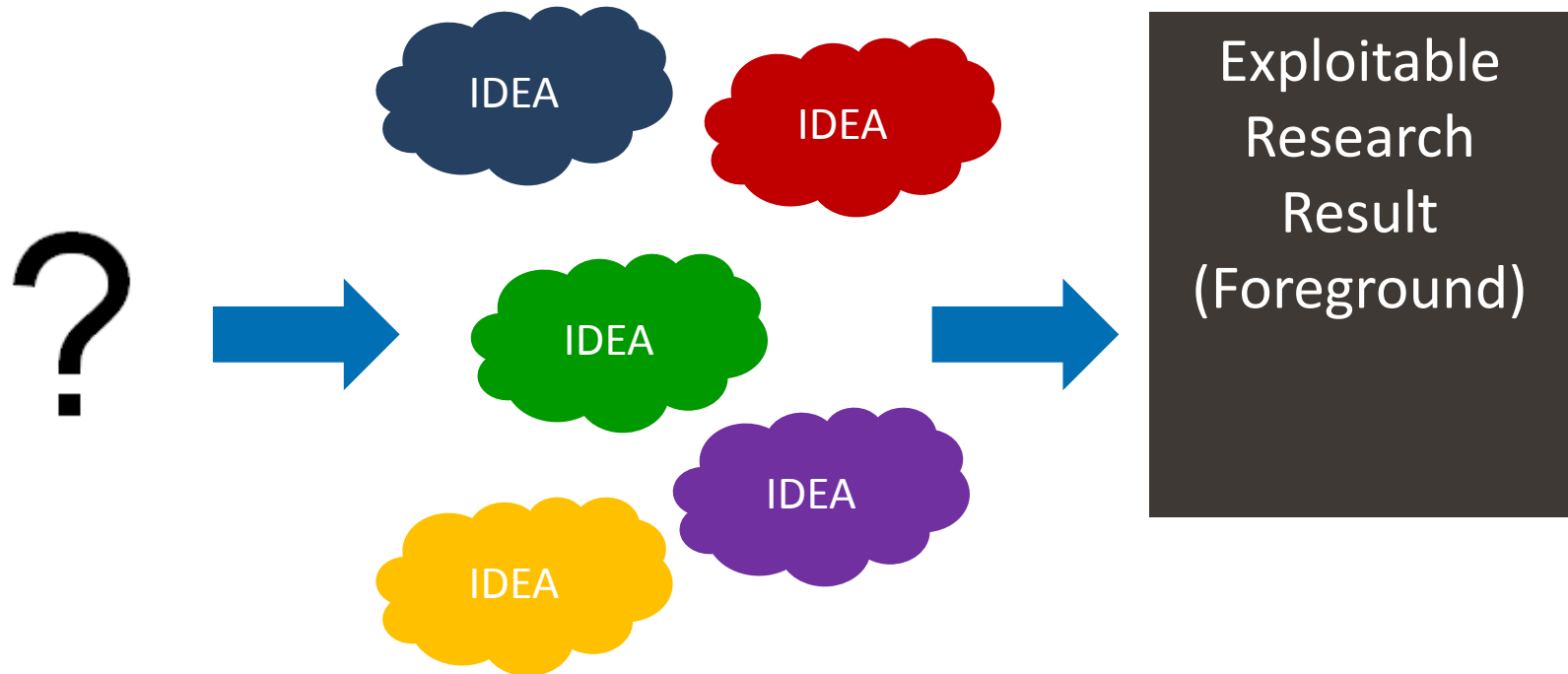


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# Project Situation

Joint generation of Project Result(s) = Foreground



## **FOREGROUND:**

Means the result(s) generated in the project.

Important are results that can be used after the end of the project, and these are exploitable.



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# Who are the Owners of the Joint Project Results?

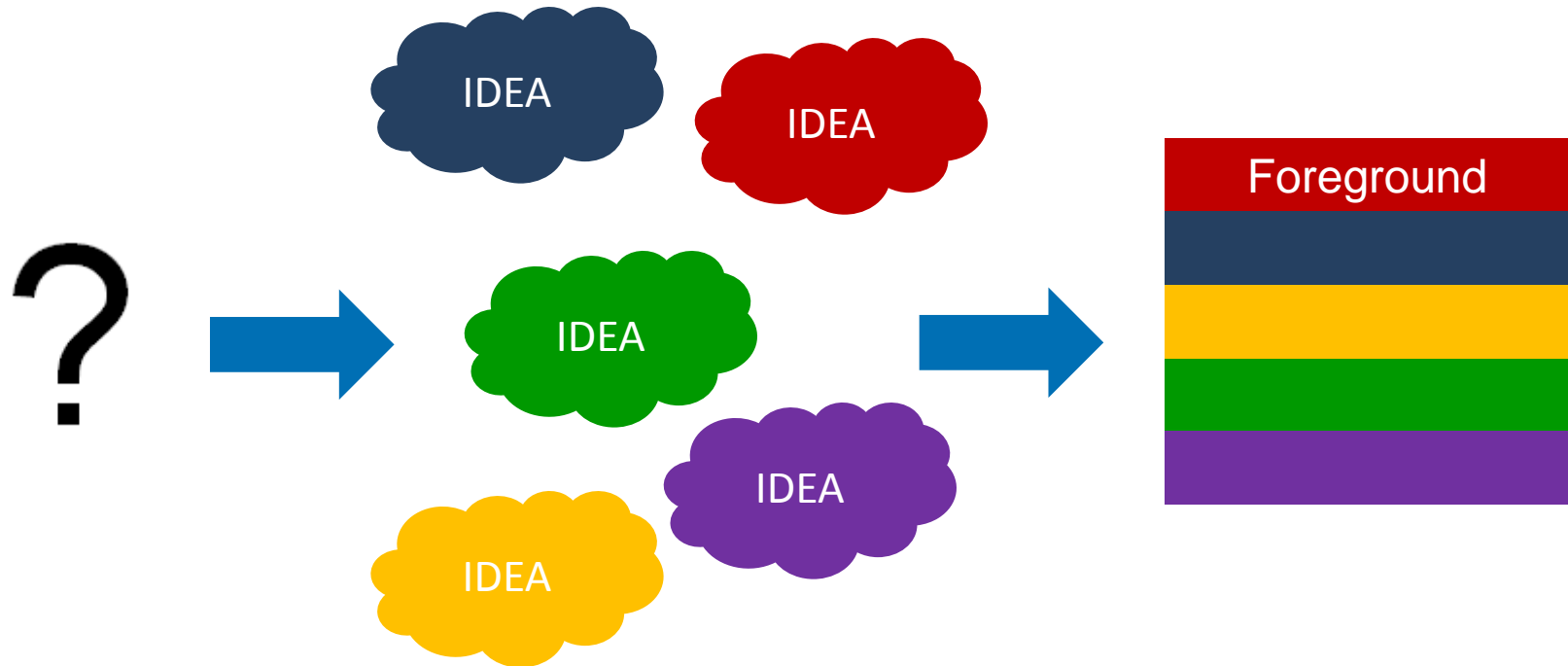


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# Project Situation

## Joint Ownership



### OWNERS:

Are all partners that have **created the foreground**, i.e. **elaborated** the ideas and have **invested** efforts, money.



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## ***NEW SITUATION***

Interested Party  
ORANGE wants to implement the  
partner Green's foreground  
in her/his product  
ORANGE is not partner in the project

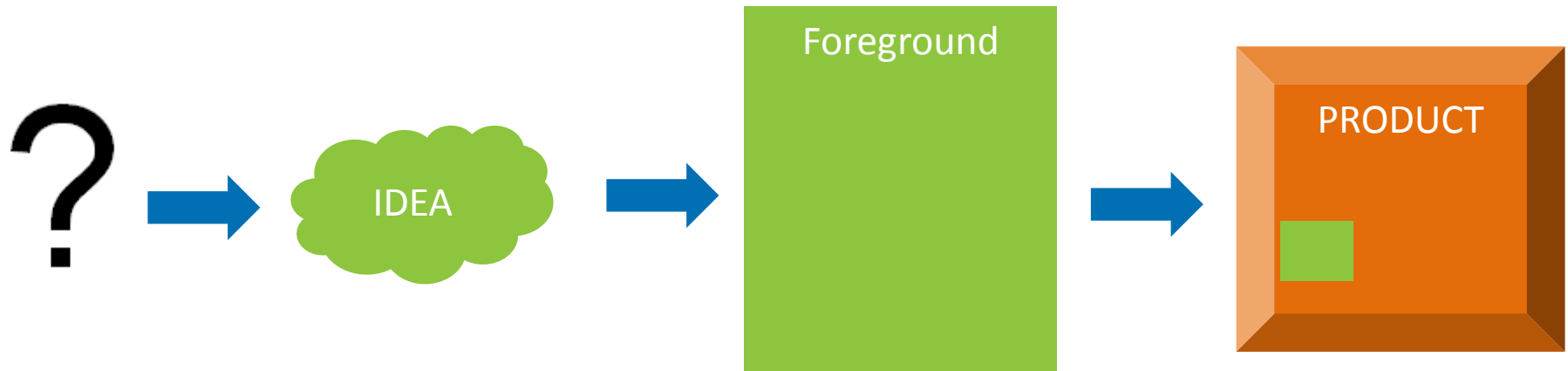


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# New Situation

## ORANGE's Product



Interested Party ORANGE wants to implement the partner Green's foreground in her/his product  
ORANGE is not partner in the project



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What have GREEN and ORANGE to consider before ORANGE sells the product?

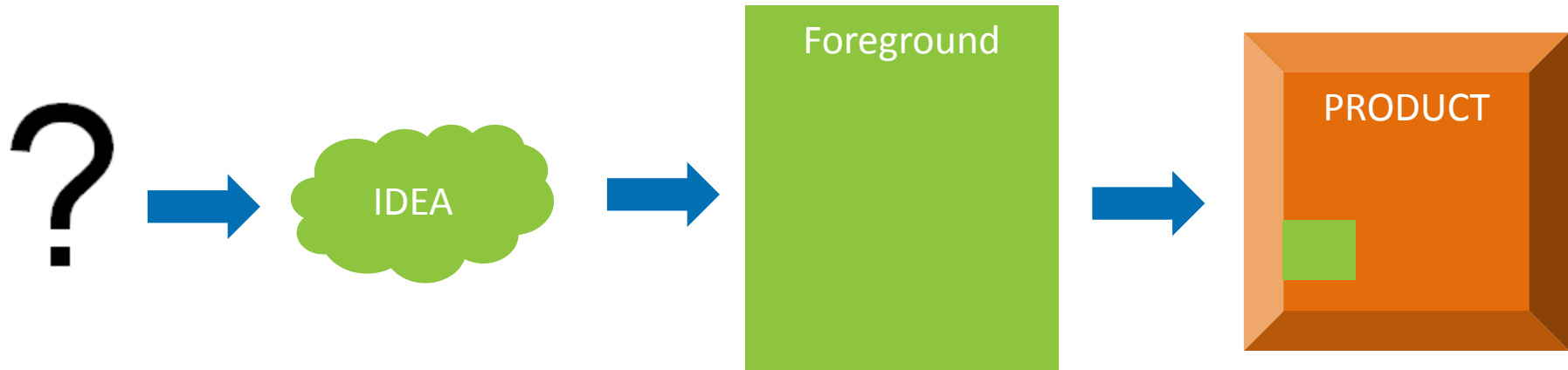


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# New Situation

## Important to consider



Green can grant **Access Rights** to her/his foreground  
(e.g. licensing, selling, ...)

- Access rights should be used only for the intended purpose
- Cannot be exclusive
- Access on **fair and reasonable conditions**



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## ***NEW SITUATION FP7 R&D Projects***

Project Partner BLUE wants to use the Joint Foreground for her/his product.

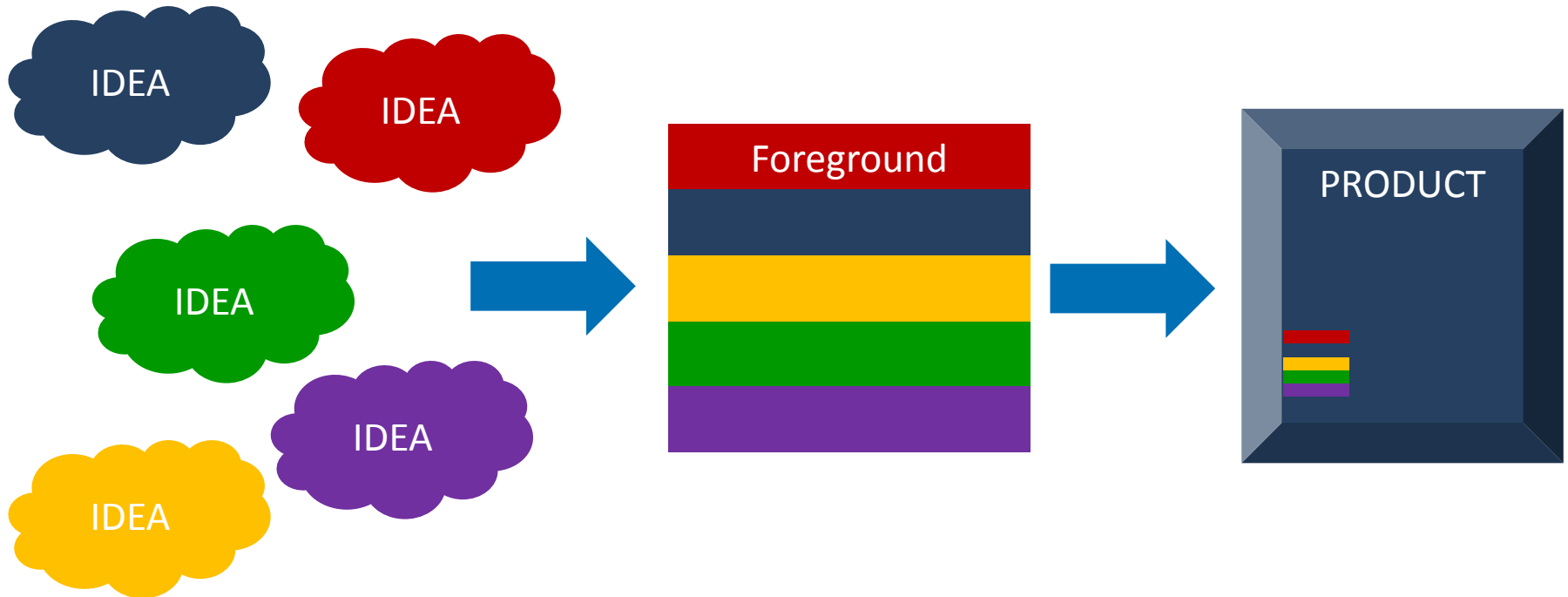


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# Project Situation

## Exploitation of a Joint Project Result



**Project Partner BLUE wants to use the Joint Foreground for her/his product.**



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How does it work with the usage now? What are the possible agreements?

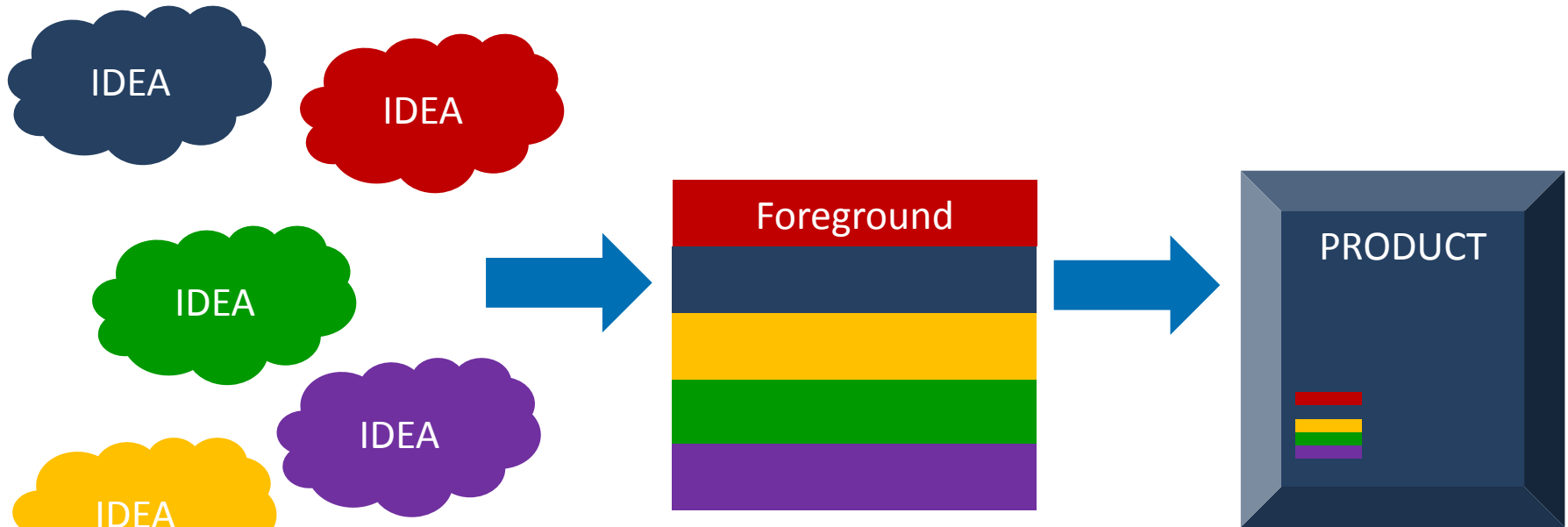


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# Possible Agreements

The owners have to grant Access Rights to their foreground royalty free  
But only if that partner needs it for his/her own exploitation  
Needs agreement of all partners having contributed to the foreground



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# Conclusion

It is important to know your result(s)

How do you want to use it

Think about what has to be considered  
before result(s) can be used



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# TIPS

TRANSPORT R&D  
FOR INNOVATION

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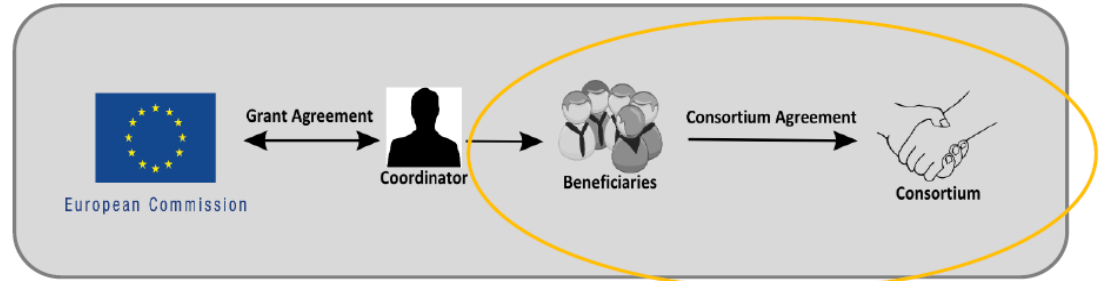
**Website:** [www.transport-tips.eu](http://www.transport-tips.eu)

**Facebook:** [www.facebook.com/transport.tips](http://www.facebook.com/transport.tips)



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# Intellectual Property Rules in FP7: Relevant Docs



## Grant Agreement:

–Annex II – General conditions, Part C Intellectual Property Rights, Use and Dissemination, Section 1+2

## Guide To Intellectual Property Rules for FP7 projects

### Consortium Agreement

- Section 8: Foreground
- Section 9: Access rights (inclusive Section: Specific software provisions)
- Attachement 1: Background included to access rights (“positive list“)
- Attachement 2: Background excluded from access rights (“negative list“)

### Description of Work (Annex I)

–B3. Impact: B 3.1 Strategic impact, B 3.2 Plan for the use and dissemination of foreground (incl. first thoughts on Exploitation of Project Results, and Management of Intellectual Property)

