

TIPS

TRANSPORT R&D
FOR INNOVATION



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

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



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

An interactive game to illustrate IPR rules



The TIPS consortium

Presenter / Narrator: Ulrich Boes, URSIT Ltd.



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From the Idea to an Exploitable Result

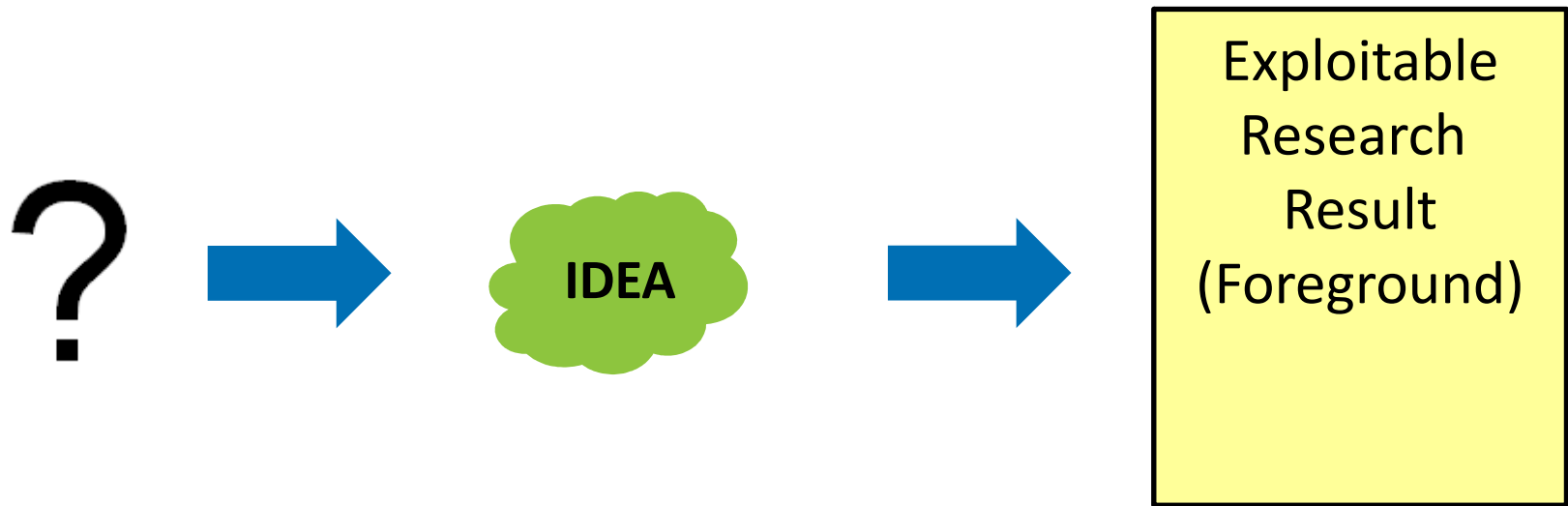


1st approach to solve a problem
Base for a proposal to the RTD Research Programme

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



From the Idea to an Exploitable Result



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

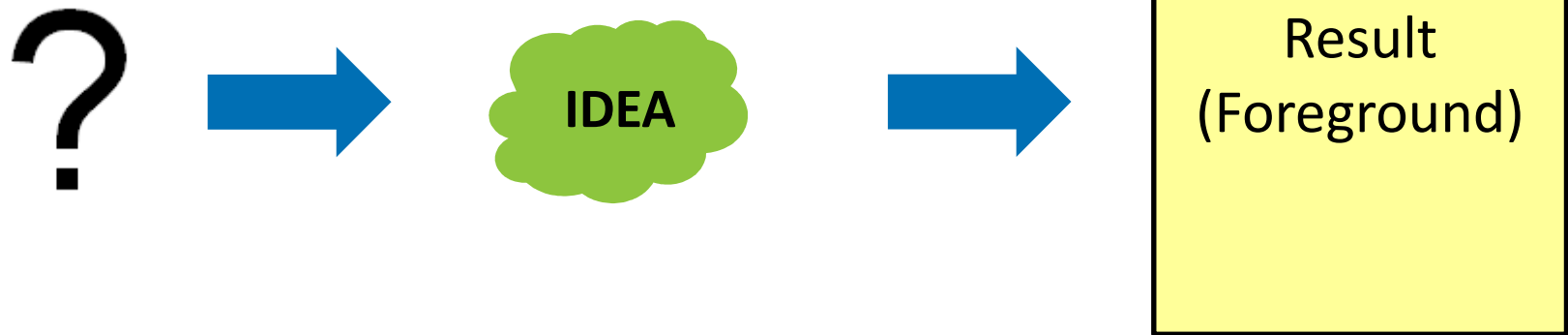
Who is the Owner of the
exploitable result?



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From the Idea to an Exploitable Result

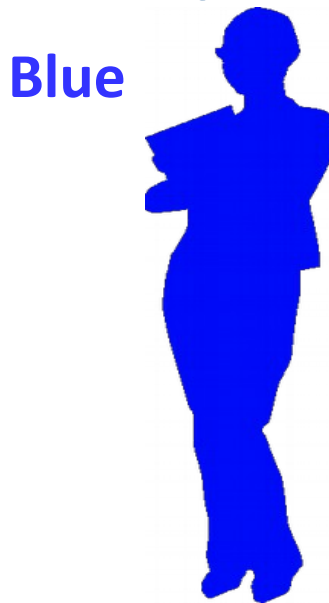


OWNER:

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



The Project Team

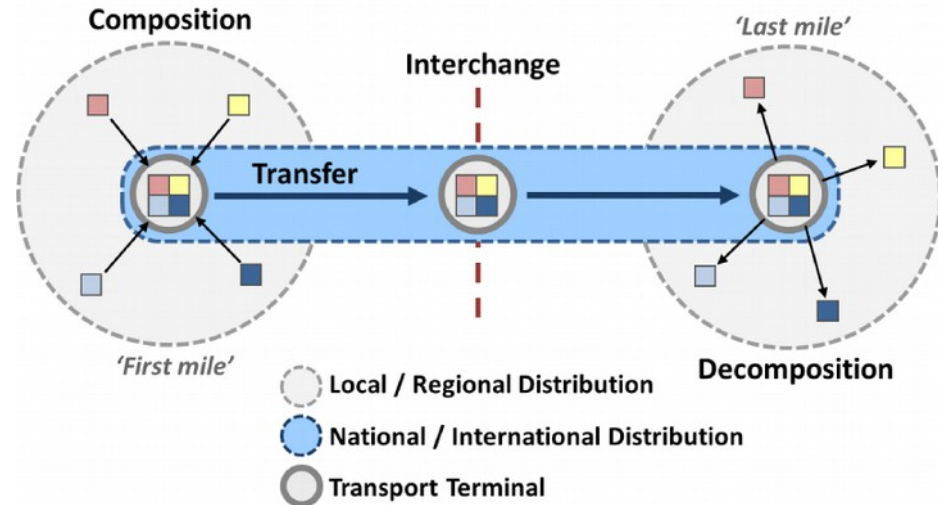


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Project Idea

Intelligent component
for multimodal transport

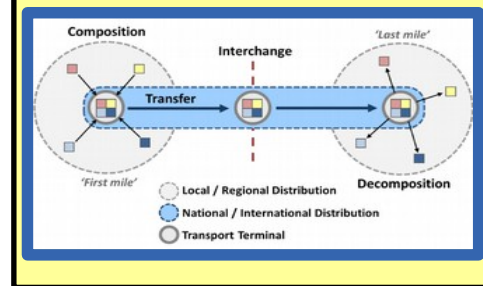


Project Situation

Joint generation of Project Result(s) = Foreground



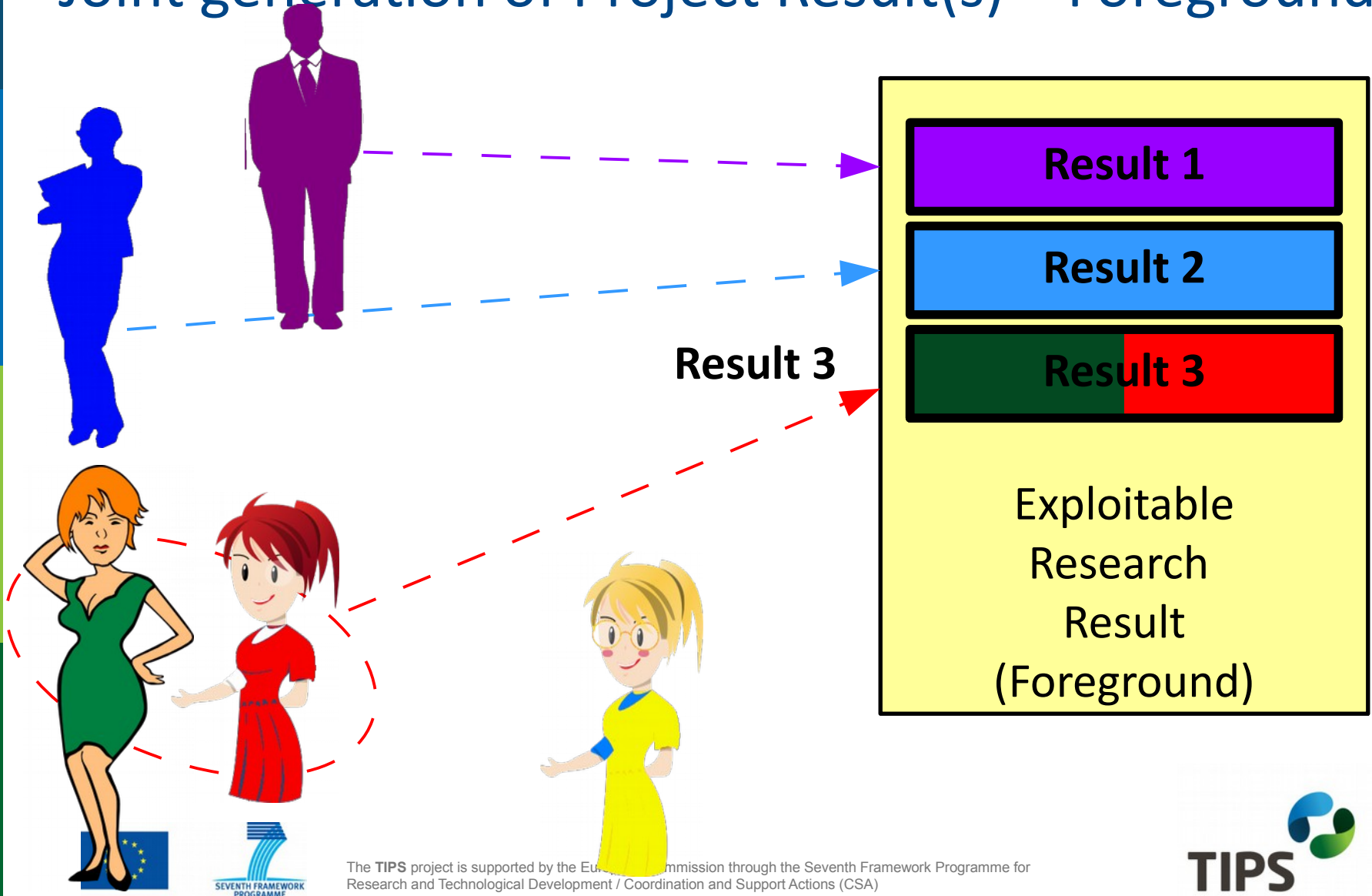
Exploitable
Research
Result
(Foreground)



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Project Situation

Joint generation of Project Result(s) = Foreground



Who are the Owners of the Joint Project Results?

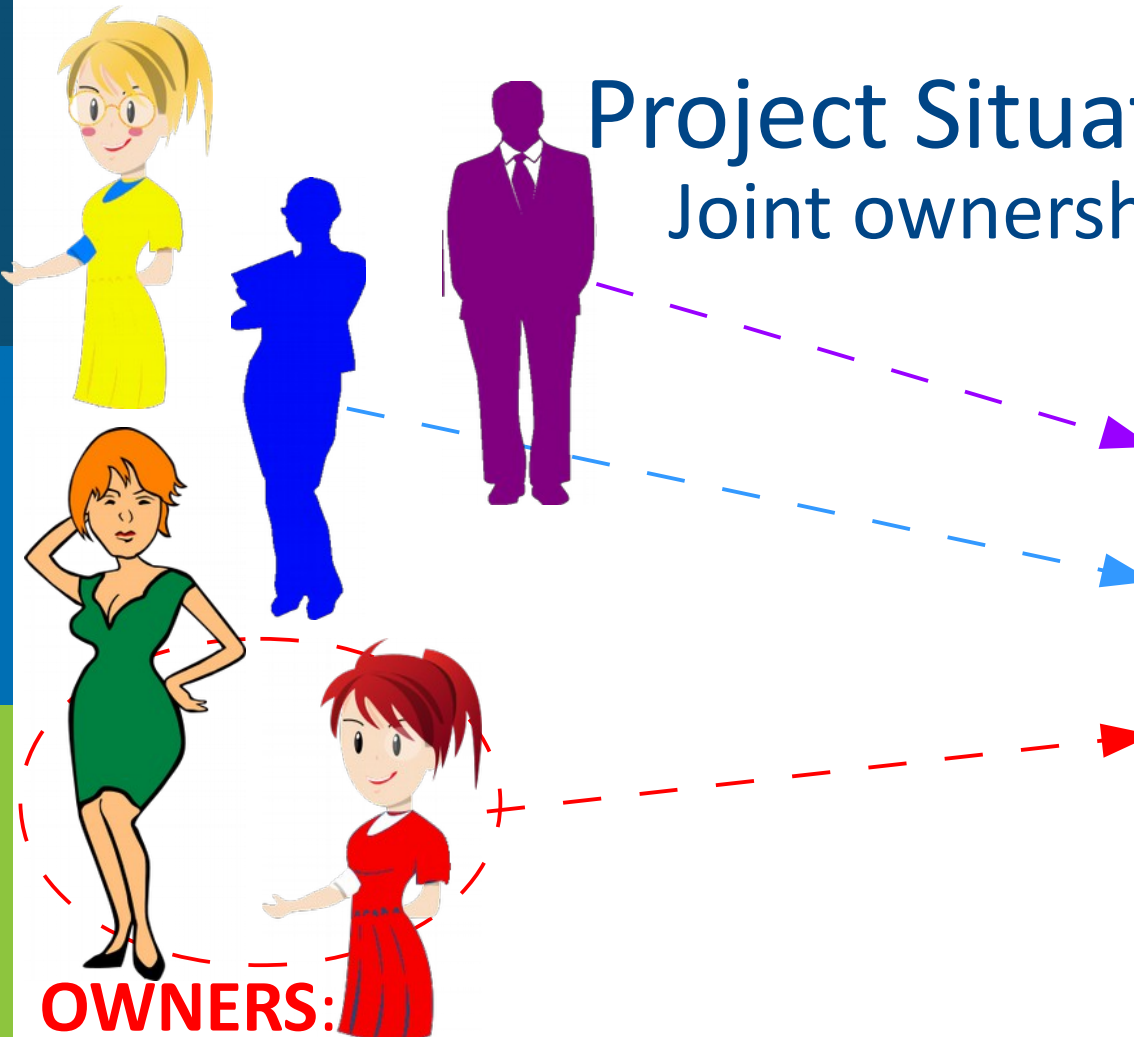


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Project Situation

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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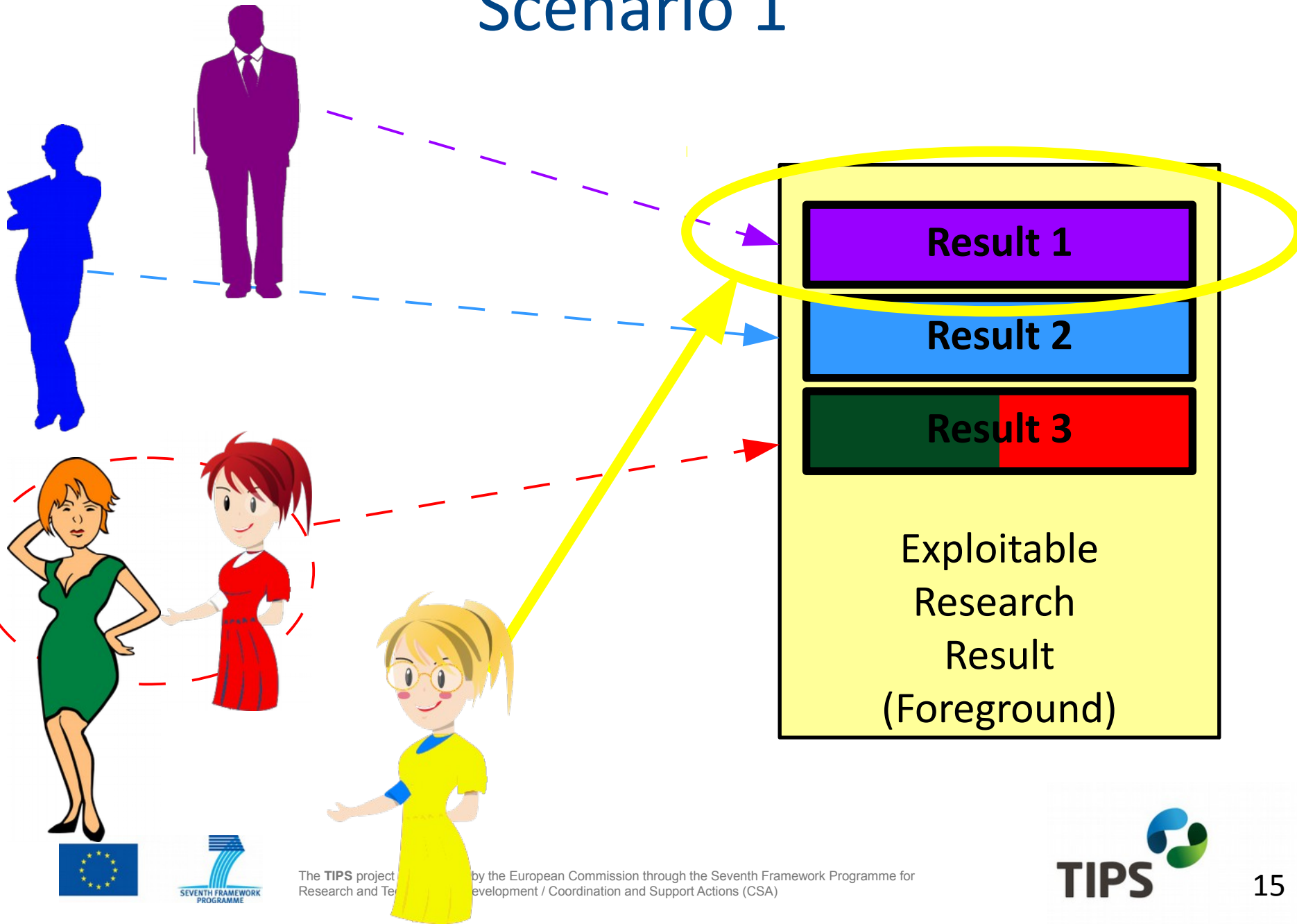


General Conditions Art. 11.26. Ownership

*Foreground shall be the property of the beneficiary carrying out the work generating that foreground. Where several beneficiaries have jointly carried out work generating foreground and where their respective share of the work cannot be ascertained, they shall have **joint ownership** of such foreground. They shall establish an agreement regarding the allocation and terms of exercising that joint ownership. However, where no joint ownership agreement has yet been concluded, each of the joint owners shall be entitled to grant non-exclusive licences to third parties, without any right to sub-licence.*



Scenario 1



General Conditions Art. II.34

Access rights for use

Beneficiaries shall enjoy access rights to foreground, if it is needed to use their own foreground.

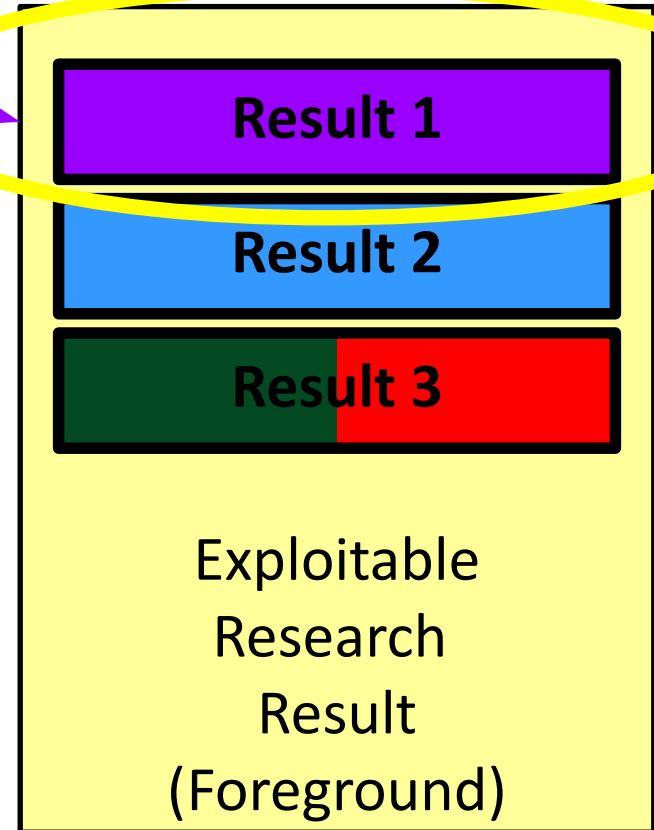
Subject to agreement, such access rights shall be granted either under fair and reasonable conditions or be royalty-free.



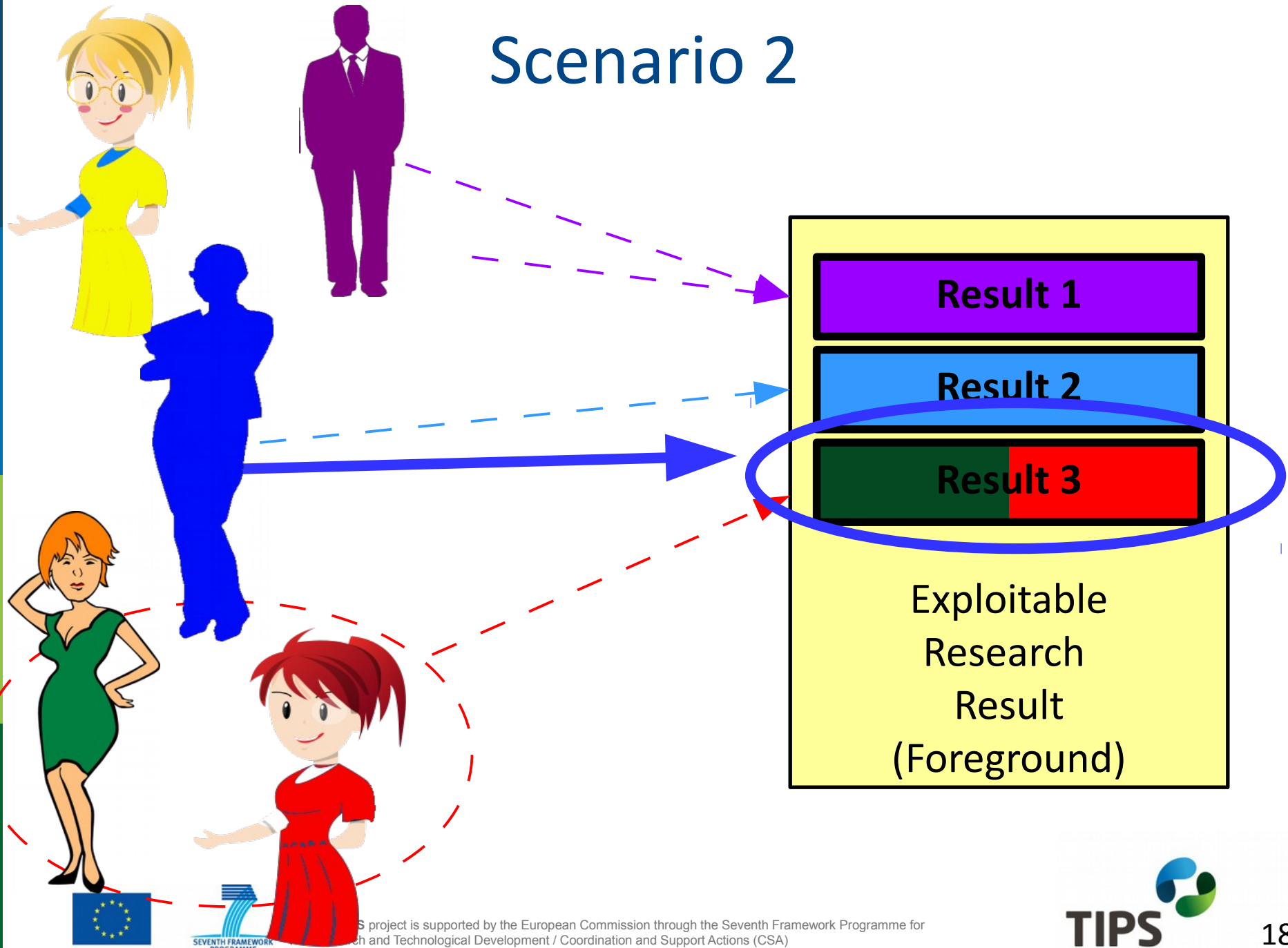
Scenario 1



Agreement: fair and reasonable conditions



Scenario 2



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General Conditions Art. II.34

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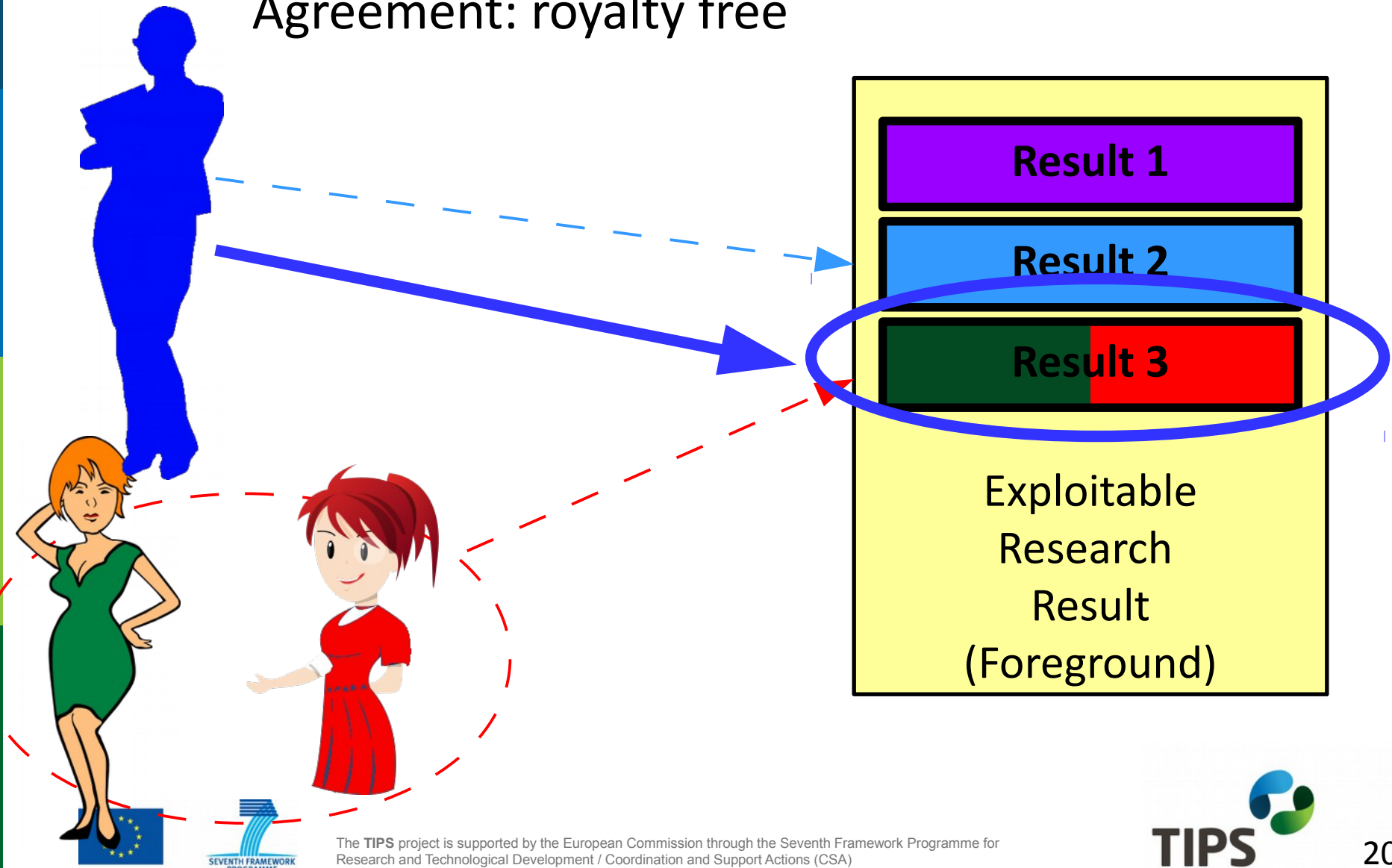


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Scenario 2

Agreement: royalty free

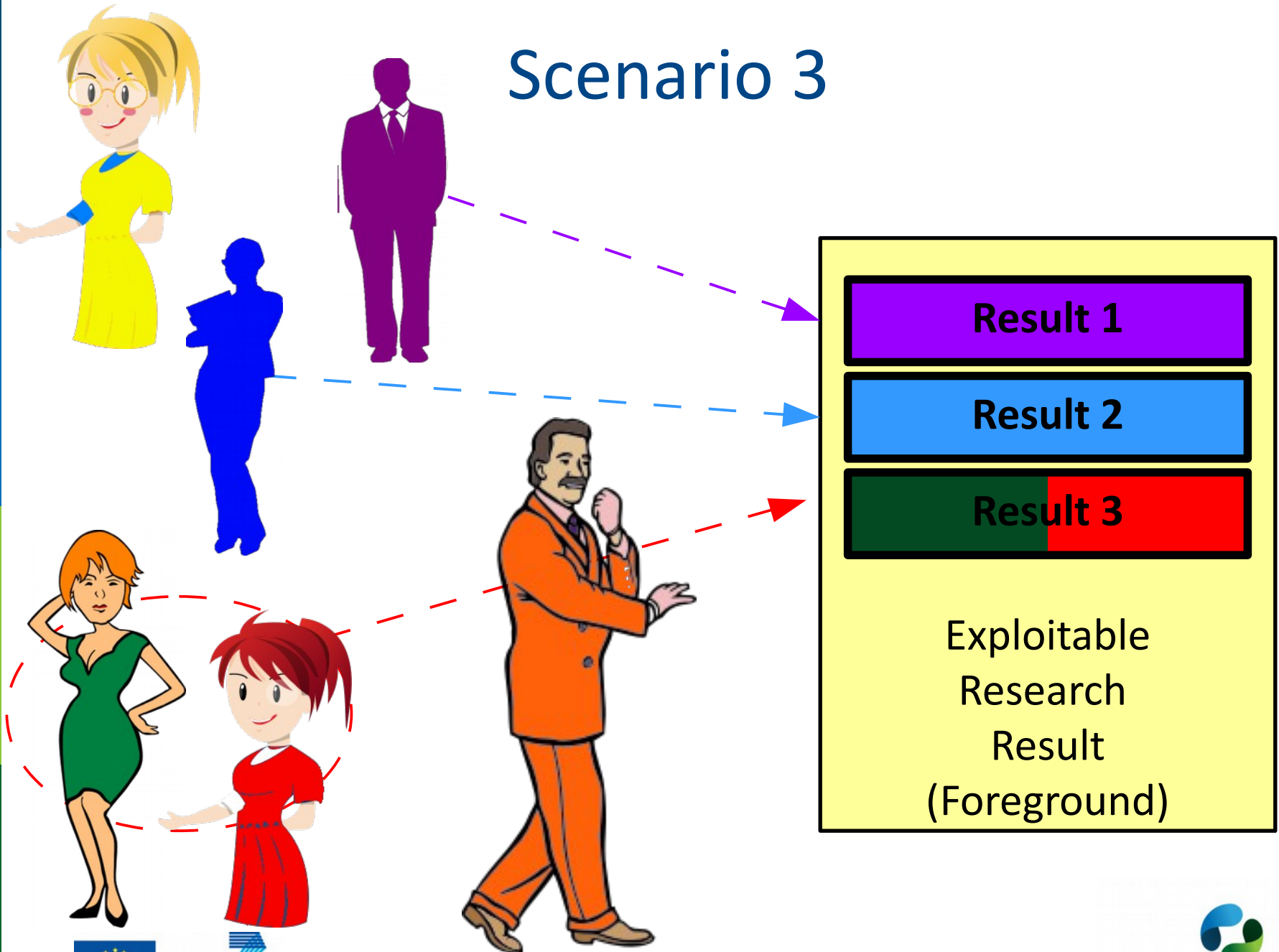


General Conditions Art. 11.26. Ownership

*Foreground shall be the property of the beneficiary carrying out the work generating that foreground. Where several beneficiaries have jointly carried out work generating foreground and where their respective share of the work cannot be ascertained, they shall have **joint ownership** of such foreground. They shall establish an agreement regarding the allocation and terms of exercising that joint ownership. However, where no joint ownership agreement has yet been concluded, each of the joint owners shall be entitled to grant non-exclusive licences to third parties, without any right to sub-licence.*



Scenario 3

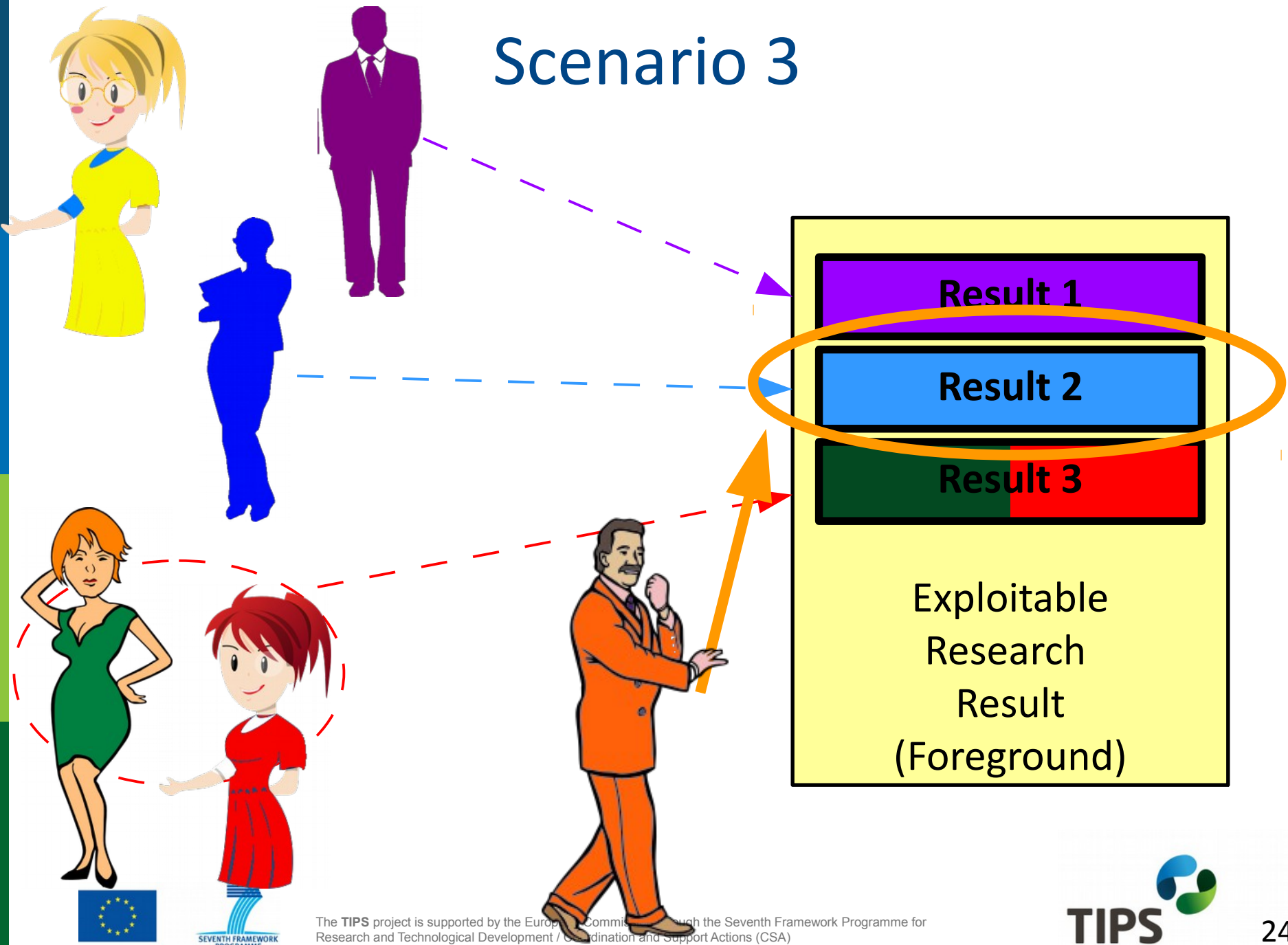


Third party

- A third party is not a participant in the project.
i.e. not a beneficiary
 - A third party may participate in another FP7 project.
- The European Commission might object to the transfer of access rights to organizations outside of the European Union.



Scenario 3

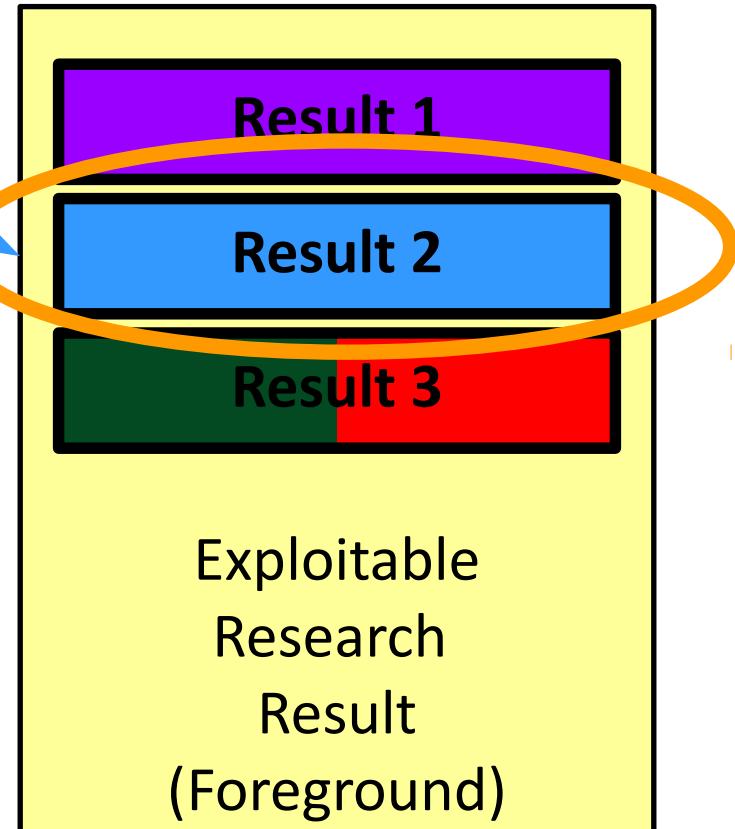
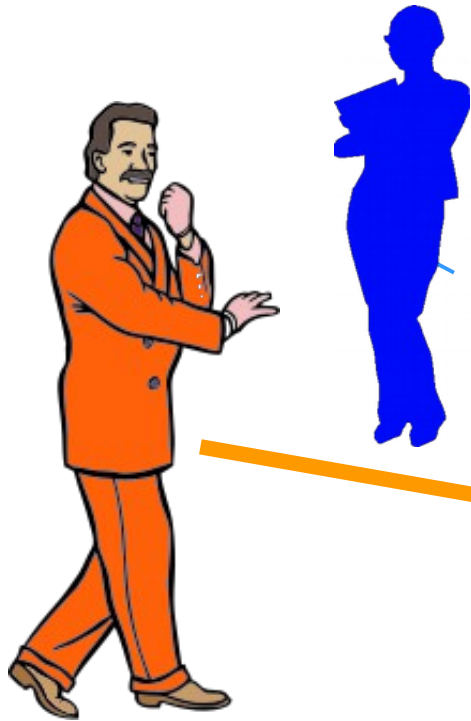


Third party and access rights

- General Conditions, Art. 32, Principles
 - *The granting of access rights may be made conditional on the acceptance of specific conditions aimed at ensuring that these rights will be used only for the intended purpose and that appropriate confidentiality obligations are in place.*
 - *any agreement providing access rights to foreground or background to beneficiaries or third parties must ensure that potential access rights for other beneficiaries are maintained.*



Scenario 3



Blue can grant Access Rights to their foreground (e.g. licensing, selling, ...)

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



Conclusion

- It is important to define your results
- How do you want to use it
- Think about what has to be considered before result(s) can be used



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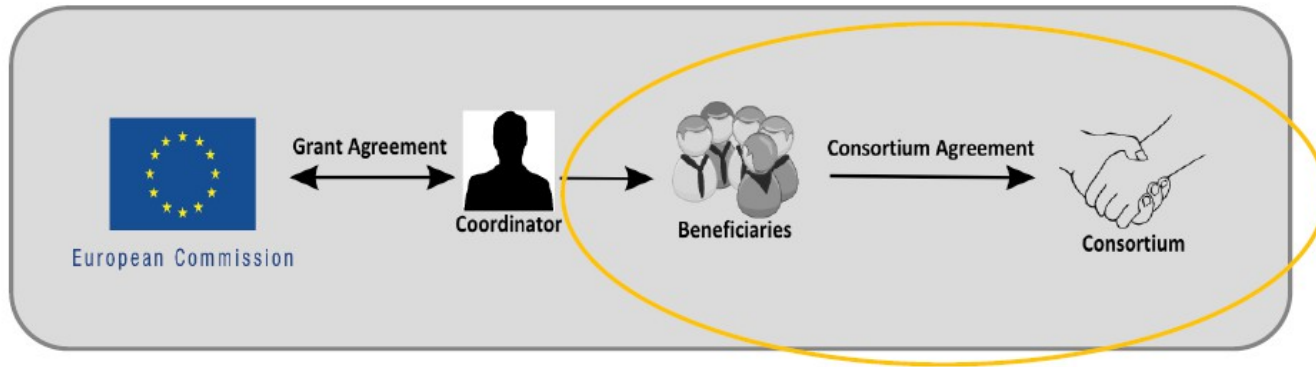
Website: www.transport-tips.eu

Facebook: 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)

