

**Working Group on Innovation****Report to ESFRI  
(March 2016)**

*This final report is presented to ESFRI according to the mandate which was given in 2013 (and extended in June 2015) to the Working Group on Innovation and following the conclusions of the discussion of the interim report presented at the 53<sup>rd</sup> meeting of the Forum held in Lisbon on the 12<sup>th</sup> of June 2015. It is focused on the main objectives which were defined by the Forum (see the Terms of Reference of WG INNO, in Annex 1), namely to contribute to the development of a strategy aimed to strengthen and improve the relations between Research Infrastructures and Industry and to promote the potential for innovation of Research Infrastructures in all its aspects. All sections of the report are concentrated on these issues. Examples of good practices are given in text boxes. A set of conclusions and recommendations has been drawn to the attention of Research Infrastructures managers and ESFRI in the perspective of the further implementation of the ESFRI Roadmap.*

*The group held 8 meetings in which representatives of the various categories of stakeholders were successively invited to participate and to present their experiences, needs and expectations.*



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## 1. INTRODUCTION

The *Working Group on Innovation (WG INNO)* was set-up in 2013 in order "to propose to the Forum the broad lines of a strategic plan for an industry-oriented cooperation" of the Research Infrastructures (RIs) (see the ToRs and list of members in Annex 1). The results of its work will contribute to the implementation of the ESFRI's Strategy and Roadmap 2016.

The objectives that have been identified by the Forum can be summarized as follows:

- to identify and promote the innovation and industrial capabilities of the RIs on the ESFRI Roadmap;
- to strengthen the cooperation of pan-European RIs with industry, in particular during the construction phase;
- to promote the access of industrial users to the RIs.

Among the main tasks that have been undertaken by WG INNO, the following two were particularly emphasized:

- to propose solutions to the various problems concerning RI-Industry interactions (especially with industrial suppliers);
- to explore the major obstacles for enterprises to use publicly owned RIs, and to identify the specific requirements for hosting industry users.

The Group has put a "bi-directional" focus in all its activities on the improvement of the mutual cooperation between RIs and industry. In this properly balanced and "win-win" approach a central need is identified, the need to increase and optimize simultaneously the added-value provided by RIs to industry and the contribution of industry to the development of RIs. WG INNO considers that the implementation of simultaneous actions on these two complementary axes will reinforce their global potential impact.

This implies to pay particular attention to:

- the place and role of the RIs in the innovation chain, especially within innovation ecosystems and in relation to Grand Societal Challenges;
- the industrial involvement in the conceptual design phase and more generally in the construction of RIs: need to develop the upstream business model (*industry as a supplier*);
- what *Research* performed in the RIs (as distinct from *Development and Testing*) can bring to industrial R&D and innovation; that is a *hybrid* use of research could be promoted to develop downstream business models (*industry as a user*);
- the interrelationship of Technology and Knowledge Transfer (and "co-creation") in the two abovementioned models: need to understand correctly their respective roles;
- the attractiveness of the RIs for industry: need to clarify various issues including: the establishment of concerted and mutually beneficial IPR agreements; human resources; the crucial role of data policies, of intermediaries and cooperation schemes; and the access policies;
- the broad range of socio-economic impacts of RIs: comprehensive identification of all their dimensions, need to evaluate and to integrate them in RI innovation policies.

## **2. THE RESEARCH INFRASTRUCTURES IN THE INNOVATION CHAIN**

### ***2.1. Diversity of forms of RI-Industry interactions***

While there is a huge diversity of types of RIs, there is also a very broad range of interactions between individual RIs and their surrounding economic and industrial environment, representing to some extent potential opportunities for innovation. The concrete mix of such interactions, their absence or presence, as well as their intensity and relevance will vary substantially depending on the nature of a RI, the specific character of its wider innovation ecosystem, and the strategic objectives that the RI is pursuing. However, these interactions can and should be managed as a part of the overall mission and of a pro-innovation strategy of individual RIs. To realise this they require dedicated mechanisms and, in some cases, dedicated staff able to interface with the whole range of potential stakeholders of the facility. Moreover, innovation and industrial cooperation are obviously important factors that strengthen the RI long-term sustainability and contribute to the broadening and diversification of international cooperation links.

The full breadth of such potential interactions may lead to additional socio-economic benefits, starting from those which are more commonly associated with research activity such as publications, to those that are more commonly linked with technology transfer, such as licensing and spin-off creation. Each RI requires a tailor-made approach to selecting and managing its interactions with its economic environment, whether acting as a platform to conduct collaborative research or as an enabler or service provider.

#### ***2.1.1. New knowledge production and dissemination***

- *Publications*: the most common and traditional type of interaction for researchers; a carefully managed publication strategy may increase the impact of a RI on both the industry and user communities, while not compromising other strategic objectives pursued by the RIs related to commercialisation of their proprietary IP.
- *Access to data and ways of accessing them*: for many RIs data collection, storage and processing represent a key feature and sometimes even a *raison d'être* (e.g. specialist databases); considering the wealth of data, the opportunities for using them as a source of innovation (including social, societal, public sector innovation) and new applications are substantial, provided that adequate access support mechanisms and interfaces are in place.
- *Workshops, popularisation, communication*: this more conventional means of disseminating scientific knowledge should not be underestimated as a potential source of interacting with industry and of economic spill-overs; as in the case of a publication strategy, a carefully designed communication strategy of a RI and a well-targeted dissemination of its results may include also relevant fora and networking formats for meeting and networking with industrial partners.

#### ***2.1.2. Training and human capital development***

- *Training*: while not a traditional mode of interacting with industry, the transfer of knowledge and know-how through training (on demand of industry, or targeting specific industrial user groups) may bring substantial benefits for the collaborating industrial partners while developing a community of users around RIs.

- *Staff mobility*: training of PhDs at RIs who subsequently find their way to employment in industry represent probably the most effective means of interacting with industry and of technology and knowledge transfer; similarly, dedicated schemes allowing industrial experts secondments at RIs represent a simple but effective way of extending the innovative ecosystem around the RIs as they often form a basis for other types of longer term collaborations and interactions (provided that IP issues are properly addressed).
- *Access to infrastructures, including provision of specialist service and expertise*: this type of interaction, once appropriate access and charging mechanisms are in place, opens up new opportunities for industrial partners that would otherwise be inaccessible to them due to prohibitive cost of equipment and high cost of qualified personnel; often they may be combined with specialist training for users.

### **2.1.3. Contribution to new economic activities**

- *Design and co-design of instrumentation and equipment, including innovative public procurement*: while relevant mainly in the construction and upgrade stage of RIs, this type of interaction carries a huge innovation and technology transfer potential; by formulating novel specifications that in some cases require radically new technological solutions this type of interaction may lead to the creation of new technological platforms (the RIs obtaining a new instrumentation subsequently used as a reference for a wider application field) and new markets (the company producing a new product or service with potential applications in other fields). Although it must be said that this type of interaction is likely to be limited to a relatively small group of high-tech, high value added companies, the benefits of such interaction are likely to translate into high value added and high growth for industrial partners.
- *Joint research projects with industry*: this type of interaction usually requires a dedicated funding mechanism as well as a dedicated interface, including a mechanism that identifies and selects the topics and partners for future research. While this type of interaction can form the bedrock of innovative science, the importance of balancing out the scientifically challenging research with industrial needs is key.
- *Contract research, including testing*: provision of specialist R&D services for a fee represents a common type of interaction between RIs and industry; yet often these interactions represent more than just a unidirectional transfer and may equally generate lasting partnerships and may generate important scientific challenges and advances.
- *Licensing of IP*: this type of interaction represents a more conventional type of transfer of technology, usually carried out by a dedicated unit (tech transfer office) within the RI; however, the IP policies may vary substantially among RIs depending on their nature thus making this form of interaction much more relevant with some RIs than with others.
- *Spin off creation, business incubation and acceleration services*: similarly, this type of interaction may only be relevant for certain categories of RIs, the existence of a dedicated mechanism for identification of commercially viable ideas and their targeted support through incubation and acceleration services represents a powerful means of stimulating economic spill-overs of RIs.

## **2.2. The two main models of RI-Industry relationships**

RIs operate in a very complex and outstandingly competitive context. Each RI is involved in an intellectual competition at national or international level – depending on its ambitions – in which excellence is the main driver. Competition to attract the best top-level users producing prestigious papers, to recruit the best operators, to get the best experimental components, etc. is the major objective of the RI managers aiming to valorise considerable investments made by the public sector.

### **2.2.1. Industry as a supplier: upstream business model**

The permanent race for the best valuable investment forces RI managers to seek industrial suppliers of unique components and services at the cutting-edge of the technological possibilities. In this particular context, failure is not acceptable and reducing the level of requirements quickly leads to a downgrade compared to competitors. It is also important to emphasize how the market for RI equipment becomes an "innovation leader" significantly ahead of the larger market for public and private laboratory equipment.

In the construction and major upgrade stages of RIs (design, engineering, commissioning) industry acts mainly as a provider of state of the art technologies, new designs, components, software, under standard procurement conditions or in closer collaborative conditions. RIs and industry are working in the same place on shared problems leading to equally-driven objectives and maximizing the exchange of technology and competence. Technology Transfer (TT) happens more likely in the construction/upgrade stage: here TT runs in a “co-solution” mode, where scientific and industrial partners develop solutions on shared problems, often under the very pressing deadlines of the construction schedule. This differs from more conventional approaches to TT between scientific institutions and companies, where companies have problems to solve and ask for solutions; or where patents made by scientists are brokered to industries. In this instance, a real co-operation is missing, i.e. sharing of objectives and solutions which are useful to both partners (e.g. the win-win condition for the RI to build an instrument and for the company to sell its new product).

### **2.2.2. Industry as a user: downstream business model**

Knowledge Transfer (KT) compared to TT is something acting in the medium-long term and aiming to create (more than transferring) new technology. This requires new research and happens more likely during the RI's operational phase. During this phase industry is a user of the experimental facilities (and of the data) for early stage basic research and more applied industrial research (often in cooperation with academic teams), and for testing innovative developments and products. Additionally, industry uses RIs for training and within the framework of exchange programmes. The use of the facilities is directly linked to various access regimes which were defined in the European Charter for Access to RIs<sup>1</sup>.

- *Excellence-driven access* is exclusively dependent on the scientific excellence, originality, quality and technical and ethical feasibility of an application evaluated through peer review. It enables collaborative research and technological development efforts (with the

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<sup>1</sup> See: [https://ec.europa.eu/research/infrastructures/index\\_en.cfm?pg=access\\_ri](https://ec.europa.eu/research/infrastructures/index_en.cfm?pg=access_ri). The Charter of Access to RIs is developed by the Commission in close cooperation with the ESFRI, the e-IRG and the ERA Stakeholder Organisations.

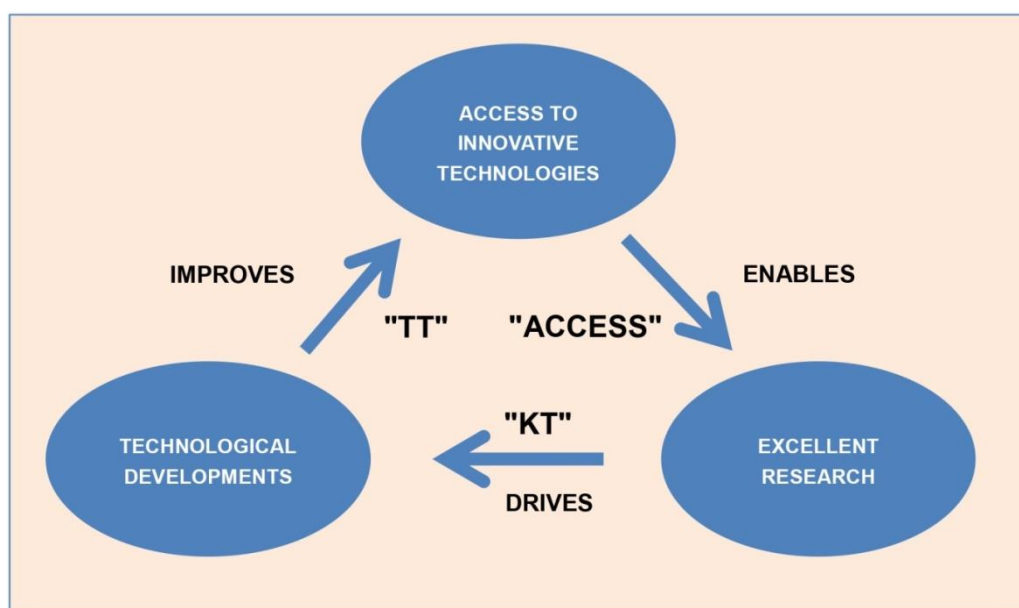


RI and academic teams) across geographical and disciplinary boundaries, with "innovation" as an outcome; the results are published.

- *Market-driven access* is defined through a negotiation between the user and the RI that will lead to an agreed fee for the access. Examples are: proprietary research at full cost or other specific contractual conditions, e.g. for the development of highly advanced technologies; the results are (partially) not published.
- *Wide digital access* guarantees the broadest possible access to scientific data and/or digital services provided – e.g. by e-(Research) Infrastructures – to users wherever they are based.

### 2.3. RIs within ecosystems of innovation

Research Infrastructures are privileged places where research meets innovation and industry (in the form of industrial applications, technologies and business). They bring together highly skilled scientists, engineers, technicians and managers, funding agencies, public authorities, policy decision-makers and industry (including SMEs). RIs are characterised by their scientific and technical multi- and cross-disciplinarity and a mix of a very broad range of interactions with their economic and societal surrounding environments.



**Figure 1.** The virtuous circle of innovation

RIs are major drivers of (industrial) innovation: in their construction and major upgrade phases (design, engineering, commissioning), as sources of (pre-)commercial procurements and purchasers of new high-tech components, instruments and related services; in their operation phases, as facilities serving industrial research and innovation, offering opportunities to remove technological barriers leading to further innovation and to generate knowledge transfer. This framework is illustrated through Figure 1.

RIs offer an environment that generates a high flux of peer reviewed proposals and experiments stimulating international collaborations and where several scientific disciplines and economic sectors cross together (physics, chemistry, biology, Earth, energy, cultural heritage, food, etc.). They provide a critical mass of instrumentation available or the

capability to develop new one and are able to mobilize rapidly (with very short delays) their capacities in order to find solutions to the industrial demand.

RIs can offer industrial companies to be immersed in active ecosystems of innovation based on their complementary broad range of competences and skills. They are indeed most often located in S&T areas that include state of the art enabling technologies and support services (nanotech cleanrooms with chemical hoods and glove-boxes, fine analysis and characterization labs with electronic and scanning probe microscopes, bio-labs, optical labs, mechanical and electronic workshops, ICT support for data storage and analysis, etc.). Such an environment enables the creation of a unique ecosystem around RIs well suited for innovation where research teams, standards and metrology services, small high-tech enterprises, spin-off and start-up companies, detached labs of big companies, Technology Transfer and Industrial Liaison Offices staffs all together exploit the "business at walking distance" advantage in working together on common issues in the same place.

The development of local or regional ecosystems integrating RIs, Technology and Service Providers, Incubation Facilities and Industrial Users should be promoted, namely an environment opening new room and opportunities around RIs for hosting projects with industry and where the added value offered by RIs and their complementarity with industry can be optimized (in scientific campuses, technology parks, etc.).

However, it should be noted that a tension may exist between: (i) on the one side the development of the innovation ecosystems around RIs which is happening in privileged "isolated" hubs and (ii) on the other side the need to strengthen proximity relationships with the whole industrial fabric (this implies to develop a set of RIs well distributed in all parts/regions of the EU). The specificities of the distributed RIs should also be further analysed in this regard.

#### ***2.4. RIs and Technology Infrastructures***

The new concept of "Technology Infrastructures" (T-Infrastructures) was recently proposed starting from the recognition that one should move from a science-driven model for the building of independent RIs to a new science and technology-driven collaborative model. Size and time-scales of pan-European and global RI projects make the current independent RIs model not sustainable for industry. In particular the risk of duplication of R&D efforts is high within a context where resources to invest in highly innovative technologies are limited. Examples were given for the accelerator and accelerator-based technologies, cryomagnetism, etc. The new collaborative model favours the development of common R&D and construction capabilities, of large-scale platforms gathering highly innovative R&D and large-scale assembly, integration and verification facilities. Grouping technological needs will help to create a viable (global) market, building on a (long-term) shared technological vision and fostering sustainable connections with industry, including possible joint operation of the facilities.

T-Infrastructures are a key route to societal and economic impact and could stimulate science and innovation clusters and increased and improved cooperation with industry. They should be fully integrated in the landscape of the innovation ecosystems. Roadmaps and strategic agendas for key technologies for the R&D and construction of RIs based on platforms of

significant size should be jointly defined. In particular, a supporting infrastructure for generic assembly, integration and test facilities should be developed at European level in association with industry (public-private partnership). It is notable that the Horizon 2020 Call on "Fostering the innovation potential of RIs" (H2020-INFRAINNOV-2016/2017) plans to provide funding for the coordination and networking of T-Infrastructures involving RIs, industry and SMEs.

## 2.5. RIs and Grand Societal Challenges

Innovation should be considered in all its aspects. Indeed, RIs serve science and technology but also policy-making and society. The social, societal, ecological and public sector dimensions of innovation are particularly important for RIs in the Environmental, Health and Food and Social Sciences and Humanities sectors (and also for Analytical Facilities). Most of them were built for their mixed scientific and societal impact, providing new knowledge, data and services to increase the security, well-being and prosperity of a society faced with a series of Grand Challenges (see below the text boxes with examples of *ESFRI Landmarks*).

### HEALTH: DISTRIBUTED RESEARCH INFRASTRUCTURES (ESFRI LANDMARKS)

**Biobanks and biomolecular resources** (e.g. BBMRI) shall develop into one of the most important tools in biomedical and clinical discovery. New medical applications, new therapies, new preventives, new diagnostics, drug development, personalised or stratified medicine and new biomedical industries shall evolve to improve socio-economic competitiveness and increasing possibilities for equitable healthcare in Europe. The close collaboration between researchers, biobankers, patient advocacy groups, and the biotech and pharmaceutical industry is essential in addressing both common and rare diseases as well as Grand Societal Challenges regarding the health of the ageing population.

The **European Infrastructure for Translational Medicine** (EATRIS) will improve the output of novel medicines and diagnostics and have a considerable socio-economic impact in Europe and globally. It is focused on supporting in bridging the gap to industry in medicine development where a great deal of capital-intensive applied research is necessary to bring a new drug to a point in which industry becomes interested (the so-called "Valley of Death").

The **European Clinical Research Infrastructure Network** (ECRIN) supports multinational clinical trials in Europe. Clinical trials are essential tools for the development of health innovation and treatment repurposing. They have a strong positive impact on the health industry (medicines, vaccines, medical devices, diagnostics) and nutrition industry sectors, and on citizens' health. They improve healthcare strategies (with a measurable economic impact on wellbeing and productivity) and healthcare cost containment.

The **European Research Infrastructure for the generation, phenotyping, archiving and distribution of mouse disease models** (INFRAFRONTIER) offers open access to highly standardized and strictly quality controlled resources and services. The disease models available can be used to address basic and fundamental scientific questions about *in vivo* gene function and may further our understanding of disease genetics. Mouse models are used by biopharmaceutical companies for addressing more applied questions ranging from the identification and validation of novel drug targets to the analysis of drug action and side effects and safety and efficacy testing of potential drugs.

The **Integrated Structural Biology Infrastructure** (INSTRUCT) provides access to a broad integrated palette of state-of-the-art technology and expertise as well as training and technique development in the area of integrated structural and cell biology, with the goal of promoting innovation in biomedical sciences. Industry (pharmaceutical and many biotechnology companies) is a major user of structural biology infrastructure as key tools embedded in their drug discovery pipeline (e.g. against infectious diseases). Integrative structural biology will also allow a faster, more coordinated response to new threats such as pandemics or bioterrorism. In addition there is considerable not yet realised potential to contribute to the design of innovative, effective and safe vaccines.

#### ENVIRONMENT: DISTRIBUTED OBSERVATIONAL FACILITIES (ESFRI LANDMARKS)

The **European Multidisciplinary Seafloor and water-column Observatory** (EMSO) connects fixed point open ocean nodes, aimed to study and monitor European seas, and to support the sustainable use of the marine environment and a consequent growth of markets directly related to it. Investment in ocean observatories is critical to assess and monitor environmental conditions, track climate change, expand seasonal forecasting, address safety at sea, develop applications for the offshore industry and fisheries, respond to accidents and pollution, and aid defence requirements. The RI will provide data essential to addressing a wide range of important challenges and threats like: natural disasters (e.g. earthquakes, tsunamis); overfishing; pollution (including noise); habitat destruction; invasive species; and climate change.

The floats of the **European ARGO system** (EURO-ARGO) will contribute to long-term global ocean observations (ARGO). Given the prominent role of ARGO for climate change research, its contribution to and impact for seasonal and decadal climate forecasting, socio-economic impacts are expected to be large on the longer run. Long-term global ocean observations will lead to a better understanding and prediction of climate change (e.g. sea level change) and improved mitigation strategies. The *Copernicus Marine Environment Monitoring Service* deeply relies on ARGO *in situ* data. Investing in such global ocean observations has a high benefits/costs ratio. The other major non-academic users are ocean services and the *Copernicus Marine Service* (e.g. maritime transport, marine safety, fishery management, oil pollution monitoring and forecasting, offshore industry).

The **In-service Aircraft for a Global Observing System** (IAGOS) operates a global-scale monitoring system for atmospheric composition by using the existing provisions of the global air transport system. It collects crucial data for users in science and policy, achieving a level of data quality that other measurement methods would not be able to attain. Regular *in-situ data* from airborne platforms is essential for evaluating and improving the quality and accuracy of numerical model predictions for air quality, weather and climate change on the global and regional scale, as well as for validating and calibrating data from space-borne remote sensing. The RI provides also directly observational data to aviation industry and airlines for improving operation procedures and thus reducing costs and enhancing aviation safety. More specifically, it is provided for climate models, including those used by the *Copernicus Atmosphere Monitoring Service*, and for the carbon cycle models employed for the verification of CO<sub>2</sub> emissions and Kyoto monitoring.

The **Integrated Carbon Observation System** (ICOS) provides data and knowledge on greenhouse gas (GHG) budgets and their perturbations. The RI is involved in the IPCC, the Group on Earth Observation and other global initiatives. Deeper understanding of the driving forces of climate change requires full quantification of the GHG cycles. Regional GHG flux patterns, tipping-points and vulnerabilities can be assessed by long-term, high precision observations in the atmosphere and at the ocean and land surface. The United Nations Framework Convention on Climate Change (UNFCCC) requires from Parties to monitor essential climate variables and the reporting under the Convention and Kyoto Protocol requires emission inventories. ICOS data can be used to increase the quality and to verify those inventories. Ecosystem observations conducted within ICOS may also provide important knowledge on ecosystem responses to climate change and climate extremes that can be used for food security estimates.

The ESFRI RIs developed creative approaches to enhance their industrial cooperation in this perspective too. The objective is to enable the public sector to improve and modernise public services faster while creating opportunities for companies in Europe to gain leadership in new markets. Numerous examples of good practices can be provided regarding the provision by ESFRI RIs of data and scientific public services, their contribution to the monitoring, follow-on and preparation of public policies, etc. Several of them are described or mentioned in different parts of the report.

## DISTRIBUTED RIS WITH A STRONG E-INFRASTRUCTURE COMPONENT (ESFRI LANDMARKS)

### **SOCIAL SCIENCES AND HUMANITIES (SSH)**

Providing pan-European cross-border access to important (sometimes unique) **social science data collections** (e.g. CESSDA) will enable use and re-use of high-quality data sets (produced within publicly funded projects). These data are a form of capital investment without which it would be impossible to measure and understand ongoing economic and societal dynamics, the problems involved and the solutions available. European and national economic and social benefits achieved through membership of CESSDA should be clearly visible to policymakers and thereby impact directly on decision making, including in the private sector.

The **Common Language Resources and Technology Infrastructure** (CLARIN) aims to facilitate SSH research by offering a single entry point to find and use vast amounts of collections of digital *language data* (in all forms: text, audio, video and other modalities) as well as advanced tools to explore, exploit, analyse, enrich or combine them.

The **Digital Research Infrastructure for the Arts and Humanities** (DARIAH) aims to play a pioneering role in the use of big data technologies for research, in trusted digital repositories, in virtual research environments, etc. It will contribute to the development of the European knowledge economy and of the creative and cultural industries.

The **European Social Survey** (ESS) responds to the academic, public policy and the societal need for rigorous cross national data on social attitudes and behaviour in order to understand social stability and change within a European context. It provides comparative data which can inform public policy development and assessment, and support evidence based policies.

The **Survey of Health, Ageing and Retirement in Europe** (SHARE) is a multidisciplinary and pan-European panel database of micro data on health, socio-economic status and social and family networks (collected in interviews). It aims at documenting and better understanding the repercussions of demographic ageing for individuals and society as a whole, and forming a sound scientific basis for countermeasures adopted by health, social and economic policy. For example, it has helped to support increases in the labour force participation of older citizens and shown that early retirement has positive as well as negative effects on health and cognition (and has shed light on who enjoys the positive and who suffers from the negative effects).

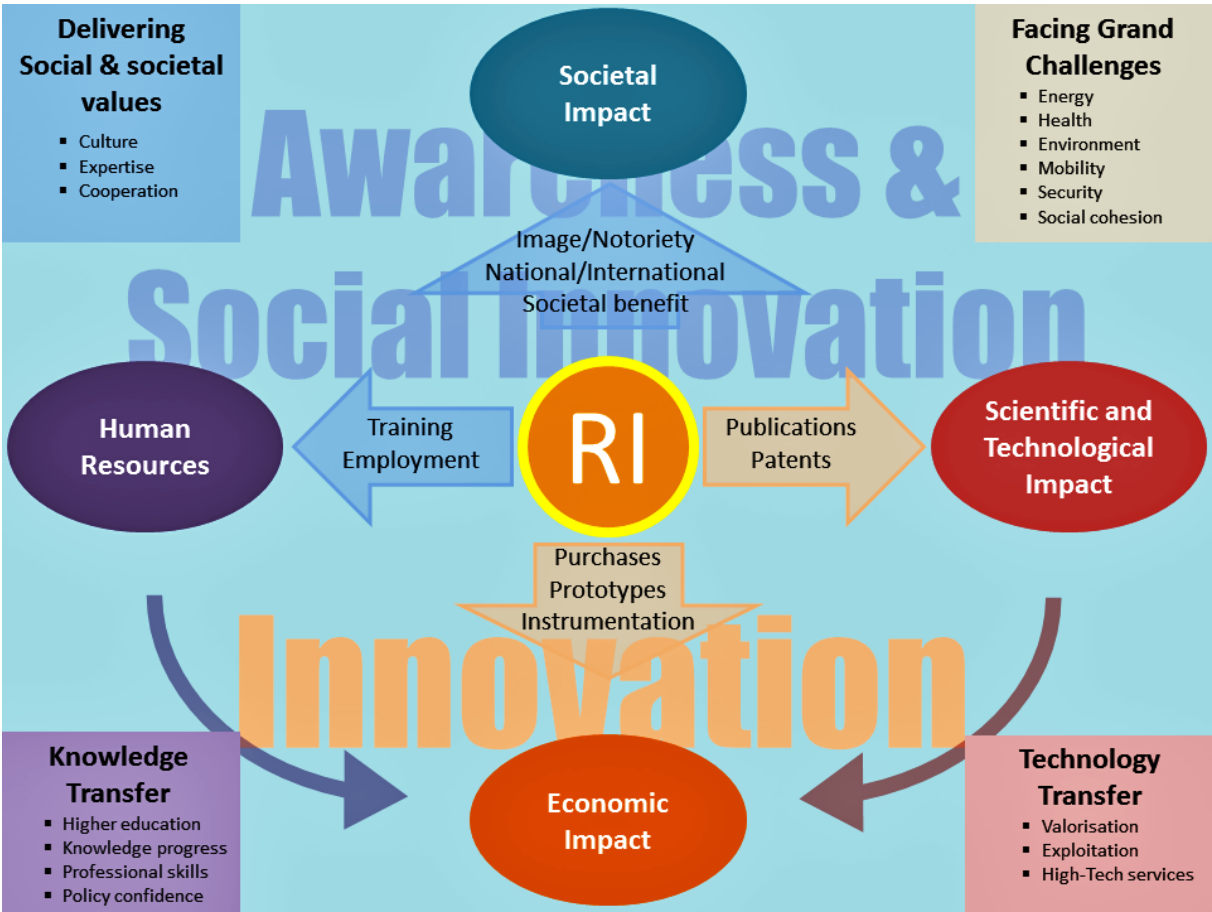
### **HEALTH**

Investment in a sound **infrastructure for biological data** (e.g. ELIXIR) creates a foundation for all aspects of life science research from biodiversity, agriculture to human health. Many companies – ranging from small biotech companies through to large publishers – build commercial services directly on top of public data resources or integrate these public data into their services. These knowledge-based companies depend on the sustainable, interoperable resources provided by ELIXIR partners. This public data infrastructure underpins commercial discoveries and translations across Europe's life science industries and leads to new drugs and effective treatments, more environmentally-friendly products and higher-yielding crops. All these developments are crucial for society.

### **ENVIRONMENT**

The LIFEWATCH **infrastructure for biodiversity and ecosystem research** is operating an e-infrastructure for basic research on biodiversity and ecosystems, and supports research for the protection, management and sustainable use of biodiversity. Biodiversity loss is one of the top societal challenges today, and a matter of concern at global, regional and local levels. Biodiversity loss is increasingly influenced by anthropogenic induced impacts which can be summarized in population pressure and climate change, resulting also in environmental constraints such as desertification, reduced water availability, and land-use change, among others. The increased knowledge of the impact of biodiversity on the functioning of ecosystems helps to make sound decisions for avoiding anthropogenic impacts on ecosystems and biodiversity and to devise cost-effective management plans.

Figure 2 (freely inspired from ERF discussions) provides an interesting general picture of the very broad range and sometimes complex interactions between RIs and their surrounding techno-scientific, socio-economic and societal environment.



**Figure 2.** Interactions between RIs and their surrounding techno-scientific, socio-economic and societal environment



### **3. INDUSTRY AS A SUPPLIER (UPSTREAM BUSINESS MODEL)**

Most of the RI experimental installations are custom-built as a result of a tight collaboration between research teams and private companies (including high-tech SMEs). Particle beam accelerators, optical components for X-rays, detectors and GRID systems are a few examples where vacuum technology, new materials for sensors, power supply, data storage/handling capabilities and safety issues are brought to the limit. On one side the RI wants to achieve a top score of the experimental parameters, on the other side the supplying company is willing to enhance its product or its process and to improve its brand or its reputation in a very short time. The RI's technological units are in charge of the integration of the new instruments in the facility in order to open them quickly to the academic and industrial users. One can recognize that the competition between academic users often leads them to urge the RI for commissioning as soon as possible the new experimental device they require. In that way a RI becomes a unique place for reducing the "time to market" of the revolutionary device to be installed, which is intended to bear the outmost innovation.

RIs are playing a dual role: as innovation providers on the one hand and technology purchasers on the other hand. The innovation process is strongly pushed by the leverage effect of public procurement. Such a context creates a shared driving force which stimulates the exchange of technologies and competences and boosts common motivation and efforts. Once tested and used for the project, these newly produced devices will be subsequently integrated into products or processes to be sold to academic and private laboratories. In the same time the results published in highly ranked scientific journals will increase the scientific outreach of the facility and potentially allow getting more resources for ensuring the development of new outstanding instruments. Similar conditions exist in the upgrade stage and in general when new instrumentation has to be developed; in some cases also in the decommissioning stage.

#### ***3.1. Technology Transfer***

In these conditions, Technology Transfer (TT) is effectively realized whenever an existing technology is transferred from a field of application to another one, or by one entity to another one (the industrial supplier, the RI staff, the final user). Each transfer step typically gives rise to an incremental innovation related to the specific technology embedded in the specific field of application.

During the construction of new RIs, the upgrade of existing ones and in general the procurement of large instruments, including the maintenance of complex plants (cryogenics, superconducting, ICT, energy supply) a concrete and very effective TT takes place, in both directions, from RIs to industry and vice versa. Home-made native technologies developed as proof of concept at the RIs laboratories and workshops are, at a certain moment, given to specialized industries (often local SMEs) for the complete engineering fulfilling the final request. On the other hand, technologies which are available on the industry side are requested by the RIs and asked to be pushed at the limit, or improved for over-state-of-the art applications. In such a context TT is very effective because both partners (scientists and industrials) are strongly motivated: the scientist to get the best solution for the attractiveness

of the facility and the industrial company to sell its product. They work usually together in the same place on the same problem. It is easy to understand that such a TT which is well established in the context of RIs is one of the most effective methods of implementation of TT between academia and industry, when compared with more common approaches to TT, like brokering of technologies, promotion of patents, problem solving services, B2B events where the motivation is polarized mainly on one of the two parties, (three, when including the broker which is more likely at the very end the most motivated one). There are many other contexts where TT is effective, from industry to industry or from technological infrastructures / platforms to industry but most frequently where an established technology already exists.

Therefore, in the upstream model where industry is a provider and TT appears to be in the best conditions, we don't need to look for new business or relationship models but we just have to focus on the weaknesses affecting such a model in order to improve it and to improve the opportunities for the industrial partners. In particular, something can be still done to increase the industrial return and the societal impact of RIs. Indeed the procedures of procurements and call for tenders are the formal interface between RIs and industry in such a context. On one side, one could try to open up the possibility to participate to the RI development to a wider industrial community, seeking new partners and maybe involving more member states; while on the other side trying to improve the current bureaucratic procedures. On the industrial side, internationalization and manufacturing according to the highest international standards are mandatory keywords to be competitive at European level.

### ***3.2. Needs expressed by industry***

The main difficulties experienced by commercial companies as suppliers of RIs can be briefly described as follows, on the basis of the needs expressed by various industry representatives.

Industry wishes to be involved at an early stage of large projects with RIs although stresses that it is currently very difficult. The demand from industry is often at the limit or even above the state of the art. Nevertheless engineering should preferably be done in collaboration with industrial partners rather than by laboratories alone. Due to budgetary costs, the public laboratories don't have enough resources for pushing the developments as they did twenty years ago by giving companies "ready-to-build" orders and considering them just as technological subcontractors. But it is indeed extremely difficult to industrialize internal designs coming from labs when industry has not been involved in design at an early stage. Moreover SMEs are sometimes disadvantaged by competition from government labs. It is also pointed out that RIs should present their specifications in a more flexible way, being more general and functional and thus leaving more room to initiatives from and with industry.

Awareness (as early as possible) on RI opportunities and offerings for industry should be raised.

First, the need for a central portal which has already been expressed in many previous studies and stakeholders meetings is recalled. There is indeed an obvious lack of advanced and harmonized information especially on RI services, (future) Calls for Tenders (with information on available budgets, not compromising competition and negotiation capacity), future RI needs and TT opportunities, and upcoming procurements. EU funding to support a common central portal (cf. Horizon 2020 Call on Innovation support measures) was



welcomed but will not resolve all the challenges currently being faced. Unfortunately, the results of the Call published in 2014 have not been successful and this action should be repeated with particular attention to the sustainability of the portal.

More generally, the role of Industrial Liaison Officers (ILOs) is crucial and should be well coordinated by the different RIs in order to help industry to plan its internal activities and investment strategy (expertise, human resources, and industrial means). Good practices are mentioned: information days, webpages and databases; market surveys; phasing of new developments; coordinated public support given at national level in some countries. Obviously the more the ILO is acting as a professional entirely devoted to his/her task, the more successful is the collaboration.

Harmonisation of the structure and information content of tender requirements (incl. a maximum requirement) would be very welcomed by industry because usually each call has different standards and requirements which costs a lot of additional efforts overall. Legal clauses can be extremely demanding for suppliers and IPR requests from some organizations can limit the possibilities to capitalize on the development. It has been suggested to keep a part of tenders for SMEs. The procurement procedures and rules are also not harmonized in the different countries because the relevant European directive is not transposed in the same way in all countries. Moreover industry considers that open competition does not protect the interests of EU companies whereas USA and Japan have a far more supportive approach to their industry. The new EU regulation on innovative partnerships (2013) could play a stimulating role in this regard.

For industry, there is lot of space for improvement with in-kind contributions which currently give advantage to large companies. In-kind supplies are often based on (academic) laboratories choices rather than on shared laboratories-industry strategy. A joint approach taking into account the labs' domains of excellence or interest and the domestic industry capacities and strategy should be promoted.

Summarizing, on the base of these views expressed by industrial representatives, the concept of "industry as a full partner" should be put in practice more proactively; this implies to promote more extensive partnerships on joint R&D projects and cooperative programmes, including the development of advanced technologies and innovation, training and exchange programmes, etc.

### ***3.3. Regulatory and financial issues***

#### ***3.3.1. Public procurement policies***

Each new technological device is a challenge that requires to be designed in close conjunction with a manufacturer who implements it under contracts guarantying a reasonable ROI for the company. Furthermore, the joint management of the technological risks is able to guarantee that the development of the components will be appropriate to the RI's market. Background technological developments are sometimes jeopardized by the obligations that are imposed by the public procurement policies to the research facilities to set-up open calls for proposals once it has been decided to procure the *ad-hoc* components. This leads industrial companies to perceive some calls (that are fully compliant with the regulations in force) as a "mascarade

of call" where all tenders would know in advance which company will be chosen (sometimes the call is declared as "unproductive" and cancelled, inducing delays of delivery). Situations where the developer is at risk in being forced to share its advance with other competitors (competitive dialogue in unfair conditions) have also been reported. All these situations are denounced by the industrial companies usually supplying advanced components to the European facilities. They suggest in particular a special clause guarantying the initial developer to be granted for its investments – whatever the final result of the call(s) for tender related to the component(s) in which he has been involved in the development. The WG INNO does not necessarily share all these views but they reflect real difficulties. It is the reason why it should be wise to try to consider possible improvements to the processes of public procurement aimed to better involve industry in pre-commercial research and prototype development, taking into account the difficulties expressed by all stakeholders.

The important issues of pre-commercial procurement (PCP) and public procurement of innovation (PPI) were addressed by the Work Programme 2014-2015 of the Horizon 2020 / RI Programme, under the Call for proposals INFRASUPP-2-2015 on Innovative procurement pilot action in the field of scientific instrumentation. The response to the Call was rather limited. Basic mid-term data from FP7 funded Pre-Commercial Procurement (PCP) projects shows however, as pointed out by the Commission<sup>1</sup>, that PCP are opening route-to-market for new players and SMEs and are stimulating cross-border company growth. It should be further investigated how RIs could make use of this scheme.

Public procurement leverage effects (long-term markets) of the schemes (PCP and PPI) aimed to better involve industry in pre-commercial research and prototype development can be expected. The procurement procedures and rules need to be simplified and their transposition should be better harmonized in all EU Members States.

A "Guidance for public authorities on PPI" intended for purchasers as well as for industrial suppliers has been recently published by the European Commission<sup>2</sup>. It is in particular based on a European directive which is currently being transposed in all Member States at very different levels of detail. It should be noted, however, that a PPI for RIs is always coping with international transactions and a variety of possible declensions. This guide should thus be complemented by a practical manual of application in each Member State so that the provisions of the EU directive can be really helpful for all RI stakeholders. Indeed, the procurement procedure must be conducted jointly by the prescriber (the "techno-scientist" managing the RI) and the procurement officer. It is important that they share the same information regarding the large variety of procurement actions which can be implemented by the facility: by mutual agreement, innovative procurement, conditional steps, etc. This guide would also be a good way: (i) to stimulate an internal dialogue with all interested parties (procurement officers, engineers and researchers) in order to raise awareness in RIs and industry; (ii) to train young scientists in RIs to better cope with the industrial research requirements and TT and (iii) for industrial staff to become better acquainted with the innovation potential of RIs.

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<sup>1</sup> <https://ec.europa.eu/digital-agenda/en/news/mid-term-data-fp7-funded-pre-commercial-procurement-pcp-projects>

<sup>2</sup> [https://www.innovation-procurement.org/fileadmin/editor-content/Guides/PPI-Platform\\_Guide\\_new-final\\_download.pdf](https://www.innovation-procurement.org/fileadmin/editor-content/Guides/PPI-Platform_Guide_new-final_download.pdf)

### **3.3.2. *RI markets***

The realization and use of specialised studies devoted to RI markets should be generalized. European RIs are obviously suffering from a dramatic lack of competencies and consultants specialized in market studies devoted to cutting-edge innovative components and RI calls for tenders. Europe is supporting world-class RIs, these must also consider the worldwide markets for the selection of their suppliers. In this context, the European RIs should overcome their internal rivalries and not fear potential competition if they maintain a reasonable effort of technological R&D in partnership with industrial companies and ensure the global dissemination of their joint innovations. Each funding request for supporting the development of an innovative component or service that should be implemented in a RI should include a market study demonstrating the potential extension of the commercial opportunities to other RIs. This implies that the emergence of independent specialized services in market studies applied to RIs (such as KTN in UK or BEM-CEA in France) should be facilitated. Moreover, at regional level, socio-economic impact could be addressed in the context of Smart Specialisation Strategies.

### **3.3.3. *Support to technical developments in European companies***

European SMEs are regularly solicited by RIs but they have to be able to quickly develop new components or develop and adapt existing ones to meet the requirements of RI equipment projects. The access of such companies to EU rapid funding mechanisms such as the SME instrument or the "Fast Track to Innovation" might be explored as it is done in the U.S. In agreement with the Horizon 2020 regulation, these instruments can support innovation actions under the specific objective "Leadership in enabling and industrial technologies" and under the priority "Societal challenges", with a bottom-up-driven logic. Under the current regulation, it cannot be supported by the "Excellent Science" priority and therefore not targeting the needs of RIs only.

The Commission, with a bottom-up driven logic, wants to ensure that the most innovative actions will be selected. SMEs serving RIs needs are fully eligible and therefore encouraged to apply to these instruments, as long as they have the potential to grow, in particular beyond the RIs market.

### **3.3.4. *Rules regulating State Aids***

Another possible step forward which might be appropriate for enhancing innovation in RIs was raised, namely to revisit the regulatory requirements related to the granting of State Aid with regard to RIs in increasing the so-called "economic activities" limits which allow them to benefit from tax exemption. The Commission provided information on the new rules which are in force since July 2014. These rules should facilitate the granting of aid measures by Member States in support of research, development and innovation (RDI) activities.

The new RDI State Aid Framework sets out the conditions under which Member States can grant State Aid to companies to carry out RDI activities. Member States can now grant higher aid intensities which should provide enough margins to cover the "financing gap" of R&D-investments (i.e. the part of the project that cannot get private funding). Moreover, the scope of measures that no longer need to be notified to the Commission for prior approval has been widened under the new General Block Exemption Regulation (GBER). The aid for the

construction or upgrade of RIs is a new exemption category. The threshold up to which aid can be granted under this category without prior Commission scrutiny is 20 MEUR. Furthermore the new GBER also extends to pilot projects and prototypes, innovation clusters and aid for process and organisational innovation.

See also the text box with complementary information on *Loans and guarantees (InnovFIN Large Projects)*.

#### **Loans and guarantees (InnovFIN Large Projects)**

RIs can benefit from loans and guarantees from the InnovFin "EU Finance for Innovators" instrument, a joint initiative of the EIB Group and the European Commission under Horizon 2020. It builds on the Risk-Sharing Finance Facility developed under FP7, which for the period 2007-2013 financed 114 projects of 11.3 bn EUR and provided loan guarantees for another 1.4 bn Euro. *"InnovFin Large Projects aims to improve access to risk finance for R&I projects emanating from larger firms; universities and public research organisations; R&I infrastructures (including innovation-enabling infrastructures); public-private partnerships; and special-purpose vehicles or projects (including those promoting first-of-a-kind, commercial-scale industrial demonstration projects). Loans and guarantees from 25 to 300 MEUR will be delivered directly by the EIB."*

### **3.4. The need for pre-integration platforms open to industry**

As it was pointed out in Section 2, the design of large-scale facilities or complex equipment for specific environments require the use of large technological platforms – test-beds, mega-vacuum chambers, testing pools – where the scientific communities, helped by high-level engineers, bring their specific competences and develop innovative techniques to reach the scientific goals; some industrial partners are associated with the construction phase. This is the case for physics, energy, engineering, marine or space sciences where large-scale and complex and cutting-edge components are needed: unique mega-detectors, superconductivity chain, vessels for hostile environments, etc. This model suffers from several drawbacks. The workload of such platforms is erratic; there are necessarily gaps between the successive construction projects which hamper the sustainability of acquired skills, especially very specific competences such as those in engineering integration – at different levels of complexity – which are very scattered in various labs and industrial companies. Bringing them together is time consuming and doesn't guarantee a reasonable ROI to the stakeholders. Usually the period of reduced activity between construction and test phases are used to carry on technological R&D which is a good way to maintain capabilities as much as possible but this is not enough to limit the operating deficit of these platforms.

The EU could stimulate the setting-up of a public-private partnership – as a test – which would be devoted to the operation of a pre-integration platform, including the co-development of technological R&D between the RI construction projects (cf. H2020 RI Work Programme 2016-2017). The R&D programmes would be focused on key-components and elaborated in line with a strategic research agenda: accelerating devices, ultra-cryogenic systems, future lasers' chains, top level optical devices, sensors and actuators, undersea remote vehicles, electronics and RF systems, big data acquisition. These quasi-industrial "genuine high-tech products" shall facilitate the penetration of European companies within the RI market which is thriving at a worldwide level and in Southeast Asia in particular. This is also a unique

opportunity for setting-up public-private partnerships stimulated by pre-commercial objectives. As a result, European "techno-scientists" working in these facilities are particularly solicited thanks to the "integration know-how" they are used to sharing with solid networks of high-tech SMEs able to respond to calls for proposals of non-conventional facilities. On a longer term and thanks to this experience the European industrial suppliers will be better positioned to bid for the construction of new global research facilities.

The two text boxes behind provide miscellaneous examples of the collaboration of industry with several ESFRI Landmarks currently under construction (information extracted from a survey made by the EC in 2015).

### **Current practices in industrial cooperation and innovation during the construction phase [from the survey of ESFRI Landmarks (2015)] – [1]**

#### ***E-ELT: involvement of industry in the construction phase***

Ca. 70 % of the construction cost returns to industry in the form of contracts, many for R&D and advanced technologies. Increased government investments in IT and high-speed, high capacity data networks are planned in anticipation of the E-ELT. Industry is a supplier for: feasibility studies, initial R&D contracts, construction of prototypes for the most risky items. ESO works closely together with Europe's high-tech industry, e.g. regarding detector development. The results of this cooperation, in terms of improved instrumentation performance, are fed back to industry.

The impact on innovation activities will be significant. There will be several components, such as actuators, sensors, etc., that will be pushed in their actual state of the art performances to fulfil the requirements imposed by the project. Industry will explore and most probably find applications that will open new markets for business. The know-how will be made available for further exploitation according to the terms and conditions defined by the ESO Member States. The E-ELT will use advanced technologies and engineering solutions in a number of areas, from gigantic, lightweight high-precision structures, opto-mechanical systems, optical design, control systems etc. Many of these technologies will be applicable to other areas of technology development.

The E-ELT is considered a highly prestigious project and therefore industrial interest and preparedness to deliver extraordinary performance is manifest, as ESO has seen it in past projects (notably the VLT). ESO has since many years devolved its instrumentation programme so that science instruments are (largely) designed and built by national institutes, often in collaboration with industry. In this model, national facilities cover the human resources cost against compensation in guaranteed observing time.

#### ***ELI's construction impacts on innovation***

During the construction phase, ELI has a considerable impact on innovations in laser technology and laser-based secondary sources through procurement of world-leading, mostly unique equipment. Suppliers include industry from many European and non-European countries, as well as world-leading RIs. Many of these custom designed lasers are expected to turn into commercial products, creating substantial future economic impact.

The medium- and long-term socio-economic benefits of the three nodes of the distributed RI will be: job creation (during/after construction, elsewhere); new well skilled professionals in the labour market; new partnership and networks (domestic or international); improved ability to collaborate and network; increase of the performance and yield of existing companies; new businesses entering the market; improved overall business environment and public services; attraction of global R&D investments; regional infrastructure development; education (actual or potential impacts); increased societal prosperity, satisfaction, equality.

#### ***FAIR: construction and technological developments***

The main purpose of building FAIR is basic research and cooperation with industry is occurring mainly during the construction phase. Some part of the expenditures for civil construction will be spent in the region of Darmstadt in Hessen, Germany. After start of operation, when significantly more scientists from all over the world will work for longer periods of time at FAIR, there will be also an impact to the region hosting the facility. Moreover FAIR will be beneficial for the scientific landscape in the host region and country.

Technical developments for the FAIR facility are/will be protected by patents and will be subject of TT. The international FAIR experiment collaborations with more than 2500 scientists are developing and building the FAIR experiments since about ten years. FAIR will provide services to these scientists as Host Lab in a way similar to CERN.

## **Current practices in industrial cooperation and innovation during the construction phase [from the survey of ESFRI Landmarks (2015)] – [2]**

### ***The “in-kind contribution” approach for building the ESS Neutrons***

ESS will be built on a green-field site, a challenge which brings with it great potential, for society, as well as for science. Further scientific and technological advancements will be required to build this unique facility, which is the best of its kind. Within the construction of ESS, a significant amount will be R&D related, which has a high potential for innovation. The construction will generate growth and jobs, advance development and fuel innovation potential in the region and across the EU. With ESS being built as a collaborative project, the growth effect will be shared between the region (Öresund), the host countries (Sweden and Denmark) as well all as the ESS Partner Countries. Most of the necessary skills for its development need to be imported through in-kind contributions (IKC) from participating institutes and companies in the Member States. The IKC approach is intended to foster collaborations between national academia and industry, representing the entire supply chain.

While the management and integration of IKC is challenging for a project organisation, it also provides significant and highly desirable advantages for the ESS itself as well as the member countries. Access to frontier technology that enables the realisation of ESS would otherwise be unattainable, as well experienced technical and scientific personnel and access to unique production facilities and technologies. This is a very important socio-economic driver in that the construction of ESS fuels national innovation potential, competitiveness, and the national GDP of all of the Member States for the long term. This will increase each country’s national and cross-national capacity and help create jobs and growth.

### ***Industry as a supplier for the construction of the EUROPEAN XFEL***

The development of one of the technologies that are at the heart of the European XFEL, i.e. the superconducting RF (radiofrequency) accelerator technology, was conducted in close collaboration with industry. The need to couple state of the art materials and processes, developed in a publicly-funded research environment, with mass production of components, only possible in an industrial environment, made TT a sine-qua-non condition for the implementation of large accelerator facilities. Over more than 20 years, the TESLA world-wide collaboration, with a very strong European component (led by DESY), in collaboration with industry, developed and refined the technologies allowing the production of 2 km of superconducting RF cavities of extremely demanding specifications. As a result of the DESY leadership in the development of superconducting RF, European industry is today a market leader and a likely supplier of projects using this technology in Europe and in other continents.

Further examples are in the electronics domain: (i) with the extension of the Micro-TCA.4 standard of telecommunications to electronics hardware for the control of complex equipment (such as the European XFEL accelerator), by the DESY controls division in collaboration with industrial partners (to be adopted by the European Spallation Source in Lund (SE) as well); and (ii) with consortia of academic and industrial laboratories in Germany, Switzerland and Italy developing sensors and data handling electronics for innovative MHz frame acquisition rate detectors, under the impulse from the European XFEL.

### ***SKA’s global cooperation***

There are several ways in promotion of TT and KT along with the Square Kilometre Array (SKA) project development. For instance, the UK government has created the “Newton Fund Programme” which is administrated by the Royal Academy of Engineering, with the aim to develop science and innovation partnerships that promote the economic development and welfare of developing countries. In the same time, the South African government has launched the “SKA Youth into Science and Engineering project“ which has awarded, since 2005 up to date, bursaries in the areas of astronomy, including PhDs, MScs and postdoctoral fellowships.

The University of Manchester, on whose site the SKA HQ is based, is developing a collaboration programme with Chinese Academy of Sciences for the exchange of scientists that will link the construction of FAST (Five hundred meter Aperture Spherical Telescope) in China with the development of the SKA project that will help China enhance its capabilities in development of key components of receivers for science observation. The extremely low noise amplifiers (LNAs), Phased Array Feeds (PAF) and analogue-to-digital converters (ADCs) are among those that have been identified. In addition, SKAO Office has also provided opportunities by offering secondment programme to several Member States, such as a three-year exchange programme with Japanese radio scientists, the yearly-based exchange programme with Chinese secondment on signal system modelling and outreach communications.



## **4. INDUSTRY AS A USER (DOWNSTREAM BUSINESS MODEL)**

### ***4.1. Various types of access to research infrastructures***

Direct access to RIs by industrial users aiming to carry out their own experimental research seems to be low, on average less than 5% of the total available user access time. Industrial direct access is assumed to be proprietary research and therefore a fee, covering the full operational costs, has to be paid for access. But as a matter of fact it is well known that a larger (and partly hidden) involvement of industry in RIs exists (roughly 20% of the total beam time or even more, for analytical facilities) within the framework of partnerships with public (academic) users. These collaborations between industry and academic institutions via (industry-focused) research projects being conducted at many RIs occur in a kind of grey zone. In such cases issues related to IPR, "co-property" and publishing regimes are regulated in the research contract between the public and private partners, usually on the basis of the specific funding scheme (totally private funding, in-kind participation of the academic institution, collaboration in publicly granted projects) and typically there are no concerns on the RI access. It would be necessary to take this practice explicitly into account and the RIs should become a recognised partner in this type of collaboration in order to be able to identify the full real added value of the RI which should not be minimized by the funding authorities. Another element is that the RI does not have the means to check whether the results have been published in totality in the open academic literature. Fortunately such unsatisfactory situations can sometimes lead – when the preliminary results are positive and some critical mass is reached – to the settlement of long term collaboration between the industrial company, the facility and the laboratory acting as an intermediary.

The various types of access to RIs (see supra) should be well identified, including clear and transparent charging rules and publishing policies:

- pure academic research (free of charges);
- industry-academic (industry-focused) research;
- programme-based cooperative research groups (industry-driven or not);
- proprietary research (at full cost).

The touchy balance between the necessity to pay for access and the requirement of scientific excellence could be summarized by the expression "the more academic is your project, the less access cost you have to pay".

The right balance between business-oriented activity/service provision and scientific collaboration is difficult to determine, and depends on each specific case. In this context the RIs should identify: (i) the actual full access costs including all services and (ii) the socio-economic impact generated by the access to the facilities. The adoption of analytical accountability practices for the facility management should indeed be encouraged in order to clarify and facilitate the elaboration of realistic and reliable operation costs. Moreover this would also participate to the identification of hidden costs supported by the researchers' hosting institutes.

In order to improve industrial use the transparency of access conditions to the facilities' devices, instruments and services should be improved. In particular the various collaboration

regimes should be detailed, including a catalogue of access prices and of IPR conditions for each type of access. It could be wise to explore the possibility to negotiate and grant rebates to European sectorial research centres and to technological clusters. Programme-based access open to long-term projects funded by research agencies and/or private companies could be promoted as an intermediate access mode between the strict scientific merit-based access and the confidential proprietary access. This programme-based access would be free of charge and the results would be published (with a possible embargo period). The free access would be compensated by potential royalties to the facility in case of further commercial developments. Academic users should be encouraged to inform the RIs about sponsoring by industrial clusters or other private sources when they apply for requesting access. Here again the facility could guarantee an embargo period on the results in order to let enough time to the users' partners to protect any innovation generated through the use of the facility.

### **Current practices in industrial access [from the survey of ESFRI Landmarks (2015)]**

**Proportions of total access to the RI in the two main categories** (no figures for environmental facilities)

- + **Basic science:** from 5% to 85% (100% for purely basic science facilities)
- + **Innovation related** involving industrial/civil services: from 10% to 95% (0% for purely basic science facilities). Analytical facilities: up to 30-40%; Health: up to 95%; SSH: up to 20%; Nuclear Energy: up to 70%

**Access provision for industrial users** (no figures for environmental facilities)

- + **Excellence-driven** (collaborative research with academic teams): from 80 to 100%. It includes "hidden" market-driven access (analytical facilities and nuclear energy: up to 30%; health: up to 25%);
- + **Market-driven "proprietary research"** (i.e. purely commercial access): from 0 to 35%. Analytical facilities: up to 3-4%, health: up to 20%; nuclear energy: up to 35%.

**Access charging in place for industry**

- + **Excellence-driven collaborative research:**
  - free access for pre-competitive research;
  - institutions / industry may contribute (in kind) in return for share of novel IPR (e.g. EATRIS);
  - not for profit rates in the framework of specific agreements (e.g. agreement of ECRIN with JTI IMI and EU where IPR go to industry);
  - PPPs for access in the framework of research programmes (e.g. PPP of ESRF and ILL with CEA and French industry on micro- and nanoelectronics, with funding from French authorities and EU H2020)
- + **Proprietary research:** full actual cost

#### **4.1.1. Quality chart on access**

A quality chart regarding access to the experimental facilities could be established. This chart would ensure a standard of quality that complies with the expectations of the users. In particular, this implies the setting up of access management tools and procedures in order to:

- calculate the full cost or the cost prices of all expenses linked to access (by analytical accounting or not);
- draw up quotations based on full costs or cost prices, with schedules for the projects' progress and the deliverables to be supplied;
- give access to legal support about contracts;
- forecast and monitor the requirements for the projects (equipment, human resources);



- comply with contractual undertakings (costs, timescales, management of partner complaints, etc.);
- enhance relationships with users and assess their satisfaction.

#### ***4.1.2. Remote control access and virtual use of the facility***

The friendly access (or hands-free use) of the facility by new and non-experienced users, in particular industrial ones, should be facilitated. Specific tutorials would help in understanding the capabilities and optimize the use of the facility. When possible, the online communication system may also allow the remote user to control the whole experiment in real conditions. The purpose is here to create an avatar of the facility based on the development of a codes' system aiming at simulating experimental devices exactly similar to those available in the RI. This exact virtual replication would allow external users to test their ability to produce close results compared to those which could be obtained by the real experiment. Furthermore, this system could allow to better tune and optimize the preparation of a future experiment on the real device. The simulation system could use innovative modelling techniques such as *ab-initio* codes and of 3D virtual reality in order to plunge the user in near real driving conditions of the experiment as well as to guarantee the production of the first valuable "virtual" results of the future experiment. Indeed, for its part, the validation of the codes' system should be based on the results of the largest number of existing experiments. Such tools would definitely increase attractiveness of the RI for industrial users as well as virtual use.

A further range of actions for reinforcing the interaction between RIs and industrial users that will be discussed in the following sections include initiatives:

- to improve the awareness on the capabilities and opportunities available at the RIs sites, especially for SMEs;
- to create dedicated room with some "must-have" technology platforms for industrial pre-competitive research in the RIs ecosystem;
- to provide access to specifically tailored smart services;
- to make, in general, scientific results more suitable for technological innovation.

#### ***4.2. Knowledge Transfer***

It is useful to re-emphasize here that the core production of RIs is scientific results but that knowledge and technology transfer should be considered as an integral part of RI's mission. Technologies developed and used by RIs have usually applications in many domains with high relevance to society. For example accelerator science has been providing a significant contribution to innovation in medical sciences over the last 10-15 years. By making an impact on key application domains, RIs illustrate the role of fundamental research as a driver of innovation which delivers tangible benefits to mankind. The RI's technical departments have unique knowledge and skills and should collaborate with industry and investigate how their know-how can be used to satisfy industry needs. One should also emphasize that the major added value of TT/KT efforts are their impact (before money) and the creation of a new culture in the RIs and amongst their industrial users and suppliers.

### KT Fund at CERN

The Knowledge Transfer Group introduced in 2011 a fund to support and develop knowledge transfer activities at CERN. Funding comes half from TT incomes and half from (local) public resources. In order to be considered for funding, projects should meet the following conditions:

- the project proposal must be approved by the Department Head;
- the salary cost of staff members involved in the project are covered by the Department;
- the project is based on a CERN technology;
- the IP required to execute the project is owned or co-owned by CERN and there is no conflict over the IP required to execute the project.

Projects are evaluated by the KT Fund Selection Committee (CERN Head of Finance, Procurement and Knowledge Transfer Department (chairman); all Department Heads, the KT Group and Deputy Group Leaders, the Technology Transfer and Intellectual Property Management Section Leader).

Project description includes the CERN technology on which the project is based; schedule, key milestones and organization, overall financial planning and requested budget, market potential or user community (field of application, competing technologies, identified and/or potential commercial partners, established user community). Project holders may request the support of KT experts in market analysis and to help assess the dissemination potential of the related technology. After presentation of the proposal by the coordinator the Selection Committee evaluates the proposal quality, S&T value, dissemination probability and possible impact (technology addressing key societal issues, breadth of affected public).

In 2015, six projects are currently funded in the following areas: development of an IT tool for event management; design for a radiation-resistant power convertor for LED-based emergency lighting; radiation qualification according to standard procedures for equipment aboard miniaturized satellite (CubeSat, collaboration with ESA); delivery and testing of a new electron gun designed as injector for an Electron Beam Ion Source (used for second generation ion beam therapy facilities); improving performances of contactless laser based distance measurement techniques, protection of cryogenic equipment from an accidental overpressure scenario.

Scientific results can refer, in the context of applied research, to principles and processes which are interesting for manufacturing and production systems, but still with a low technology readiness level; that is they are not "plug and play" technologies immediately ready to be transferred into the production environment. The scientific knowledge of industry needs indeed to be increased, especially in a context of fast technological progress and of "co-creation" of solutions by scientists and industry. The TT strategy of the technology push, asking research teams to help enterprises to solve their problems, has shown its limits in the two last decades. For example, at European level, the IRC (Innovation Relay Centres) network, which was set up to help companies to find external competences they need to improve their innovation capacity, has been converted into the EEN (European Enterprise Network), more focused on entrepreneurial needs. It is thus necessary to move from the paradigm of technology transfer (TT) to the paradigm of knowledge transfer (KT). Indeed, a technology pull approach seems to be more feasible and reliable, where industry, aware of RI capabilities and of what is carried out in the laboratories, is able to set up its own research programme and to find the right collaborations with academia and better exploit RIs capabilities. A more effective scientific awareness of industry can be achieved with dedicated KT actions. A certain amount of KT funding might be provided by specific actions supported by the EU Horizon 2020 RI programme.

As an example of dedicated KT action, see the text box on *KT Fund at CERN*, a fund introduced by the Knowledge Transfer Group to support and develop knowledge transfer activities at CERN.

### ***4.3. Open innovation and co-creation***

Making available to companies (including SMEs) new room around RIs, dedicated to pre-competitive research programmes, where the possibility to exploit the RIs technological resources is more effective and where scientists and engineers work together in the same place on common objectives, would increase KT and the exchange of competences. The aim is to join (PhD) research, technology platform and industry core business in a sort of a shift from TT to "co-creation" in this innovation ecosystem. It is important that scientific researchers and industrial technologists first identify common objectives (to build a shared vision) and then work together in the same place. Staff trained in this scientific environment will more easily move to industry with the effect to increase the perception inside industry of what is carried out in the RI laboratories. A space where customized programmes based on bilateral contracts can be implemented is more effective than a consortium approach. Moreover the possibility for an enterprise to be hosted in such an environment to carry out its research programme, makes the enterprise itself more competitive when applying to public funding; more generally this makes the RI ecosystem more attractive to industry.

As an example, see the text box on *Open innovation at IMEC*, a model based on Industrial Affiliation Programmes, where the industrial partners rotate around IMEC in customized programmes based on bilateral contracts and making use of the IMEC precompetitive research IP model (noticeable is the power of using a unique IP fingerprint). In this way, the RI acts as a service not for problem solving or TT stuffs but for properly funded research programmes.

### ***4.4. Specific services tailored for industry and training***

Another KT action, aiming to downscale the innovation of processes and manufactures, could be the implementation of services tailored for industry. A clear example can be taken from the field of new materials, where companies are used to run technological proofs (braking, bending, hardness, corrosion, extreme conditions) all related to macro properties and there is a lack in understanding the behaviours at the micro-/nano- or molecular scale. A smart access to some characterization techniques, simulation and nanoscale synthesis could put into contact SMEs with RI capabilities and change the innovation approach from one of trial and error to one of cause and effect. The critical mass of RIs, the ensemble of state of the art techniques they provide, joined with the possibility to create networks, like in the EU Integrating Activities programmes, make RIs the natural candidate to promote this kind of cultural change in the innovation approaches, when compared with conventional laboratories.

Dissemination and stimulation actions should be carried out in close connection with sectorial industrial organisations and RTOs, with the support of the EU. Training of a new generation of engineers in the industry, more aware about science and RIs, as well as of a new generation of researcher, more receptive to IPR issues and industry needs, and mobility from academia to industry, are two essential blocks of the KT approach, that is, new dedicated funds for KT, new rooms, new services are the methods and the means, but people, the human factor, is the core content. Training and mobility of technicians and engineers is the most effective way to transfer efficiently scientific results and knowledge to the innovation and production system.

## Open Innovation at IMEC

IMEC's experience is an example of a new “precompetitive space” created around the RI where “must-have technological platforms” are offered to industry in a working mode. Effectiveness is firstly due to the fact to be in the same place and work together on shared objectives. The aim is to join: PhD research; technology platforms and core business. This model focuses on bilateral customized “Industrial Affiliation Programmes” (IIAP) where the industrial partners rotate around IMEC rather than using a consortium approach. A specific precompetitive research IP model is used; noticeable is the power of using a unique IP fingerprint.

*Finer resolution of IP landscape developed in IIAP approach*

### OPEN INNOVATION

#### Program based approach:

- Integration of techno life cycle
- Integration of value chain

#### Project-based R&D outsourcing



e.g. PhD research

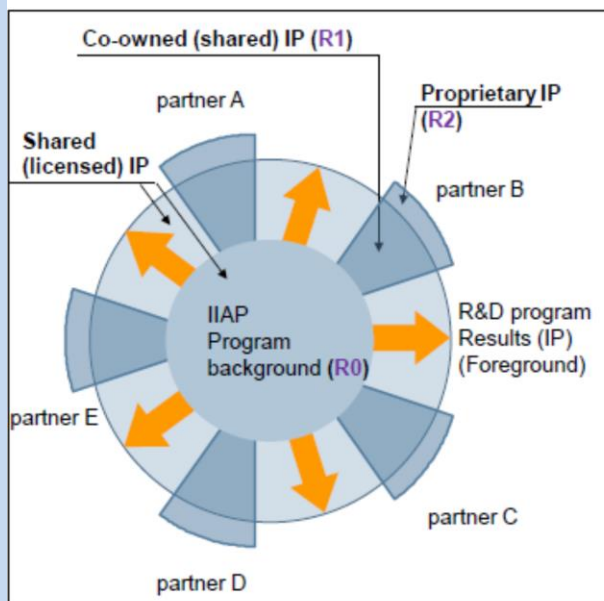


Core Business

No IP sharing

- Pre-competitive platforms & IP sharing
- Fast technological evolution
- High added value for # nodes in Value Chain
- Costly platform development & need for cost sharing
- Need for de-risking
- Need for early insight & fundamental understanding of different technology platform options
- Mixed research teams & short learning cycles
- Crucial for underpinning Core Business

## IMEC'S PRECOMPETITIVE RESEARCH IP MODEL



IIAP: IMEC Industrial Affiliation Program

- ▶ Partner obtains **co-ownership** (with imec) on results to which partner has **contributed\*** (R1);
- ▶ Partner gets a royalty free, non-exclusive, **license** without sublicensing rights on results generated by imec or other partners in the program; (Program Affiliation fee (yearly), **without contribution** of the Partner (R1\*));
- ▶ Partner gets a royalty free, non-exclusive, license without sublicensing rights on imec's background (R0), necessary for **exploitation** of the results of the program; (one time Program entry fee)
- ▶ For each partner there is possibility to generate **proprietary results (R2)** as part of separate R&D project, through application of R1 outcome onto company specific context (in the core business)  
(type of results should be agreed upfront)

imec

© IMEC 2012

\* Contributed result means a result to which there is a clear contribution from the partner's assignee @ imec

IMEC acts as a service, not for problem solving or TT stuffs, but for research programmes, properly funded. Also IMEC has “development on demand” but in such a case industry pays the full cost. Mainly big industries are involved, but also SMEs have been attracted by means of an enterprises network.

The use of Marie Curie fellowships "Industry-academia pathways and partnerships" by RIs should be stimulated.

In brief:

- (i) Before transferring a technology it must be created, possibly in an efficient ecosystem upholding the ethos of "people working together in the same place on shared problems with a comparable motivation".
- (ii) The scientific knowledge and the understanding by industry of what is carried out in RI laboratories needs to be increased, especially in a context of fast technological progress where the "co-creation" of solutions by scientists and industry and open innovation are increasingly required.
- (iii) The best vector to transfer knowledge from the scientific communities to the production system is the human capital.
- (iv) The unique innovation ecosystems existing around RIs are well suited environments to implement such a model. Therefore, in order to optimize the impact of the operation of RIs on industry the co-creation of new technologies and new solutions as well as the implementation of an efficient brain-drain from academia towards industry and vice versa should be stimulated more effectively, possibly in a structural way.

#### ***4.5. Protection of the innovation results***

A RI must develop an intellectual protection policy for its own research results, technology developments and know-how in order to place them at the service of the competitiveness of European enterprises or academics. It actively and proactively promotes its intellectual property (transfer of licenses) in accordance with the contributions of each partner and with a sustainable partnership policy with the economic world. In this respect, it makes the efforts needed to have at its disposal a complete and up-to-date vision of its portfolio of patents and licences.

Industrial and scientific users of RIs have usually very different needs in joint research projects which may create conflicts of interests e.g. in the exploitation and/or publication of the results. These projects are usually funded by public funding programmes and often co-funded by industry. IPR issues are a very important part of this cooperation, which should be tackled, and there should be mechanisms to ensure that industry's IPRs can be protected as an incentive for industry to invest in research cooperation and to commercialize the results when possible. Industrial partners carry out their research in RIs also for validation and standardization and to get references. This type of cooperation is generally based on contract research agreements where the costs are mainly covered by industry, which usually get exclusive licenses or ownership of IPRs in return for payment.

On the other hand, the inventions created by scientific users of RIs and the staff of RIs should also have protection and commercialization processes in place including e.g. TT and IPR funding services. The most common methods to commercialize patents based on academic research are licensing to established companies or to spin-offs. The decision to commercialize patents via spin-off formations is influenced by the capability of the inventors to recognize the commercial potential of their results and motivation to exploit inventions through entrepreneurial efforts whereas the decision to commercialize patents via licensing is made by

scientists themselves, industry, and TT Offices (TTOs) case by case. More than half of the RIs have TTOs in place and in some cases these are organized as separate companies. However, only very few RIs have an active policy to go on the markets for a TT or to invest in business development based on their inventions. Thus, better business-awareness of RIs including the skills for assessing, protecting and commercializing inventions and, where appropriate, the installation of a TTO, should be promoted.

A series of actions should be initiated in order to improve the efficiency of the IPR policies. Case studies to investigate different IPR scenarios relating to various IP matters (patent, copyright, database rights) should be launched. Instead of precipitate filing of patent applications based on early conceptual discussions, the initial and early process should make use of confidentiality-driven tools such as Non-Disclosure Agreements (NDAs). This would definitely improve the efficiency of the RI-Industry collaborations. The originator of a technical solution or aspects of such a solution will still wish to be recognised as such, so there will be a need to record discussions and, importantly, the related idea generation under NDAs. Alongside contribution goes ownership claims; it is commonplace that organisations own their employees' inventions, and therefore require that such are reported when they emerge. And finally the NDAs must be designed in such a manner, that both the industry and RI perspectives are included. This will have to take place on a case to case basis, as collaborations and their subject matter vary from sector to sector.

Greater transparency could be provided by standard model agreements: (i) cost and benefit/risk-sharing schemes and (ii) e.g., a predetermined revenue stream could flow back to the RI only in cases where substantial revenue (to be determined on a case by case basis) is created by industry based on RI resources. Better business-awareness of RIs concerning the skills and resources of assessing, protecting and commercialization of inventions should also be promoted. Active innovation and business oriented policy in RIs, including professional TT and KT services and IPR management, would improve industrial usage of RIs and commercialization of academic inventions. RIs should to a greater degree than currently consider implementing less substantial upfront payments for licenses on know-how, patent, database, and copyright coupled with reasonable royalty rates, as there are indications that such practice reduces barriers for TT in RI-Industry collaborations.

As examples, see *the cases of licensing strategies and RI-Industry cooperation policies* briefly described in the text box. In particular, the pros and cons of the DoE approach (for the RI, for the user) should be carefully considered. The Non-proprietary User Agreement required by the DOE for getting access to its facilities (e.g. at Berkeley National Labs) provides that all user parents' organisations must accept to give the US Government a part of the intellectual property on the products that are analysed at the National Laboratories. For example, more than 400 institutions have signed at BNL, which is leading to a heavy bureaucracy for the RI management (see *Various User Agreements at DOE Facilities* in Annex 2).



## Cases of licensing strategies and RI-Industry cooperation policies

The RIs (and research centers and universities) have very different types of licensing strategies, access and cooperation policies for industry from exclusion of industrial cooperation to major commercial success stories. The following cases illustrate this very clearly.

- *Case "Cohen-Boyer basic gene-splicing technology inventions at Stanford University"*

This is a very famous licensing case resulting over \$250 million in royalty revenue for the Stanford University. University offered non-exclusive licenses with small upfront licensing fees of about \$10,000, and small-percentage running royalties on any products that were developed using the technology. The small upfront licensing fee mitigates the barrier to sign up, since the companies had to pay only when they got products in the market.
- *Case "The Survey of Health, Ageing and Retirement in Europe (SHARE)"*

SHARE became the first European Research Infrastructure Consortium (ERIC) in 2011 and it is a multidisciplinary and cross-national panel database of micro data on health, socio-economic status and social and family networks of tens of thousands of individuals. SHARE is strongly focused on the use of the database for scientific purposes, and does not encourage any commercial exploitation (see: <http://www.share-project.org/data-access-documentation/research-data-center-data-access.html>). However the scientific community is actually not the only category of users: public authorities/policy makers are also making use of the data. Pending due consideration of ethics issues and relevant privacy laws, the use of appropriate data or data products by the private sector would increase the impact of the infrastructure.
- *Case "The Partnership for Advanced Computing in Europe (PRACE)"*

PRACE "Open Research Model" allows European companies access to world-class high performance computing resources and services in order to increase their competitiveness by reducing the time-to-market, improving reliability and safety of their products, and developing innovative industrial processes. In this model users may only use the facilities and services provided by the infrastructure for basic research and development purposes. The condition associated with this free access for the industrial user is to publish all results obtained at the end of the grant period. In addition there are some other conditions that apply to companies. The companies will get access to PRACE resources free of charge for one-year period.
- *Case "ETH Zurich"*

ETH has an advanced and active cooperation policy with industry. ETH has very high level technology platforms and competence centers which attract industry to support and fund cooperation projects. ETH technology transfer office helps the companies to find out the best practical solutions and draw up relevant cooperation agreements. ETH also supports company founders with its Pioneer Fellowships which offers opportunities to develop research in Innovation and Entrepreneurship Labs with external coaches and industry representatives. This encourages the formation of spin-offs.
- *Case DoE*

The US Department of Energy (DOE) has developed various types of agreements for use at all DOE National Laboratories with approved designated user facilities. In particular, for commercial research, the user can choose the Proprietary User Agreement with which he pays the full cost for use of specialized laboratory equipment and, with limited exceptions, retains ownership of the technical data generated, as well as the rights to any new inventions. For non-commercial projects, such as basic science research, researchers must use a Non-proprietary User Agreement under which the user pays its own costs of the research with the DOE laboratory, may access specialized laboratory equipment and collaborate with laboratory scientists. The non-proprietary user and the National Laboratory retain title to their own inventions and research data generated under non-proprietary research is made public. But in case of further industrial developments, the non-proprietary agreement guarantees the DoE laboratory some ownership rights to any applications that would result. See more information on *Various User Agreements at DOE Facilities* in Annex 2.

The text boxes behind provide miscellaneous examples of current practices in industrial cooperation and innovation, as extracted from a survey of ESFRI Landmarks made by the EC in 2015.

**Current practices in industrial cooperation and innovation  
[from the survey of ESFRI Landmarks (2015)] – [1]**

***EMSO plans to develop its potential for innovation***

While many of the deep sea observatory projects have typically focussed on the science drivers behind ocean observation, it is increasingly important that commercial contributions to promising areas are fully developed. EMSO has undertaken a structured approach to engage with the industrial community interested in ocean observation systems and support the development of ***economic clusters of innovation***<sup>(\*)</sup>. A major effort will be dedicated to identify and set up activities to increase the potential for innovation of EMSO technological output and thus contribute to increase the innovation potential of the EMSO observatories. Therefore part of the EMSODEV EU project work (under INFRADEV3) will be focused on: (i) assessing market applications and commercialisation opportunities for the generic instrumentation module (EGIM) and associated software package in areas like ocean energy, sea bed mining and marine knowledge; (ii) identifying and implementing products and services relating to the EGIM in niche sectors with a high potential to impact in areas of innovation relating to the EGIM; (iii) enhancing existing networking with industries (including SME clusters across Europe) to facilitate their involvement as partners of the RIs for technological developments; and (iv) developing customised services for industry and SMEs and disseminating research outcomes and TT with a particular focus on industry and SMEs.

***EURO ARGO contributes to the global competitiveness of European manufacturers of float and marine equipment***

Argo float industrial production and commercialization is done in Europe by two SMEs. EURO-ARGO contributes to the consolidation and to the strengthening of the global competitiveness of European manufacturers in the highly aggressive field of innovation related to floats and marine equipment. The increase of the European market (thanks to EURO-ARGO and Copernicus), new requirements (e.g. new floats, new sensors) as well as the continuous development of Argo in Japan and Australia and in emerging countries (China, India), open new market perspectives for European SME's. There is also a large innovation potential for specialized SMEs for the development of miniaturized, smart and cheap sensors to be embarked on floats or other autonomous vehicles.

***LAGOS cooperates with SMEs and big airline companies***

Several SMEs have been involved, both in the conceptual phase and in the preparatory phase of the RI. These companies are involved in the design of the aircraft modification, the manufacturing of the instrumentation and in the operational concept in compliance with European and international regulations for aviation. Applied schemes for selecting appropriate partners were direct cooperation as project beneficiaries and subcontracting via calls for tender. The involvement of airlines in the project as supplier of transportation capacity and technical support was achieved on the basis of individual negotiations and by direct involvement as full project partners. Currently three large European airlines and two airline companies from outside Europe are involved in support of the RI. Negotiations with other airlines from Europe and other countries are ongoing in order to extend coverage.

<sup>(\*)</sup> **Economic clusters of innovation** have been defined as “geographic concentrations of interconnected companies, specialized suppliers, service providers, firms in related industries, and associated institutions that compete but also collaborate.” Knowledge-based industries develop very successfully in regional clusters, which facilitate knowledge exchange and generate a critical mass of skills that complement one another. Geographical proximity (in a European context) between research organisations, investors and companies can produce networks that lead to new business ideas and the foundation of new enterprises.



## **Current practices in industrial cooperation and innovation [from the survey of ESFRI Landmarks (2015)] – [2]**

### ***Industry and farmers are using ICOS data and services***

The most important mode of access to ICOS by industry will be through data and knowledge produced on greenhouse gases (GHG). Regional GHG budgets will provide important information for planning and verifying the decarbonation of the European industries, particularly in the energy and the transport sector. While data from pre-ICOS networks have mainly been used for early stage basic research, a stepwise transition to knowledge products is expected. They will be used for e.g.: (i) verification of inventories or reduction efforts; (ii) regional planning and scenarios on transport or energy production; (iii) life-cycle assessments of products in the food and bioenergy sector; and (iv) decision support systems for GHG mitigation actions. The data provided by the ICOS ecosystem observational network are already used in several consultancy projects for the food industry including the application of no-till agriculture and they assess its effects on GHG balances for environmentally friendly farmers' cooperation. Agricultural practice and yield parameters are evaluated in order to develop a support system for climate-friendly agriculture. It is expected that new young and innovative SMEs will emerge during the next decade that will develop and apply these knowledge products based on ICOS RI data products for consulting industries as well as the public sector.

### ***LIFEWATCH will operate commercial user requests via a spin-off company***

Cooperation with industry is possible in three modes: (i) as supplier, legally based on a supply contract; (ii) as co-developer, legally framed in a project agreement with license agreements; and (iii) as user, either for fundamental research competing with others, or for commercial activities closely related to LIFEWATCH, provided they do not jeopardize the achievement of its primary tasks. A separate legal entity (commercial spin-off company) will operate these user requests on its own risk.

### ***The multifaceted impact of BBMRI on innovation in health and medicine***

- ✦ *Current knowledge production* in health and medicine which is largely based on bio-samples and data by integrating European biobanks to provide access to a unique resource for research
- ✦ *Health research* using biomolecular data is essential for the development of personalised medicine
- ✦ *Biobanks*, which are essential for understanding interactions between genes, environmental factors and lifestyles
- ✦ *Patients/donors*, who know that their own tissues, samples and personal data can yield discoveries and advances in medicine, diagnostics, and therapies (most of them are willing to donate to research for the benefit of current and future patients for reasons of solidarity)
- ✦ *Cross-sector collaboration* (including the pharmaceutical, diagnostics, and biobanking sectors) for which it is necessary to make the most of the current knowledge in drug development and data
- ✦ *Authentication, characterisation, stable storage and supply of biomolecular samples*, each of which is a major contribution to the knowledge-based bio-economy
- ✦ *Research and market development* for the life sciences and biotechnology applications, which relies on access to high quality biological samples

### ***EATRIS supports pharmaceutical and biotech industries and medicine development***

EATRIS has two primary values for the pharmaceutical and biotech industries (including medical device manufacturers). Firstly, industry has access to highly capital intensive facilities and expertise that are otherwise out of reach for companies, especially SMEs. Secondly, the result of matching Europe's top infrastructure and translational expertise to the best research projects will support rejuvenation of the biopharmaceutical pipeline with more high promise, "derisked" clinical phase projects. Academic users can access EATRIS to get support in the advancement of their novel drug (target) or diagnostic, so that the IP can be matured to a point of being ready for transfer to industry. In medicine development, a great deal of capital-intensive applied research is necessary to bring a new drug to a point in which industry becomes interested. EATRIS is focused on supporting in bridging that gap to industry.

## **Current practices in industrial cooperation and innovation [from the survey of ESFRI Landmarks (2015)] – [3]**

### ***ECRIN: innovation related access represents 95% of the total use***

Innovation related access involving industrial/civil services represents 95% of the total use (primary involvement in managing independent clinical trials for the benefit of health and healthcare systems). Access provision for industrial users:

- ✚ "hidden" market-driven (in collaborative research with academic teams): trial sponsored by academic institutions but supported by industry funding. IPR goes to the academic sponsor;
- ✚ market-driven "proprietary research" (i.e. purely commercial access): trial sponsored by industry but funded by IMI (the Joint Technology Initiative "Innovative Medicines Initiative", a PPP between industry represented by EFPIA, the European Federation of Pharmaceutical Industries and Associations, and the EC). IPR goes to the industry. Half of the budget comes from the EU and the second half in the form of in-kind contributions from EFPIA, its member companies and several other companies. The EU funding supports the participation of the "public" partners in IMI projects, i.e. universities, small biotech companies, patient groups, regulators, etc.].

As regards access charging in place for industry, the ECRIN statutes consider two cost models: (i) a non-economic model, where services are provided at not-for-profit rates, and (ii) an economic model, with services provided at market rates. Model (ii) should not exceed 10-20% of activity. Academic as well as IMI projects are run under model (i).

### ***How INFRAFRONTIER cooperates with industry***

INFRAFRONTIER partners are engaged in a number of joint development projects with manufacturers of research instrumentation or animal cages. These collaborations facilitate end-user driven developments of innovative new instruments that are also validated in a user environment. This ultimately leads to superior end products and translates into increased market shares of the industrial development partners. A large number of industry partners act as suppliers, but also as innovation partners in the development of novel research instrumentation.

Various modes are used to facilitate industry access. These can be material transfer agreements or specific licensing agreements between depositors of mouse mutant lines and requestors or other agreements between consortia and third parties to facilitate industry access to certain resource collections such as EUCOMM mouse mutant resources. Furthermore, access can be facilitated by bilateral cooperation agreements.

### ***INSTRUCT develops actively its cooperation with industrial partners***

Structural biology is a fully embedded part of the drug discovery process and access to INSTRUCT infrastructure is open to industry through the same access procedure as academic users for precompetitive research where results will be published. Extensive collaborations already exist between INSTRUCT Centres and several European companies, e.g. in the area of structural vaccinology; in membrane protein structure; and more generally in the development of new instrumentation, analytical methods and software.

INSTRUCT has setup an *Industry Committee* to promote bridges with industrial partners and to implement the industry outreach programme. INSTRUCT Centres are active in brokering investments through extensive collaboration with the European structural biology community. These Centres have been successful beneficiaries of early access to novel and emerging methods and approaches that have enhanced the RI itself. INSTRUCT fosters active participation of representatives from industry in workshops and training events, some of which are co-organised with industry. Additional resources from the private sector result from INSTRUCT Centres being made available for beta testing of new equipment, new approaches using new methods or for new products. This cooperation strengthens the bonds between academic and research organizations

## **Current practices in industrial cooperation and innovation [from the survey of ESFRI Landmarks (2015)] – [4]**

### ***ELIXIR, a big consumer of HPC***

It is estimated that in Europe alone, cloud computing can hugely contribute to EU GDP in the coming decade. The life science sector as a consumer of HPC is already high and set to increase further. Collectively the investments made by Member States in the data centres and cloud services run by ELIXIR partners are extensive. ELIXIR will provide a forum to engage collectively with the HPC community, especially the ETP4HPC, which can support the long-term stimulation of this industry sector further. ELIXIR is also collaborating directly with HPC providers on pilot research projects, e.g. collaborating on a short project to develop a virtual machine for training resources that could be deployed across the ELIXIR infrastructure.

### ***PRACE fosters partnerships with industry***

Since the inception of its open R&D offer, PRACE (the partnership for advanced computing in Europe) has fostered collaboration and TT & KT between academia and industry. Through implementation projects supported by the EC, PRACE is proposing high-value services for code enabling, training, user support to industry, allowing companies to benefit from the expertise gathered by PRACE partners. PRACE launched a specific (successful) initiative called *SHAPE (SME HPC Adoption Programme in Europe)* for supporting European SMEs in the use of HPC and advanced numerical simulation, in order to demonstrate that HPC enables SMEs to become more innovative and competitive.

PRACE has set up an *Industrial Advisory Committee* composed of high-level representatives from major European industrial sectors in order to advise the RI in the development of new services towards larger usage of HPC and data services by industry. In addition, a *User Forum* provides feedback on the effectiveness of the services and suggests service development.

Several examples show how industry investment is attracted: (i) PRACE is running a PCP on HPC on the provision of R&D services that seek solutions for Whole-System Design for Energy Efficient HPC; (ii) PRACE supports works together with industry to enable their codes and improve their competitiveness; and (iii) as already mentioned, the SHAPE initiative supports the implementation of complete projects, including computation, for SMEs around Europe, where the latter “invest” their engineers and experts to co-develop the projects.

### ***JHR, FAIR and SPIRAL2 develop services for nuclear medicine and radiobiology applications***

JHR (the Jules Horowitz Reactor) will also be used for nuclear medicine. It will supply hospitals with short-lived radioelements used in medical imaging units for diagnostic purposes. These radioelements, such as the Molybdenum99-Technetium-99m, have a limited lifetime of a few hours. They therefore need to be produced on an ongoing basis. The JHR will contribute to 25 % of the today European production of Molybdenum 99 on a yearly average or even up to 50 % in a peak situation.

FAIR will continue the investigation initiated by its host organisation (*GSI Helmholtzzentrum für Schwerionenforschung*) of health issues with its biophysics research (e.g. ion-beam radiotherapy has been used by GSI to treat several hundred patients).

At GANIL a R&D program for production of innovative radio-pharmaceuticals with the SPIRAL2 Phase 1 beams was initiated with academic and industrial partners. A new program of industrial applications with a direct use of beams and available facilities as well as technical developments, like new ion-sources and beam diagnostic systems at the GANIL-SPIRAL2 facility is currently under development. SPIRAL2 will contribute to research on radiobiology, hadron and isotope therapy against cancer. A part of the beam time of the SPIRAL2 accelerator and human resources will be dedicated to this research.

## **Current practices in industrial cooperation and innovation [from the survey of ESFRI Landmarks (2015)] – [5]**

### ***ESRF and ILL develop their industrial activities***

The ESRF Business Development Office (BDO) offers industry a privileged and practical access both to beamlines and expertise, enabling them to help solve process problems, reduce product-to-market times and enhance R&D programmes. A substantial part of the ESRF's industrial activity comes from pharmaceutical companies that use the macromolecular crystallography beamlines for drug design. Other beamlines are used to carry out experiments for cosmetics, food products, plastics, oil production, metallurgy and other areas such as microelectronics. The ESRF has established partnerships with neighbouring institutes (including the ILL) that extend services to companies and research laboratories beyond the simple access to X-ray beam time: the Partnership for Structural Biology, the Partnership for Soft Condensed Matter, and the IRT NanoElec make characterisation tools available that complement the X-ray instruments. The partnership with NanoElec Large-Scale Facilities Characterisation Platform enables the ESRF to work with European electronics' industries and sets the scene for routine use of nanoscale X-ray beams for commercial R&I. Similar partnerships dealing with problems and questions related to environment, energy, metallurgy and cultural heritage are being developed.

The ILL's Industry Liaison group provides a single and specialised point of contact for any potential user from industry and services. Industrial clients may choose specific modes of access, considering the level of confidentiality they require: proprietary research, academic research service and a combination of proprietary and academic access "Cooperative solutions for industry"- an option ensuring that the finest academic research matches the requirements of industrial innovation. The resources invested by the partners vary with the characteristics of the project, as does the level of access to the facilities and the distribution of IPR income.

In the frame of a multi-annual grant funded by the French national programme "Investissement d'avenir" a joint action involving ILL, ESRF and CEA and three industrial groups has been initiated in order to promote access of industry to the large-scale facilities ILL and ESRF in the area of micro/nanoelectronics.

### ***Knowledge Transfer with CESSDA Training...***

This service provides customised guidance and training workshops on research data management and digital preservation in conjunction with other recognised CESSDA organisations and experts. Support is provided in the area of: (i) data management planning for researchers, research projects, and research centres in the social sciences; (ii) the importance of sharing publicly-funded research data and meeting funder requirements on data management, preservation, and re-use; (iii) best practice on obtaining consent for re-use, data copyright and the use of existing data sources confidentiality and anonymisation, documentation and data enhancement, methods of data sharing, file formats, physical and digital data storage; and (iv) support for long-term preservation and dissemination of research data. Individual consultations and collaboration with researchers and archivists on these topics is also offered. *CESSDA Training* events regularly include the following topics: introduction to Research Data Management for Social Scientists; first steps towards digital preservation; teaching an introductory workshop in digital preservation (train the trainers).

### ***... and with CLARIN's Knowledge Sharing Infrastructure***

The technical infrastructure of CLARIN enables integrated and sustainable access to a vast amount of European collections of digital language data in the form of text, audio, video and other modalities, as well as to advanced tools to explore, exploit, analyse, enrich or combine them. CLARIN operates in parallel a so-called *Knowledge Sharing Infrastructure*, in order to ensure KT between all parties: providers  $\leftrightarrow$  users, users  $\leftrightarrow$  users, and providers  $\leftrightarrow$  providers. Main instruments are the creation of (possibly virtual) knowledge centres, mobility schemes and training and awareness activities. These activities may easily lead to innovation in the future when services become more advanced. Similarly, the knowledge present in CLARIN will become more and more relevant for industry.

## **Current practices in industrial cooperation and innovation [from the survey of ESFRI Landmarks (2015)] – [6]**

### ***ESS Social helps policy making***

ESS is used to provide both direct evidence and contextual evidence across a range of non-academic bodies. ESS data is cited in a number of UK government reports from a series of departments including e.g. Work and Pension, and Business, Innovation and Skills. ESS data has been used directly by the UK Office of National Statistics to develop its wellbeing programme; by the OECD to study social outcomes of learning; by think tanks including the New Economics Foundation (NEF), the Intergenerational Foundation and AgeUK; these have led to further outputs which have included government reports, for example on work and the family.

Moreover, research generated by academics using ESS has been used to influence policy and practice in various government departments and offices. ESS has helped inform the work of other surveys both in the UK and in Europe in terms of its methodology. These include Understanding Society, the European Values Survey and the International Social Survey Programme. ESS data and methodology are used in academic teaching in many countries. In addition, the ESS has a programme of KT directly with policy makers and has held seminars at the European Parliament, Italian Parliament and OECD amongst other locations.

### ***SHARE's impact on innovation activities***

SHARE has developed innovative software for electronic survey operations, including designing questionnaires, translating them, administering them to respondents, monitoring fieldwork, and creating the data bases. Most of such innovation was carried out by a SME company. This company has been involved in the SHARE study since its inception and has designed a uniquely efficient centralised workflow for the support of large, multilingual longitudinal surveys. SHARE has developed the health measurement in large population surveys by introducing physical performance measures (grip strength, chair stand, peak flow) and dried blood spot sampling using devices and materials from SME companies. *Train the Trainer Session* are organised in order to train survey agencies before the waves start on innovations in the questionnaire. Young researchers in all SHARE countries are trained in database management skills. In addition user-training workshops are offered to researchers who want to analyse the data.

### ***DARIAH's estimates of future use and cooperation with industry and cultural institutions***

Innovation related access involving industrial/civil services is estimated at about 1/5 of the total use of DARIAH in the coming years. It will occur mainly through the cultural and creative industries with a strong overlap with local academic units and less frequently policy makers or specialised industries such as commercial archaeological or historical survey units.

“Industrial” partnerships will mainly be established with the cultural industries like museum collections or archival holdings. There is a need to work closely together with them on the co-development of the digital transformation of the humanities. The digital transformation also means that traditional boundaries between these institutions are disappearing. DARIAH is therefore a RI by researchers for researchers who would like to participate in re-directing the research environment of arts and humanities together with the cultural institutions.



## 5. DATA POLICIES AND INFRASTRUCTURES<sup>1</sup>

### 5.1. *The innovation potential in research data*

RIs, such as the projects on the ESFRI Roadmap, produce and are dependent on rapidly increasing amounts of data. Storing, sharing and re-using such data from RIs can stimulate the creation of new products and services, new companies and jobs. New trade flows might develop, and the competitiveness of regions and nations can be improved. The amount of data created by RIs is exploding, and the ICT resources and e-infrastructures for accessing and using data are developing extremely rapidly. This lays the ground for significant impact on innovation also on a rather short time scale. However, the exploitation of the innovation potential inherent in RI data is still only an emerging process. The Data Harvest report<sup>2</sup>, presented by the European branch of the Research Data Alliance (RDA<sup>3</sup>, see text box) in 2014 elaborates and presents concrete figures on how innovation based on sharing research data can yield knowledge, jobs and growth in Europe. Here, RDA's vision is of researchers and innovators openly sharing data across technologies, disciplines and countries to address the grand challenges of society.

From both the RDA reports and other discussions, it is obvious that research data represents significant financial assets and business opportunities. It is also obvious that it is often still unclear how and on what conditions actors outside academia, especially commercial actors, can use such data due to IP and privacy issues. The recently introduced Digital Single Market (DSM) strategy includes new components to tackle these questions and it is foreseen that the solutions presented can significantly facilitate the exploitation of the market potential in research data already during the H2020 programme.

#### **The Research Data Alliance (RDA)**

The RDA's main emphasis is to ease discovery, access and use of research data by world-wide scientists regardless of which institute or agency is collecting and distributing the data. Ensuring proper capture, accessibility and availability of the data is the task of the individual institutes and agencies. The RDA is focusing on developing joint capabilities for querying, accessing and sharing data across international research data archive systems. Instead of promoting standards which drive common methods for collecting and describing research data across the international scientific communities, the RDA concentrates on sharing the research data from diverse standards and collection methods. Such an approach will better support the long term goal of easing data sharing across economical stakeholders, scientific institutes and research agencies.

### 5.2. *The need for data management and metadata*

For research and society to take full benefit of the major investments in RIs, the data connected to them needs to be made easily available and re-usable. Also, the availability of data needs to be complemented with aspects of discoverability, quality and adherence to standards, and the data frameworks must be open and cover wide spans to enable new, potentially unexpected exploitation. The data needs to be managed, stored and preserved in a

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<sup>1</sup> This chapter has been established in collaboration with e-IRG (the e-Infrastructure Reflection Group), following a workshop organised in September 2015 with several e-infrastructures.

<sup>2</sup> <https://rd-alliance.org/data-harvest-report-sharing-data-knowledge-jobs-and-growth.html>

<sup>3</sup> <https://rd-alliance.org/>

cost-efficient and effective manner, with appropriate quality and safety assurances, and the underlying data infrastructures need to be set up in sustainable settings. Here, with the appropriate financial support mechanisms, e-infrastructures can provide the versatile services and tools needed for both data management and access, but the development of such “transversal” infrastructures must be complemented with specific efforts on RI data policies and coordination.

To promote the re-use of research data it is now common that funding agencies are requesting a Data Management Plan (DMP) as an elementary part of the project proposal. The re-use of data implies yet more additional information on provenance, semantics and structure as the data is re-used outside of its original context. This has been approached through different sets of principles, e.g. the G8 Principles for an Open Data Infrastructure<sup>1</sup>.

Digital facilities provide their own users with data that have been already treated. The re-use of these data may require to be exhaustively informed about the preliminary treatments and, especially for analytical experiments, about the initial experimental conditions. Otherwise, to know more about the original data would require going back upstream into a complex process. The traceability of how the data has been produced and treated is therefore of crucial importance. Interoperability is not enough if it is not possible to know which context the data actually relates to. In addition, it may be of upmost importance to reconstitute the initial conditions of an experiment, in order to demonstrate the reliability of the results. To this purpose the facility must be able to keep information on these conditions, as well as on the post-experimental data treatments. More transparency in the data management and the provision of the above mentioned metadata is the only one condition for reinstalling a real “chain of fairness and confidence” in that sense.

### ***5.3. Establishing new business relationships and policies on re-use of data***

An open-innovation ecosystem should rely on a transparent open-science system. The economic crisis and the subsequent times of austerity made the national resources available for research scarce and put sometimes the RIs in difficult positions for justifying their costs. As a consequence the strengthening of the socio-economic and societal impact of RIs became more and more a major concern for RI managers. Re-use of data, away from its initial purpose, demonstrates the innovative opportunities that access to, and curation of data can achieve. Raising awareness of this opportunity with industry should be considered as a key focus that can reap rewards for all involved. In particular RIs need therefore new types of experts capable to extract and valorise research data for industrial, economical and societal needs. This implies the development of new academic curricula and of specific training for data experts and practitioners.

In this context new business relationships are being developed between the socio-economical stakeholders such as industrial companies (and also policy decision-makers and public services) and the research labs – usual users of the RIs and of the research data the RIs produce – which are acting as (data) intermediaries between RIs and society. This “intermediary role” played by the researchers (users of RIs) is not always clearly defined nor

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<sup>1</sup> <https://www.gov.uk/government/publications/open-data-charter/g8-open-data-charter-and-technical-annex>

the specific role of the RI itself as service provider. The latter is domain specific and should be explicitly acknowledged and transparently dealt with on a case by case basis in order to reinstall a real “chain of fairness and confidence” in these new and multilateral relationships.

### **How ELIXIR integrates innovation in its activities**

ELIXIR is a pan-European distributed infrastructure for life-science information. It connects national bioinformatics centres and EMBL-EBI into a single infrastructure for biological research data and underpins life science research across academia and industry.

Within ELIXIR, an *Industry Advisory Committee* (IAC) has been set up, composed of external experts from a range of commercial actors of different type and size. The IAC provides high level strategic advice to ELIXIR in order to improve added value to industrial users. Here, public bioinformatics resources already have a large user-base in industrial R&D. Challenges identified by the IAC are: the fragmentation of bioinformatics resources which is neither optimal nor sustainable; the need to ensure long term sustainability; and provision of training to industry.

The ELIXIR “quality stamp” (for reliable data) and ELIXIR Node network contacts throughout Europe (sustainable network) are deemed to be highly beneficial to industry. ELIXIR participates in joint research and development projects and in new forms of Public Private Partnerships with industrial partners. Industry is also an important supplier to the life science sector which is already a big consumer of ICT computing services and this will increase further. Public data infrastructure is obviously a foundation for innovation. The number of patents from public data archives is growing.

ELIXIR acts as a broker and awareness raiser for industry. It offers targeted support to Europe’s SMEs that build services on top of the public bioinformatics resources. ELIXIR definitely helps them to save time (e.g. in data integration) and to better understand socio-economic impact. ELIXIR’s Innovation and SME programme organises dedicated showcases and is tailored to reach the deep fabric of industry/SMEs clusters (in pharmaceutical, agro-food, biotech, marine informatics, rare diseases, etc.).

One should also stress that the value of the data generated by the RIs is often dual: a use value for science and society and an economic value for a competitive market. This involves decisions on pricing for commercial use of data, requiring the definition of a data policy for allowing commercial use and re-use of data. Promoting the free access of industry for commercial use of data is obviously a way to foster innovation. But other factors need to be taken into account in establishing the data policy: the long term sustainability of the RI through public funding; ethical and political issues (including in some cases the social responsibility and “impartiality” of the RI) and the implementation of a win-win approach to innovation between RIs and industry (co-sharing risks and benefits).

Moreover, industry (especially SMEs) is often interested in using raw data collected and disseminated by RIs (e.g. in the environmental sector, as pointed out by the *EPOS Project Development Board* in August 2015) to generate value-added data products. In some cases, RIs and SMEs might be in competition for delivering data products (for example with remote sensing data). Examples have been given of SMEs developing products for industry by using scientific data accessible through data infrastructures without any proper citation or acknowledgement of data providers (scientists). So, the free access for commercial use of data does not only raise legal (e.g. the protection of IPRs), governance and financial issues but also technical IT ones. Indeed, addressing and adopting effective IT solutions for data traceability and user accountability is mandatory in order to fully exploit open science and interact with



private stakeholders. And here we are back once again to the “chain of fairness and confidence” that must be developed in a truly transparent approach.

**Current practices in industry access to data  
[from the survey of ESFRI Landmarks (2015)] – [1]**

***Health***

**BBMRI:** *Expert Centres (public-private partnerships)* will engage academia and industry in a collaborative pre-competitive research process with the aim to generate well-standardised primary omics data from quality-defined samples provided by BBMRI. These data can be used by industry for biomarker or drug development and will contribute to establishing a quality controlled common knowledge-base (e.g. plan for a BBMRI associated Expert Centre in the area of translational research to be developed with the European Federation of Pharmaceutical Industries and Associations, EFPIA).

**EATRIS:** national nodes follow all current national and European legislation on data handling, as well as strict adherence to institutional ethical principles. In all instances, institutions keep their right to publish.

**ECRIN:** the *Scientific Board eligibility criteria* include the commitment to publish trial results, and the commitment to provide access to patient-level data upon request. No commercial use will be made of the data.

**ELIXIR:** existing databases and analysis tools are used extensively by industry. These resources range from databases on human genomic data through to value added knowledge bases. The access policy is determined at the level of that resource as it often depends on the type of data and ethical issues around it; in cases of sensitive data, access is first vetted through a *Data Access Committee*.

**INFRAFRONTIER:** all mouse mutant resources are being distributed on a cost recovery basis to support basic and applied research. Access to data held in the EMMA repository database is free to all users. Access to phenotyping data generated in projects for industry partners is private and data access covered in specific collaboration agreements.

**INSTRUCT:** after initial priority access to the data for the scientist(s) carrying out the experiment (embargo period), the data is publicly accessible and reusable. Industrial users are referred to the INSTRUCT data management policies.

***Social sciences and humanities***

**CLARIN:** generally supports and actively promotes free and open access, but commercial use of data will have to be agreed or negotiated between user and owner.

**ESS Social:** data, documentation and tools are freely available for non-commercial use. The ERIC Statutes provide that commercial use of the ESS data will be handled on a case by case basis.

**SHARE:** commercial use of the data is not permitted in order to protect the personal data provided by the respondents.

***Physical sciences and engineering, Energy, ICT***

**ESRF & ILL:** data collected under paid for service agreements are owned by the client. Free access: after initial priority access to the data for the scientist(s) carrying out the experiment (embargo period), the data is publicly accessible and reusable.

**JHR:** the experimental data will be the property of the contract owner in case of proprietary programmes or will be shared by the group of partners in case of an international joint programme.

**SPIRAL2:** the access for the industry users is provided on purely commercial (individual contracts) basis.

**PRACE:** access is free of charge and proposals from industry must compete with proposals from academia using one single criterion: scientific excellence. PRACE users do own the data produced by their simulations. But they must publish results. PRACE decided to award access only for Open R&D to avoid any legal issues with industrial access.

## **Current practices in industry access to data [from the survey of ESFRI Landmarks (2015)] – [2]**

### ***Environment***

**EMSO:** promotes free and open access to data to any person or organisation who requests them without having to state an interest according to Aarhus Convention on environmental data, the INSPIRE Directive and the Directive 2003/4/EC (on public access to environmental information). Requested data shall be made available in a timely manner, preferably online and free of charge. In accordance with the above mentioned directives, EMSO however may apply charges for cost intensive data provision services and will apply restrictions on access to a series of specific validated data.

**EURO-ARGO:** data policy guarantees a free access to data for all interested users. There is a complex added value chain going from raw observations up to ocean analysis and forecasting services. Industrial applications are not using raw data coming from the Argo network, but products provided by services like *Copernicus* that combine *in situ* and satellite observations into an oceanographic model.

**IAGOS:** airlines contributing to the operation of IAGOS are granted free access to the data base. The specific contract for data provision from IAGOS to the *Copernicus Atmosphere Monitoring Service* (CAMS) is under negotiation. ECMWF will contribute to the cost of data provision in near real time and real time as requested for operational services in the frame of CAMS. Commercial use of the data is not promoted so far.

**LIFEWATCH:** access is open to all users without discrimination.

### ***Industry as a potential data supplier***

Industry (and SMEs) can potentially be data supplier to RIs (e.g. in environmental sciences, as noted by the *EPOS Project Development Board*). Indeed, industry can be involved as “usual” supplier (see chapter 3) in developing technology for building RI elements (sensors, experimental devices, digital acquisition systems, etc.) and it can provide access to facilities hosted in private organisations. But industry can also generate data and data products that could be potentially accessible through the public RIs. However, the integration at pan-European level of public data collected by the national nodes of a distributed RI with data generated by industry is not always feasible or practical for different reasons among which the lack of shared open access policies (e.g. for most of the geophysical data collected by industry such as for geo-resources and anthropogenic hazards) and the potential conflict between the regional/national interests of industry and the pan-European dimension and perspective of the RI. Nevertheless, new industrial collaborations of this kind could occur.

### ***5.4. The current research data landscape***

The research data landscape, including data connected to RIs, is still fragmented. Some disciplines like climate research and astronomy have built well-established frameworks for global access data exchange within their communities. In other disciplines active work towards common standards and systems is on-going (e.g. the *Photon and Neutron data infrastructure initiative PANDATA* of major European analytical facilities; see text box), but substantial challenges remain to be tackled. In many cases, the massive innovation potential inherent in the data connected to RIs remains to be explored, but the field is in rapid development and significant progress can be expected in the coming years. When it comes to cross-disciplinary activities, the notions of “building blocks” of common fundamental data

infrastructures and building specific “data bridges” to facilitate cross-field access and use are becoming accepted metaphors for approaching the data complexity and to enable data sharing.

**The Photon and Neutron data infrastructure initiative PANDATA** brings together major world class European RIs (analytical facilities) to create a fully integrated, pan-European, information infrastructure supporting the scientific process. The PANDATA Europe strategic working group has developed a policy framework and laid the basic foundation for a sustainable data infrastructure. PANDATA Open Data Infrastructure, a FP7 supported project, took up these developments to create a federated open data infrastructure, seamlessly integrating the existing user and data management systems of the European photon and neutron facilities. The aims were to provide a rich eco-system of federated services useful for both the facilities as well as the scientific user communities. **PANDAAS**, Photon and Neutron Data as a Service, is a follow-up project still under preparation whose objective is to include data analysis service into the facility provision. These efforts will undoubtedly significantly stimulate the innovation potential of the participating RIs and their collaboration with industry. The initiative is also trying to align its activities with the recommendations and developments of the Research Data Alliance. The RDA could provide a perfect platform to promote collaboration across the European landscape and therefore a Photon and Neutron Science Interest group (PaNSIG) was set up, recognized and endorsed by the RDA in 2014.

### *Sharing of best practice*

Research communities are almost by default internationally organised, and they all rely on e-infrastructures often provided by national organisations and ICT service providers. The European Commission has, in particular through FP7, invested significantly to organise the national research ICT service providers into common e-Infrastructures covering the European Union. These initiatives include the GÉANT, EGI, EUDAT, OpenAIRE and PRACE, each focussing on different e-infrastructure aspects ranging from wide-spread digital connectivity to high performance computing using very powerful centralised computing resources. The e-IRG has presented recommendations aiming at building data bridges, including also other aspects of e-infrastructure for enabling data communication and analysis, in the form of the *e-Infrastructure Commons Initiative*<sup>1</sup>. Many of the European e-infrastructure projects and initiatives have also already taken significant steps towards providing common pan-European services for research communities in general, hereby implementing this Initiative. Also, a main focus of the e-Infrastructure programme within H2020 is on integration and the provisioning of a coherent catalogue of services for users. The European Commission has also recently launched the concept of the *European Open Science Cloud*, which it is hoped will have an accelerating effect on the convergence of the e-Infrastructure Commons by building trust to increasing data findability, accessibility and interoperability for true data re-use.

All these converging efforts and projects will definitely strengthen the innovation potential of the involved RIs and contribute to increase their attractiveness for industry.

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<sup>1</sup> <http://e-irg.eu/documents/10920/290578/e-Infrastructure+Commons+summary.pdf>

### ***5.5. Recommendations on data management***

ESFRI and e-IRG have jointly presented in 2013 a comprehensive list of actions that should be taken to arrive at a situation where research and society can reap the full benefits of research infrastructure data, including aspects of innovation<sup>1</sup>. These recommendations (see Annex 3) are still valid but they should be put in perspective, in particular, with the expected developments of the "European Science Open Cloud for Research" initiative of the EU.

As a basis for RIs, sustainable e-infrastructure services for enabling access to, storing, preserving and curating large amounts of data need to be in place.

To focus on strengthening and improving the relations between RIs and industry in addition to the promotion of the potential for innovation of RIs, any successful data policy should include a series of essential elements.

The roles and responsibilities of the different actors (including infrastructure and service providers, data owners, and academic and industrial RI users) need to be clearly identified and effective and cost-efficient solutions that fulfil the needs of the industrial users and data owners should be ensured (in cooperation). In particular, the costs for different services and procedures should be made transparent and different economic models for implementing them should be investigated (especially for the commercial re-use of data). The RIs should ensure research data availability across borders and disciplinary domains, the provision of metadata (enabling the traceability of how the data has been produced and treated), and data handling and portability of results (which is becoming more and more important in many industrial sectors and which needs to be considered in cooperation). Specific training for data experts and practitioners and appropriate academic curricula should be widely developed.

Specific work packages on industrial cooperation and innovation should be included in the cluster projects supported by the EC and coordinate horizontal activities on this topic between the different thematic cluster projects. And finally, RIs should ensure that opportunities are in place to encourage the sharing of best management practice across e-infrastructure and data management service providers, as a means to enable more effective and efficient operations.

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<sup>1</sup> <http://e-irg.eu/documents/10920/238805/BP-summary-policy-130227.pdf>

## **6. IMPROVING AWARENESS RAISING, MUTUAL UNDERSTANDING AND COLLABORATIVE SCHEMES TO PROMOTE A NEW INNOVATION CULTURE**

### ***6.1. Improving mutual knowledge and cooperation: the role of intermediaries***

A change of culture is needed in both RIs and industry. All stakeholders should be better informed on, and more aware of, the existing potential for cooperation. Industry should become more RI oriented and RIs more business oriented. The right balance between business-oriented activity/service provision and scientific collaboration is difficult to determine, and depends on each specific case. It is not clear if a minimum for service provision (10%, 15% or more of total revenues) should be fixed, it depends very much on the specificity of each RI.

Improving awareness is a key requirement. RIs should develop more systematically outreach activities and "industry days" with true business development managers able to help them to answer the question "How best to sell RIs?". The organisation of industrial exhibitions linked with major scientific conferences became common practice. Raising awareness on RI opportunities and their socio-economic impact is needed in all directions: towards RIs themselves, industry and a wider audience (including policy decision makers and the general public). Contacting former PhDs of the facility and maintaining their awareness for using the facility is important. There is indeed an obvious problem of fewer European PhDs with an industrial focus than e.g. in Asian countries and this reduces the absorption capacity of new scientific knowledge in European industry.

Within this context the full range of contributions of industry to RIs should be better highlighted: not only as a service provider during the construction phase and operation but also via the various access modes and the investment of industry in the neighbouring of RIs (stimulation of the creation of innovation ecosystems). Consequently, industry should be associated in the evaluation of RIs. Symmetrically, the evaluation of academic research teams who use the RIs should take into account their collaborations with industry, including the resulting socio-economic impact.

The role of professional intermediaries and of specifically dedicated cooperation mechanisms and tools is absolutely essential to strengthen the cooperation between RIs and industry, and between RIs themselves. "Intermediaries" are very diverse: industrial liaison officers, purchasing officers, knowledge and technology transfer offices, experts in industry advisory boards, etc. RTOs and academic institutions (research teams, university interfaces with industry), in particular within projects jointly supported or driven by industry, are also essential actors. Private business boosters (business angels and venture capital) specialised in high-risk investments and the creation of high-tech companies are another category of actors to be considered. They can offer an alternative to the full-in-house business plans (from IP protection to spin-off creation); all of these steps require indeed adequate entrepreneurial skills and financial capacity as well as professional industrial vision and motivation.

The activities of all these intermediaries should be better known and promoted, and closely coordinated (e.g. with specific open-days dedicated to intermediaries). Due to the huge complexity of the innovation processes and diversity of RIs (including the specificities of

distributed RIs and of the e-RIs), not one solution fits all: the wide diversity of intermediaries and schemes is justified.

## **6.2 Industrial Liaison Officers**

The establishment of responsible and proactive relationships with industry through an industrial liaison office is a key requirement. The mission of the Industrial Liaison Officer should be strictly defined and her/his position within the facility be clearly specified. He/she should be in charge of:

- raising awareness, building relationships and prospecting new business opportunities with industry as a supplier or/and as a user;
- identifying intermediaries (RTOs, contractors, etc.) and informing them regularly;
- defining flexible business models adapted to users' needs;
- increasing market understanding and assessing competitiveness.

The installation of ILOs (and whereas appropriate of TTOs, see section 4.5) should be encouraged in all RIs (including in the central hubs of distributed RIs). This is current practice in the EIROforum member organizations and should become a common requirement for all ESFRI RIs too. These ILOs should closely cooperate at EU level. ILOs (and purchasing officers) are also appointed in national RI funding agencies. Their efficiency and effectiveness in improving industrial return to member countries of pan-European RIs (including the return to their commercial firms) is well proven. Networking of these national ILOs (around each facility and/or more broadly in thematic areas) is a good practice that should be extended. It is indeed important that ILOs from all countries work together to feedback to the facilities, for example to help them improve the procurement rules. More generally all networking activities between RIs should systematically put the issue of RI-Industry relations on their agendas. See text box on the *activities of the ILO at STFC*.

## **6.3. The example of the analytical facilities**

The analytical facilities represent a largely underexploited pool for European industry. Both industrial suppliers and users, and the research facilities would benefit from standardised collaboration procedures. To enhance interactions with industry, *the FP7 Integrated Activities CALIPSO (light sources) and NMI3 (neutron and muon sources) have set up a pan-European Industrial Advisory Board in addition to organising joint networking activities with industries both as users and instrumentation suppliers* (see text box). This type of network brings together on one side representatives of the RIs (industry liaison and purchasing officers, etc.) and on the other side (carefully selected) experienced representatives from industry.

Many factors impede industrial uses of analytical facilities. It is typically recognized that industry doesn't take full advantage of what can be done by RIs and that most of engineers and (potential) industry users don't have the skills and experience, and are often not familiar with the language and scientific terms used at RIs. In particular, industrial users have poor understanding of the beamtime allocation procedure. Key issues for characterization of materials are well identified: access schedule, non-disclosure agreements, costing, accuracy of measurements and accreditation of RIs. In order to cope with these generic difficulties it would be necessary to develop and apply standards when industrial users conduct experiments



in the facilities. The need of a unique portal with links to all analytical facilities is regularly emphasized as well as the potential of a full service (including the interpretation of data). This implies additional internal resources which should be made available by the RIs.

### Industrial return - Role of ILOs (STFC)

Barriers	Role of ILOs
<ul style="list-style-type: none"> <li>- A new market to many companies: they have not heard of RIs</li> <li>- Tenders are promoted only through the ILOs or the facility directly. Not open: can be hard to find</li> </ul>	<p><i>Raising awareness and building relationships</i>  <i>Aim:</i> To have a cohort of interested, relevant companies who are aware of the tender opportunities and engaged with the facilities</p>
<ul style="list-style-type: none"> <li>- International market: companies may feel they need to be familiar with the country</li> <li>- Language barrier</li> <li>- Unfamiliar procurement rules</li> </ul>	<p><i>Increasing market understanding</i>  <i>Aim:</i> Companies understand how to work with facilities and are winning contracts which allow them to gain confidence in the sector, strengthen their links and win future work</p>
<ul style="list-style-type: none"> <li>- Competing with companies across Europe</li> </ul>	<p><i>Assessing competitiveness</i></p>

- *Raising awareness and building relationships:*
  - Maintain and grow a database of companies working with or interested in working with RIs
  - Conduct market analysis to identify suitable companies for tenders
  - Identify new companies and build relationships by visiting industry (sector events, site visits)
  - Send through relevant tenders and news
  - Host events to raise awareness or to introduce companies to specific buyers and help to build that relationship
  - It is important that companies develop a relationship with the key technical staff:
    - More likely to be put forward for tenders
    - Can access lower value tenders
    - Learn about projects in advance of the launch of the tender
- *Increasing market understanding:*
  - Ensure that companies understand the procurement rules and know that they can come to ILO for support
    - Link them with other sources of support to help them export: help them learn about the market: not all "high tech" requirements / many have English as an official working language / pricing is key
- *Other points to note:*
  - Some facilities can be quite different culturally; both to what companies are used to in their country and to each other. As well as helping companies enter the RI market, ILO also helps them move between RIs
  - The ILOs from all countries work together to feedback to the facilities and help them improve the procurement rules
- *Main key message. It is vital that companies have:*
  - Personal contacts
  - Early engagement
  - Full understanding of the requirements
- *Advantages to suppliers. A review of CERN's suppliers found that companies:*
  - Developed new products
  - Acquired new customers (other than CERN)
  - Started new R&D teams as a direct outcome of the CERN project
  - Opened a new market
  - Increased their international exposure
  - Indicated technological and market learning
  - Had improved employment growth

Moreover the academic and industrial communities have different and, sometimes, contrary needs. For instance, industry may require the analysis of a larger amount of samples and immediately exploitable results than the academic community does. One major issue identified is the different way in thinking of industry and facility research staff. Industry needs rapid access to beamtime and efficient generation of scientific results, whereas facility staff tends to be motivated by scientific questions of a more academic, less time-bound nature. Facility staff therefore needs to be rewarded appropriately and motivated to respond to industry demands which, for example, may not lead to publications. Dedicated staff and an efficient user-interface (e.g. sample environment and software for instrument control and data treatment) are the basis for attracting commercial users.

#### **FP7 Integrated Activities CALIPSO (light sources) and NMI3 (N- and $\mu$ -sources)**

Major points raised by the *Industrial Advisory Board* and to be addressed by RIs to provide a high quality access, service and collaboration for and with industry

- *Access to research infrastructures / legal issues*
  - Specific beamtime slots could be kept fixed for Industry. Such a system is already in operation in some facilities and some beamlines, but not in all. It would seem wise to share learning and experience to implement the system in those facilities willing to increase their industrial use.
- *Cost/benefit - Communication of techniques*
  - The cost of beam time is often highlighted as a hurdle for industry, but what really matters is the cost-benefit ratio. Consequently, benefits need to be clearly communicated in a form that is appealing (and comprehensible) to industry.
  - “Scientific translation” is a two-way process. It is necessary for scientific RI staff to successfully translate new scientific opportunities to a language that make the opportunities understandable and appeal to industry. However, it is also highly beneficial if industry demonstrates that many of its challenges contain a core of interesting and challenging science.
- *Service / Collaboration / Training of industry staff*
  - Whenever possible for practical reasons and necessary for scientific reasons, industry should have the option to purchase beam time along with a skilled beam line scientist.
  - The increased industrial focus on precompetitive collaboration opens new possibilities to build industrial-academic consortia around scientific areas of interest to several partners. This distributes costs to address unfavourable cost-benefit ratios.
  - Poor or non-existent harmonisation of software is a concern. Data processing software (in particular on-the-fly processing of raw data) should be user-friendly, standardised and transparent in order to benefit industrial use, whereas this aspect is far less critical for software used for further, more complex and specialised, data analysis.
- *Accurateness and timeliness vs. publishable science*
  - Validation of experimental methods and techniques is not always strictly necessary for industrial use. This is particularly true for methods designed to provide scientific understanding (rather than actual testing and analytical work). Increasing industrial focus on quality by design (rather than quality by inspection) increases interest of non-validated and more explorative methods.
- *Incentive for instrument scientists/ group – Management issues*
  - Part of the income from industrial projects should go back to the instrument or beamline for their scientific use, rather than all being put into a general overhead account. This would create additional incentives for the beamline team to spend time and effort on industrial projects.

New business models are emerging to address these barriers. One is the existence of facilitator companies that bridge the gap between large-scale research facilities and the commercial world, a new type of intermediaries or "brokers" which provide specialised expertise to industry. These small businesses know both aspects very well, as they work with industry and are familiar with facility-based experimental techniques. They provide the

service needed by the commercial user and they offer the expertise of the research facility researcher. Despite the European scope of research facilities, fostered by European funded projects, these emerging companies illustrate the regional economic impact of large scale infrastructures, geographic proximity facilitating effective interaction with industry. Another model is the support to interactions between high-tech companies and analytical facilities given through publicly funded projects and specialised technology platforms (at local/regional level or at a broader EU scale).

#### **6.4. *New collaborative frameworks for co-innovation***

As was already pointed out, improving the quality and efficiency of RI-Industry cooperation requires also the establishment of a better collaborative framework between RIs themselves and with industrial companies. New promising initiatives have been launched some of them requesting the support of EU FP. As a nice example of an open and collaborative approach ("co-innovation") see below a text box on *the new ATTRACT initiative for managing the funding of longer-term radiation detector and imaging R&D work* proposed to be co-funded by the European Union (Horizon 2020) and administered by CERN in collaboration with ESO, ESRF, ILL, EMBL and XFEL, and industrial partners. This is a first response to the need for pre-integration platforms open to industry described in section 3.4.

#### **6.5. *Could the ERIC framework be a barrier to RI-Industry cooperation?***

The question of whether the ERIC legal framework could be a barrier to collaboration with industry was raised. An ERIC is a public-public partnership for (mainly) non-economic activity (i.e. a public scientific mission). This doesn't hinder the activity of the industry as supplier of equipment and services. Moreover an ERIC consortium is entitled to establish its own procurement rules and this flexibility is a real advantage. Industry as a user can be treated as any other user; IPRs and user fees can be managed according to the specificities / needs of every user or use. Moreover an ERIC may also carry out limited economic activities closely related to its main task. The limit is not otherwise precisely defined in the regulation (or in the specific statutes of the ERICs) but it is usually estimated at 10%. This limit is not reached in the reality so far by any ERIC (e.g. proprietary research at analytical facilities amount to maximum 5%). Now if an economic activity is successful enough to be no longer considered to be secondary, the ERIC may consider creating a spin-off company for example. The benefits coming from the spin-off company can be used by the ERIC for its R&D and its development. This should be considered as the main instrument for developing more "industry-linked" commercial activities and to increase its socio-economic impact. Industry as a partner is another subject. Industry cannot become a member but well an associate or a contractor (e.g. industry could be a partner within collaborative programmes). One can conclude that the legal requirements of the ERIC regulation are not an obstacle – under current conditions – to the wish for increased industrial involvement in RIs. See *Excerpts from the Practical Guidelines on ERIC (Art. 3 of the regulation)* in Annex 4.

Nevertheless some questions remain on the actual content of the concept of "economic activities" such as additional resources coming from the sale of services and other activities that are not tax (VAT)-exempted.

## **ATTRACT R&D&I collaborative framework and programme around Detection and Imaging Technologies**

ATTRACT is a novel R&D&I collaborative framework and programme around Detection and Imaging Technologies. It engages both the research communities using European Research Infrastructures (ERIs) and Industry with special attention paid to the Small and Medium size Enterprises (SMEs). It seeks the benefit of these stakeholders and the European society at large.

ATTRACT focuses on Detection and Imaging Technologies because they are crucial enablers for industrial competitiveness. They are as well key for pushing the limits of scientific knowledge pursued by ERIs. They also constitute an essential element for future applications, products or businesses targeting upcoming Societal Challenges. In summary Detection and Imaging Technologies boost the mission of ERIs, empower industrial goals and create sustainable social wealth.

ATTRACT proposes the paradigm of co-innovation. Right from the start co-innovating partners identify common synergies and subsequently co-develop and co-implement projects leading to mutual benefit. Co-innovation steers individual goals by optimizing know-how and resources towards a win-win outcome. ATTRACT proposes co-innovation as the process capable of respecting the fundamental mission of ERIs and at the same time generate industrial and societal value. In other words it translates Open Science into Open innovation.

	<b>Main benefits</b>
<b>Industry</b>	<ul style="list-style-type: none"> <li>• Access to a unique network of know-how and talent existing in ERIs</li> <li>• Reduced costs and time to market for developing breakthrough applications</li> <li>• Development of new applications for new markets</li> </ul>
<b>Research Communities</b>	<ul style="list-style-type: none"> <li>• Access to industrial talent, know-how and industrial manufacturing capability</li> <li>• Unique opportunity to further develop and speed-up technology upgrading programmes</li> <li>• Seed long term collaborative links with industry</li> <li>• Opportunity to offer the research community industrial and entrepreneurship training</li> </ul>

ATTRACT is a programme enabling a value added chain starting at ERIs. The mission of ERIs entails the invention, development and testing of a special kind of technology called breakthrough. Breakthrough technology creates new bases of industrial performance, new competitors and new business models and markets. When it is commercialized, widely accessible and put to service it generates transformative changes anticipating future societal needs.



ATTRACT is proposed as a flexible programme that also provides active support for young researchers to benefit from industrial training within and R&D&I setting. ATTRACT’s co-innovation paradigm creates the conditions for young researchers to profit from the “hands on” contact with industrial environments. It thus increases their opportunities in the job market. In parallel, industry benefits from young talent. Also, existing ATTRACT pilot experiences with Master level students (i.e. IdeaSquare at CERN) show how a programme like ATTRACT, when deployed at full scale serves to create a future entrepreneurship culture.

[ATTRACT White Paper – January 2015]

## **7. SOCIO-ECONOMIC IMPACT OF RESEARCH INFRASTRUCTURES**

### ***7.1. The wide range of impacts***

As far as socio-economic impacts are concerned, relevant criteria for a typology of RIs are:

- scientific discipline: basic vs. applied, specialized vs. multidisciplinary;
- geographical distribution: single sited vs. distributed (local impact vs. national/European/worldwide impact - implications for funding);
- access mode: on site vs. remote / virtual (=> competitive vs. non-competitive);
- economic rationale: cost sharing among members vs. complementarity / diversity of resources;
- age and dynamics of evolution: new RI vs. upgrade / recovery of pre-existing resources.

The social and societal impact of RIs can be measured in several concentric circles:

- (i) around the RI's immediate environment: including the residence area of the staff or the site of a partner-university providing the RI with well-trained PhD students;
- (ii) at regional level: including R&D partner sites and industrial suppliers of midrange components or services;
- (iii) at national or European/international level: including similar "competing" facilities and sites where internationally known companies provide unique high-level components all over the world;
- (iv) in the whole European society whose quality of life benefits from the technological and scientific feats of the facility.

Moreover it is impossible to design a unique ideal environment (and its structure, legal or not) for innovation. Free access labs, shared platforms, living labs, projects' hotels, spin-off centres, science parks, etc., all these kinds of structures now populate the campuses where RIs are installed. A key-point is the technical capabilities present in the surrounding area which consist of state of the art enabling technologies and support services. The very composition of this ecosystem is frequently in concordance with the main business activities of the facility. For this reason it would be unrealistic to evaluate in an isolated manner the economic impact of a facility which is embedded in its own local or regional ecosystem of innovation.

The return on investment is generated primarily through knowledge production and transfer: advances in scientific knowledge and training of highly skilled people, use of the RIs as both a platform for scientific and technological collaboration, and as a service provider to industry. Measuring the effect of using a RI ("downstream innovation") on the dissemination of new technology in the mass market model is difficult. The FP7 EVARIO study showed that the degree of involvement of the RI and the nature of stakeholders deeply determine the impact of innovation achieved in RIs on the overall return into economy.

That being said, industry is in principle willing to pay full access cost for relevant industrial use ("proprietary research") but not for joint public-private investments in RIs. Mainly big companies which are typically able to conduct their own research programmes would be concerned. And in the operation of RIs, industrial participation should anyway be limited (see above) for various scientific, managerial and even legal reasons. Nevertheless it is difficult to imagine a permanent scientific interest in a particular RI for basic research that could justify

an industrial contribution to its creation or operation. Moreover industry is not able to anticipate all potential benefits of RIs beyond its specific R&D needs.

Socio-economic impact is also achieved through technology acquisition and transfer: the construction and operation of the RIs, boosted by the leverage effect of the public purchase stimulating innovation of RI components, at the limit of the current technological possibilities. These components may benefit from the development made by the selling company and open the way to further development. Such developments may also be the source of strong public-private partnership. Thus the very ambition of a basic research project involving the construction of a RI will stimulate technological innovation by companies, including high-tech SMEs, and this in a very short period of time. In this sense, researchers, helped by SMEs, have minimized the "time to market" of what may later become an innovation worthy of greater public markets. A similar mechanism happens for e-RIs where the experimental instruments and equipment are replaced by ICT hardware and software.

Except the difficulty of measuring the economic impact of the innovation contained in this component through its indirect "snowball effect" in the other side-markets of the manufacturer e.g. security, health, transport or energy, it seems feasible to trace the economic impact of a RI-originated innovation in the mass markets, at least for "upstream innovation".

## ***7.2. A broader view on impact and benefits of innovation and ways to measure them***

Being innovative is not necessarily inventing; innovation refers to renewing, changing or creating more effective processes, products or ways of doing things. It does not only refer to partnering with industry or providing industry with a service but rather providing the opportunity to change a business model and adapt to changes in the environment to deliver better products or services. Innovation is the key to competitive advantage for any business. For RIs of pan-European or global benefit, this premise could mean implementing new ideas, creating dynamic products or improving existing services. Innovation can be a catalyst for growth and sustainability in an ever-changing scientific and technological global environment and so play a key role in ensuring the long-term value of research facilities to the European academic and industrial research communities.

Collaborating in an innovative environment can instil a similar sense of creativity to all partners. A currently ailing European manufacturing sector could benefit significantly through collaboration with RIs in investigating and enabling more efficient and effective production processes and best business practices resulting in the creation of more jobs. Finding innovative ways of raising awareness of the existence of RIs and how they can help industry is crucial in developing an open creative environment to conduct R&D having societal and economic impact. Hosting an industry-focused workshop with stakeholders from industry, academia and funding bodies, for example, will generate ideas for improving processes, products and services. The purpose of such an event could be to utilise available resources, including business advisors, from the science and engineering communities to help drive innovation. This may include seeking ways to protect intellectual property for commercialisation of ideas.



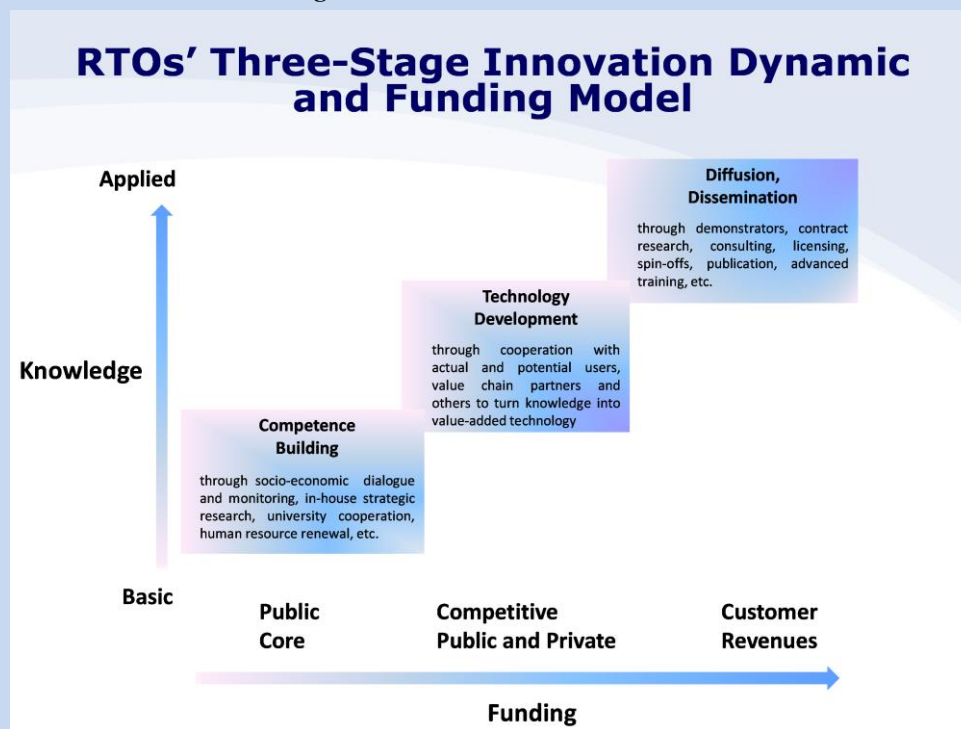
## Case Study – EARTO: Impact delivered

EARTO, the European Association of Research and Technology Organisations, has a vision to help create a European research and innovation system in which Research and Technology Organisations (RTOs) occupy nodal positions and possess the necessary resources and independence to make a major contribution to a competitive European economy and high quality of life through beneficial cooperation with all stakeholders. This vision is perhaps best represented through the Organisation's motto of *Impact Delivered*.

By way of supporting the network of RTOs and helping create a more innovative environment, EARTO has established a number of working groups (but not for RIs):

- Working with SMEs. Looking at H2020 funding instruments for potential opportunities for RTO-SME cooperation in addition to helping exchange best practices on national programmes of technology transfer between RTOs and SMEs.
- Quality Management & Excellence. Assisting Quality Managers across member organisations to exchange best practices.
- Communication. Finding ways on how to help members' communicate on the main ERA issues.
- Legal Experts. Developing an EARTO position on the revision of the state aid rules (GBER).
- Financial Experts. Exchanging best practices on financial and accounting issues related to H2020.
- Human Resources. Exchanging of best practices across member organisations.

In relation to identifying various sources of funding, the RTOs generally operate according to a three-stage "innovation dynamic", which transcends from basic through to applied research. This in turn informs a model for funding:



Synergies with RIs ("RTOs as users and suppliers") could be strengthened in stages 1 and 2.

Successful innovation should be an in-built part of an organisation's business strategy and strategic vision, where an environment is created to facilitate innovative thinking and creative problem solving. As such, facilities (whether distributed or single-sited) should consider adopting a programme of self-assessment with "evolving through innovation" being the principal motive in carrying out such a process. Programmes of self-assessment by RIs, focused on innovation and innovativeness should be developed, and based on a limited number of sufficiently ambitious Key Performance Indicators (<10). Qualitative KPIs (generic, long-term) and quantitative ones (specific to the domain, short-term) interrelated

with ambitious but realistic targets that should be achieved within a certain timeframe should be negotiated between the funders and the RI. It should also be recalled here that the major added value of TT/KT and innovation efforts are their broad impact (before money) and the creation of a new culture. RTOs have already defined KPIs, some of which could perhaps be used. See text box on *EARTO: Impact delivered and RTOs' three-stage innovation dynamic and funding model*.

## 8. CONCLUSIONS AND RECOMMENDATIONS

The recommendations made by the ESFRI Working Group on Innovation are drawn to the attention, beyond ESFRI, of a broad range of stakeholders who all have an interest in strengthening relations between RIs and industry:

- the RIs themselves, paying attention to the operational performance, the scientific excellence and the quality of the services delivered as a prerequisite for attracting users, and ultimately insuring the structural and legal sustainability of the facilities;
- the regional and national public funders, concerned by the attractiveness of their region or country;
- the European Commission and national funding agencies focused on the Grand Challenges, 2020 Horizon, the European Research Area;
- the academic users who are mainly concerned by doing the best research (in an open science spirit) and are also engaged in collaborative projects with industry;
- the business firms (SMEs, large companies, multinationals) which can be RI users or suppliers with specific R&D, innovation and/or sales objectives;
- private funders such as Charities or Foundations, whose objectives are more of a societal nature than of a strictly business one in terms of "return on investment".

Over the last years a series of recommendations regarding the RI-Industry relations and the identification of the potential for innovation in RIs have been made by the EU-funded projects ERID Watch and EIRIIS and by the Horizon 2020 Advisory Group on European RIs including e-infrastructures / Topic 1: Innovation and Cooperation. WG INNO has indeed taken these references (see Annex 5) into consideration in its work.

WG INNO has agreed on the following conclusions and recommendations for *stimulating the various facets of innovation and industrial cooperation in RIs*.

### CONCLUSIONS

**1.** A change of culture is needed in both RIs and industry. Industry should become more RI oriented and RIs more business oriented. All stakeholders should be better informed on, and more aware of, the existing potential for cooperation and of its huge socio-economic impact. Moreover, as shown in the report, innovation and industrial cooperation are obviously important factors that strengthen the RI long-term sustainability and contribute to the broadening and diversification of international cooperation links.

**2.** Raising awareness on RI opportunities and services and on RIs' socio-economic impact is needed in all directions: towards RIs themselves, industry and a wider audience (including policy decision makers and the general public). The role of professional intermediaries (e.g. Industry Liaison Office(r)s), of independent Industry Advisory Boards and of specifically dedicated cooperation mechanisms and tools is absolutely essential to strengthen and improve the cooperation between RIs and industry, and between RIs themselves. New initiatives should be taken to increase the attractiveness of RIs for industry.

Dissemination and stimulation actions should be carried out in close connection with sectorial industrial organisations and RTOs, with the support of the EU. In order to move from the paradigm of technology transfer (TT) to the paradigm of knowledge transfer (KT), training of a new generation of engineers in industry more aware of science and RIs, as well as training

of a new generation of researchers, more receptive to IPR issues and of industry needs, including mobility from academia to industry, are two essential blocks.

**3.** The concept of "industry as a full partner" (both as a supplier and as a user) should be proactively put in practice; this implies to promote more extensive partnerships on joint R&D projects and cooperative programmes, including the development of advanced technologies and innovation, training and exchange programmes, etc.

RIs can offer industrial companies to be immersed in active ecosystems of innovation based on their complementary broad range of competences and skills. They are indeed most often located in S&T areas that include state of the art enabling technologies and support services. Such an environment makes more likely to grow a unique ecosystem around RIs well suited for innovation where research teams, small high-tech enterprises, spin-off and start-up companies, detached labs of big companies, TTOs and ILOs staffs all together exploit the "business at walking distance" advantage in working together on common issues in the same place.

**4.** A favourable political, regulatory, legal and financial environment is another condition for the successful implementation of a strategy aimed to strengthen and improve the relations between RIs and industry and to promote the potential for innovation of RIs in all its aspects. A series of needs expressed by industry and the RIs should be met and this calls for action by the funding agencies and political authorities e.g. on public procurement policies, IPRs, the knowledge of RI markets, the rules regulating State aids, dedicated funding mechanisms, etc.

**5.** Innovation should be considered in all its aspects. Indeed, RIs serve science and technology but also policy-making and society. The social, societal, ecological and public sector dimensions of innovation are particularly important for the ESFRI RIs in the Environmental, Health and Food and Social Sciences and Humanities sectors (and also for Analytical facilities). Most of them were built for their mixed scientific and societal impact, providing new knowledge, data and services to increase the security, well-being and prosperity of a society faced with a series of Grand Challenges. Increasing the RI industrial cooperation is also important in this context, for both society and the economy.

**6.** Research data represents significant financial assets and business opportunities. It is also obvious that it is often still unclear how and on what conditions actors outside academia, especially commercial actors, can use such data due to IP and privacy issues. Re-use of data, away from its initial purpose, demonstrates the innovative opportunities that access to, and curation of data can achieve. Raising awareness of this opportunity with industry and developing transparent data management policies, including pricing policies if appropriate, should be considered as a key focus that can reap rewards for all involved, in a win-win approach to innovation between RIs and industry (co-sharing risks and benefits).

**7.** Finally, successful innovation should be an in-built part of an organisation's business strategy and strategic vision, where conditions are created to facilitate innovative thinking and creative problem solving. As such, RIs (whether distributed or single-sited) should consider adopting a programme of self-assessment with "evolving through innovation" being the principal motive in carrying out such a process.

## **RECOMMENDATIONS**

### ***RIs and Funding Agencies (incl. the EU) to raise awareness and improve information dissemination and mutual understanding***

- Support the installation of Industrial Liaison Officers in RIs and RI funding agencies and promote their cooperation at European level; their tasks and position in the RIs should be clearly specified
- Promote the creation of Industry Advisory Boards (as independent bodies or linked to the science advisory bodies whenever appropriate); composed of external experts from the various relevant industry and commercial sectors they should provide high level strategic advice in order to improve added value to industrial users-suppliers-partners
- Raise awareness on RI access and services for industry with a European portal where the full range of access modes and collaborative regimes for industry would be highlighted, including information on prices and IPR conditions
- Publish advanced and harmonized information on (future) Calls for Tenders, RI needs and TT opportunities, and upcoming procurements on a central European portal

### ***Improving industrial access***

- RIs to establish a Quality Chart on access which would ensure a standard of quality and meet the expectations of the users
- RIs to develop remote control access and virtual use of the facilities
- Promote programme-based access open to long-term projects funded by research agencies, regional competitiveness clusters and/or private companies as an intermediate access mode between the strict scientific merit-based access and proprietary access

### ***RIs to develop business-oriented activities and services***

- Develop more business-oriented activities, including specific support and services dedicated to industry, promote the skills of assessing, protecting and commercialization of inventions, and, where appropriate, the installation of a TTO
- Provide companies (including SMEs) with new or more extended room near RIs dedicated to pre-competitive research programmes, where the possibility to exploit the RIs technological resources is more effective and where scientists and engineers work together in the same place on common objectives (open innovation and co-creation)

### ***RIs to implement industry- and innovation-friendly data policies***

- In order to fully exploit open science and to optimise interaction with private stakeholders, develop a transparent data management policy including effective solutions for data traceability, user accountability, provision of metadata, curation, long-term preservation and, if appropriate, pricing for different services and (commercial) re-use of data
- Develop efforts to ensure research data availability across borders and disciplinary domains, and data handling and portability of results (which is becoming more and more important in many industrial sectors and needs to be considered in cooperation)

***Increasing technological cooperation with industry (especially during construction/upgrade phases)***

- European RIs to anticipate the foresight of purchase of large equipment in European RIs. Involve industry as early as possible in large construction/upgrade projects with RIs ("industry as a partner")
- RIs and the relevant Authorities to support the pre-development of highly innovative components supposed to be purchased by a large number of facilities (worldwide) and facilitate the common agreement for innovative purchase. Specific RI-Industry funding stream are needed (prototype development; "from lab to production line")
- RIs and Funding Authorities to define Roadmaps and strategic agendas for key technologies for the R&D and construction of future (global) RIs based on platforms of significant size (T-Infrastructures). A supporting infrastructure for generic assembly, integration and test facilities should be developed at European level in association with industry (public-private partnership).
- More generally, develop new collaborative frameworks for co-innovation between RIs and with industrial companies

***RIs to improve their managerial tools with the support of the relevant Authorities***

- Encourage the adoption of analytical accountability practices for the facility management in order to clarify and facilitate the elaboration of realistic and reliable operation costs. Moreover this would also participate to the identification of hidden costs supported by the researchers' hosting institutes
- RIs to consider adopting a programme of self-assessment based around innovation and ways of being innovative based on a limited number of sufficiently ambitious Key Performance Indicators, including the potential of creating a new innovation culture beyond pure technology and knowledge transfers
- RIs and the Funding Agencies to develop skills in support to the value analysis specialized in RIs (fast market studies, research of potential companies for taking over additional developments). Specialized market studies devoted to innovative components and RIs' calls for tenders should be systematically carried out in consultation between all the potentially concerned RIs

***RIs and the relevant Authorities to develop industry and innovation oriented funding streams, programmes and structures***

- Develop dedicated funding stream for KT and TT at the most appropriate level (regional, national or even European)
- Develop more specifically addressed training and mobility policies and schemes
- Promote the development of local or regional ecosystems integrating RIs, T-Infrastructures, Technology and Service Providers, Incubation Facilities and Industrial Users, namely an environment opening new opportunities for hosting projects with industry and where the added value offered by RIs and their complementarity with industry can be optimized (in scientific campuses, technology parks, etc.). Extend the



perimeter of the innovation ecosystems to new industrial partnerships, other than spin-offs and start-ups

***The relevant Authorities (at the appropriate regional, national and European level) to enhance the regulatory environment***

- Encourage public procurement leverage effect (long-term markets). Possible improvements to the schemes (PCP and PPI) aimed to better involve industry in pre-commercial research and prototype development could be thought. The procurement procedures and rules need to be simplified and their transposition should be better harmonized in all EU Members States; specific national guidance tools and training sessions should be developed
- Improve the efficiency of IPR policies (develop methodologies rather than models). For example making use on a case by case basis of confidentiality-driven tools such as Non-Disclosure Agreements (NDAs) would definitely improve the efficiency of the RI-Industry collaborations

***Specific recommendation to ESFRI***

- Continue to view systematically socio-economic impact as an integral component of all the ESFRI Roadmap assessment procedures and of the agendas of the networking activities of the ESFRI RIs. Develop the assessment methodology





## Terms of Reference of the ESFRI Working Group on Innovation (WG INNO)

### 1. Preamble

The role of the European Strategy Forum on Research Infrastructures is:

- *To support a coherent and strategy-led approach to policy making on research infrastructures in Europe and*
- *To facilitate multilateral initiatives leading to a better use and development of research infrastructures.*

To perform its tasks, the Forum may decide to set up Working Groups for assistance in specific topics which should report to the Forum. Every Working Group (WG) created by the Forum shall adhere to ESFRI's procedural guidelines and shall reflect the general ethos of the Forum aiming at the fuller development of the ESFRI action.

The Forum decides on the mandate of the WGs, including their duration and composition, their field of activity and specific terms of reference<sup>1</sup>.

### 2. Rationale, general objectives and duration

Research Infrastructures (RIs) are a key instrument in bringing together researchers, funding agencies, policy makers and industry to act together. ESFRI has devoted considerable efforts in recent years to the identification of new or upgraded pan-European RIs for the benefit of European research and innovation. In addition, ESFRI played a highly stimulating and strategic role for the different national prioritisation processes and has given assistance to the Preparatory Phase of several projects.

The ESFRI Roadmap for Research Infrastructures, published in 2006 and updated in 2008 and 2010, is a vital policy document and paves the way for the planning, implementation and upgrading of RIs for the coming decades. RIs contribute to making Europe 2020 Strategy and its Innovation Union Flagship Initiative<sup>2</sup> a reality. Moreover, RIs should help to realize the potential of the regions, to increase international cooperation and continue their opening to, and partnership with, industrial researchers and industry / services to help to address societal challenges and to support EU competitiveness.

ESFRI, at this time, has decided to concentrate on the implementation of the different ESFRI projects in order to fulfil the commitment of the Innovation Union Flagship Initiative that: *“By 2015, Member States together with the Commission should have completed or launched the construction of 60 % of the priority European Research Infrastructures currently identified by the European Strategy Forum for Research Infrastructures. The potential for innovation of these (and ICT and other) infrastructures should be increased.”*<sup>3</sup>

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<sup>1</sup> These ToRs were ratified at the 41<sup>st</sup> ESFRI meeting.

<sup>2</sup> “Europe 2020 Flagship Initiative Innovation Union”, COM (2010) 546; Council conclusions of 26 Nov. 2010 on “Innovation Union for Europe”.

<sup>3</sup> Commitment 5 of the “Europe 2020 Flagship Initiative Innovation Union”, COM (2010) 546.

In May 2011 the Council of the EU invited ESFRI to “*contribute towards supporting the implementation and monitoring of progress of the Innovation Union initiative, and provide input, as appropriate, to the development of a proposal on the ERA Framework*”<sup>1</sup>.

In this context a Working Group on Innovation (WG INNO), is set-up by ESFRI with the aim:

- To identify and promote the innovation and industrial capabilities of the RIs on the ESFRI roadmap;
- To strengthen the cooperation of pan-European RIs with industry;
- To stimulate, where appropriate, the industrial involvement in the conceptual design phase of RIs;
- To promote the access of industrial users to the RIs.

The WG INNO will contribute to the implementation of the ESFRI Strategy Report. As a result the Group will propose to the Forum the broad lines of a strategic plan for an industry-oriented cooperation.

The duration of the mandate of WG INNO is two years. Its work, rationale and composition will be subject to review by ESFRI on a regular basis.

### 3. Topics and tasks

The tasks of the new WG INNO, under ESFRI's coordination and supervision, are focused on the following **topics**:

- Identify the role of RIs in the innovation process and monitor the related scientific developments in the different research domains.
- Identify emerging research challenges and technologies and the possible role of RIs as service provider (services which are distinct from those of test facilities or demonstrators).
- Develop contacts and links with the relevant European Industrial Organisations, Joint Technology Initiatives, SET-Plan, European Technology Platforms and EIT (European Institute for Innovation and Technology).

The main **tasks** that shall be undertaken by the WG INNO are therefore the following:

- Explore the major obstacles for enterprises to use publicly owned RIs, and identify the specific requirements for hosting industry users.
- Report to ESFRI on potential improvements in the pan-European accessibility and management of existing RIs and give appropriate expert feedback on the innovation and industrial aspects.
- Propose solutions to the problems of dissatisfying RI-Industry interactions.
- Propose a pragmatic approach to handle IPR issues and publication policies for the whole chain from pre-competitive research to industrial exploitation.
- Propose training schemes for young scientists to better cope with the industrial research requirements and for industrial staff to become acquainted with the innovation potential of the use of RIs.
- Analyse possible ways of an appropriate and effective cooperation with Joint Technology Initiatives, European Technology Platforms and Joint Programming Initiatives (related to industrial applications) to be further elaborated by the Forum.
- Analyse weaknesses of the ERIC regulation with respect to industrial use and consider innovation and technology transfer aspects during the setting up of ESFRI RIs.
- Explore possible links with SMEs.

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<sup>1</sup> Council conclusions of 31 May 2011 on the “Development of the European Research Area (ERA) through ERA-related groups”.

As a result, the findings and recommendations will be summed up in a final report and contribute to the definition of the broad lines of a strategic plan for an industry and innovation oriented cooperation of the RIs.

#### **4. Composition and method of work of the WG INNO**

##### **4.1. WG INNO Chair**

In accordance with ESFRI's procedural guidelines, the WG INNO shall be chaired by an ESFRI member.

The duration of the mandate of a WG Chair is normally two years and should be adjusted to the mandate of the WG. The chairmanship may be extended for a further period (not exceeding two years) after agreement by the Forum.

The WG Chair is responsible for the timely and good organisation of WG meetings (including meeting agendas, drafting of minutes and related emails to the WG members).

##### **4.2. WG INNO Membership**

Nominations of potential candidates to the WG INNO shall come via the ESFRI delegations to the WG Chair who shall ensure that the composition of the group is sufficiently broad to cover the topics to be discussed, and shall also ensure that a good country balance is maintained<sup>1</sup>.

WG INNO Members shall have high scientific, innovation, managerial and industry-related experience and be capable of contributing strategic and independent science and innovation-policy advice in all areas of S&T. They do not need to be members of ESFRI, but at least two ESFRI members (the Chair and in addition at least one further Forum delegate) should be part of the WG.

WG INNO should include a sufficient number of representatives from funding and innovation related organizations / institutions to ensure that the strategic and innovation perspective on the implementation of RIs is properly discussed.

If the balance of the nominations is not appropriate the WG Chair should alert the ESFRI Chair, who in turn will alert the ESFRI delegations.

The Chair may invite members of other WGs to participate as observers where matters of mutual interest are being discussed, in order to ensure coordination and awareness.

All WG members shall provide a fair and impartial contribution to the group and shall sign a statement declaring "no conflict of interest" to this effect.

##### **4.3. Method of Work**

The method of work includes:

- Regular meetings (normally up to 4 per year).
- Organisation of workshops if appropriate.
- Close cooperation with the Implementation Working Group (IWG), as well as the Preparatory Phase coordinators / Facility directors.

WG INNO may seek independent scientific, innovation, industry-related, technical or socio-economic advice making use, as necessary, of existing bodies and/or specific experts. When appropriate the WG shall propose to ESFRI the organization of specific workshops, to deepen the discussion in specific fields.

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<sup>1</sup> ESFRI Delegates may decide if they wish to be represented in any (or all) SWGs. There shall be no more than one member per country in each WG (excluding the Chair).

The WG shall not become the expression of any specific lobby-group supporting or opposing a specific proposal.

The WG shall report regularly to ESFRI via the WG Chair.

Potential recommendations to the Forum should be discussed beforehand with the Executive Board.

Members shall respect the confidentiality of discussions to facilitate and nurture open discussions and the outcome of meetings should be treated in a confidential manner, unless specifically stated.

## 5. Specific deliverables

The WG shall deliver in regular interval a report about its activities. General information on WG activities and WG reports shall be circulated via the ESFRI Secretariat. Only ESFRI is responsible for the final acceptance of the WG report which will be published on the ESFRI web site.

In particular, the WG INNO will:

- propose solutions to the limited interactions between RI and industry;
- make proposals to ESFRI for strengthening the cooperation of pan-European RIs with industry or relevant European Industrial Organisations to identify common goals.

The WG shall pay particular attention to the definition of Research activities as distinct from Development activities, and assess RIs as distinct from demonstration facilities or pilot plants and research programs/projects

## 6. Resources and time scale

The WGs do not have any budget: participation of experts (travel & subsistence) must be borne by the members or their Ministry / host organization / institution. In case of meetings taking place in Brussels, the EC may offer logistic support (e.g. meeting room, sandwiches and refreshments) subject to availability and advance notice.

WG Chairs must provide their own secretarial support. They may be assisted by an EC official assigned to this WG.

The ESFRI Secretariat (with the support of the above-mentioned EC official) will provide access to a web-based facility reserved to the WG members, who can use it to share documents and information in a confidential way.

**Annex I (updated in May 2015)  
of the  
Terms of Reference for the WG on Innovation**

**Membership**

The composition of the WG INNO is outlined below.

Chair

Jean Moulin (Belgian Federal Science Policy Office, BE)

Members

Jean-Pierre Caminade (Ministère de l'Education nationale, de l'Enseignement supérieur et de la Recherche, FR)

Marius Enachescu (University Politehnica of Bucharest, RO)

Roberto Gotter (CNR, IT)

Leif Laaksonen (since 2014) (e-IRG / CSC, FI)

Raimo Pakkanen (TEKES, FI)

Agnès Robin (EC DG Research and Innovation)

Michael Ryan (SFI, IE)

David Uhlíř (South Moravian Innovation Center, CZ)

Henrik Wegener (DTU, DK)

Claire Dougan (since 2015) (STFC, UK)

Former members (2013-2014)

Bernhardt Fabianek (2013) (EC DG Research and Innovation)

Alexander Linn (2013) replaced by Hendrik Volrath (2014) (Forschungszentrum Jülich GmbH, DE)

Renate Loskill (2013) replaced by Jutta Illichmann (2014) (BMBF, DE)

Sivasegaram Mamimaaran (2013) replaced by Ione Isasa (2014) (EC DG Research and Innovation)

Ricardo Migueis (2013) (Portuguese Foundation for Science and Technology, PT)

Johan Van Helleputte (2013-2014) (IMEC, BE)

Penny Woodman (2013-2014) (STFC, UK)





## Various User Agreements at DOE Facilities

Agreement	Use	Funding	Subject Inventions	Generated Data	U.S. Competitiveness	Cost	Highlights
Cooperative Research and Development Agreement (CRADA)	Collaborative research between DOE Labs and public and/or private entities for the mutual benefit of the parties	Private and/or Federal funds	Lab and Participant may elect their own inventions and Participant has right to negotiate exclusive license to Lab inventions	Protected for up to 5 years	Products embodying IP resulting from CRADA shall be manufactured substantially in the U.S.	Lab and Participant may share costs or Participant pays 100% funds-in	<ul style="list-style-type: none"> <li>✓ Collaborative research</li> <li>✓ 5 year data protection</li> <li>✓ Designed for multi-party collaborative research</li> </ul>
Work for Others (WFO)	Work for businesses and other non-federal entities using highly specialized or unique DOE facilities, services or technical expertise	Private funds	Sponsor may elect title to Subject Inventions <sup>1</sup>	Protected as Sponsor's proprietary data w/limited exceptions <sup>1,2,3</sup>	U.S. Preference: Sponsor agrees not to grant any party exclusive right to use or sell products embodying Subject Inventions in the U.S. unless products are manufactured substantially in the U.S.	Sponsor pays full cost recovery	<ul style="list-style-type: none"> <li>✓ Sponsor typically retains right to elect title to subject inventions</li> <li>✓ Generated data treated as proprietary</li> <li>✓ Option for limited Gov. R&amp;D license<sup>3</sup></li> </ul>
		Federal funds (e.g. grantee)	Lab may elect title to Subject Inventions of the Lab	Unlimited Gov. rights	U.S. Preference (see above)	Sponsor pays full cost recovery	<ul style="list-style-type: none"> <li>✓ Access to unique facilities and expertise using federal funds</li> </ul>
Agreements for Commercializing Technology (ACT)	Work for businesses and other non-federal entities using highly specialized or unique DOE facilities, services or technical expertise	Private funds	Initial title to the designated IP Lead. (ACT Participant or Lab Contractor)	Protected as proprietary data w/limited exceptions <sup>1,2,3</sup>	U.S. Preference (see above)	Participant pays full cost recovery plus additional negotiated compensation to the Contractor	<ul style="list-style-type: none"> <li>✓ Flexible terms for IP, indemnity, adv. payment</li> <li>✓ Optional performance guarantee</li> <li>✓ Negotiable IP terms</li> <li>✓ Option for limited Gov. R&amp;D license<sup>3</sup></li> </ul>
Proprietary User Agreement	User may access designated facilities to conduct its own proprietary research	Private funds	User may elect title to its Subject Inventions	User may protect as proprietary	n/a	User pays approved user rate	<ul style="list-style-type: none"> <li>✓ Generated data treated as proprietary</li> <li>✓ Merit based access to unique facilities</li> </ul>
Non-Proprietary User Agreement	Non-proprietary research at designated facilities	n/a	Lab and User may elect their own Subject Inventions	Unlimited Gov. Rights	U.S. Preference (see above)	Each party covers own cost	<ul style="list-style-type: none"> <li>✓ Merit based access to unique facilities</li> </ul>

**Non-Federal Work for Others (WFO):** Non-Federal WFO Agreements permit DOE laboratories and facilities to conduct work for businesses and other non-federal entities on a reimbursable basis. A privately funded WFO Agreement typically allows the non-Federal Sponsor to own any inventions made by the Laboratory under the WFO Agreement (i.e. Subject Inventions) and to mark as proprietary and obtain ownership of data that is generated under the WFO Agreement, subject to certain terms and conditions. Although the Government typically will retain a royalty-free license in Subject Inventions for use by or on behalf of the Government (i.e. Government Use License), a more limited Government research license may be applied to WFO Subject Inventions with DOE Patent Counsel approval. The Government Research License permits the Government to use and enable others to use the WFO Subject Inventions for research purposes only. If a limited research license is applied, then the Government retains expanded rights in data. WFO Agreements require the non-Federal Sponsor to: (1) maintain at least sixty (60) days of advance funding for activities the Laboratory conducts under the WFO Agreement; and (2) in certain circumstances, indemnify the Government and the Laboratory for certain specified risks, intellectual property infringement, and products liability. The Laboratory recovers its costs of performing activities under a WFO Agreement from a non-Federal Sponsor and is prohibited from charging any fee in excess of the Laboratory's costs. WFO Agreements are "best efforts" contracts and the Sponsor receives no warranties for work performed under a WFO Agreement.

**Agreements for Commercializing Technology (ACT):** ACT is a pilot program under which DOE laboratories may conduct research and development for businesses and other non-federal entities. ACT agreements have terms and conditions that are negotiated between the Participant and the Contractor operating the Laboratory. In contrast to WFO and CRADAs, the Contractor negotiates the ACT agreement acting in a non-M&O capacity, and thus may share in certain risks (e.g. indemnity) that a Federal Laboratory cannot. Unlike WFO and CRADAs, the parties to an ACT agreement may choose an IP Lead (which may or may not be the Participant), and ownership of inventions made under an ACT transaction (i.e. Subject Inventions) is waived to the IP Lead. Like WFO Agreements, although the full Government use license will apply to most ACT Subject Inventions, a limited Government research license may be applied to an ACT inventions with the approval of DOE Patent Counsel. The Government Research License permits the Government to use and enable others to use the ACT inventions for Government research purposes only. ACT agreements allow the Participants to mark generated data as proprietary and obtain ownership of the data, subject to certain terms and conditions. If a limited research license is applied, the Government retains expanded rights in data. Terms requiring advance funding and indemnification are negotiable. Work may begin after the DOE reviews and approves an ACT proposal package. Unlike WFO or CRADAs, the Contractor may charge the Participant compensation in excess of its actual costs for ACT activities, and indemnity provisions are negotiable between the parties. Other terms and conditions also apply to ACT agreements depending on the business circumstances of a given transaction including the availability of performance measures or guarantees when appropriate and as mutually agreed.

**Cooperative Research and Development Agreement (CRADA):** A CRADA is a legal agreement between government laboratories and non-federal parties in which both participants agree to collaborate, by providing personnel, services, facilities, or equipment and pool the results from a particular research and development program. The non-federal parties must provide funds or in-kind contributions (no direct funding is provided by the laboratory). A CRADA allows the Participant to own the Subject Inventions it conceives or first reduces to practice under the CRADA. Data produced under the CRADA may also be protected from public disclosure for up to five (5) years. The Participant also receives an option for a limited period of time to negotiate a field of use limited exclusive license agreement to the Subject Inventions that the Laboratory conceives or first reduces to practice under the CRADA. As with WFO Agreements, certain terms and conditions such as the Government license apply to all CRADA Subject Inventions and data generated under the CRADA. Unless the CRADA is a "100% funds-in" CRADA, the Participant provides actual or in-kind funding for its contributions to the CRADA activities and the Laboratory obtains funding from a DOE programmatic source. The Laboratory does not charge a fee to the Participant for the Laboratory's CRADA activities. CRADA work begins after the Laboratory receives its funding, the CRADA is executed by the Laboratory and the Participant, and the DOE Contracting Officer approves the CRADA. The CRADA Participant indemnifies the Government and the Laboratory for product liability and the Government and the Laboratory disclaim all warranties to work performed under a CRADA.

**User Facility Agreements (UFAs):** UFAs allow access to unique facilities and equipment so that users may conduct their own proprietary or non-proprietary research. Proprietary users pay full cost recovery, own their generated data and inventions, subject to no reserved Government rights. Non-Proprietary users engage in pre-competitive research, share the costs of their research with the Government, own their inventions (subject to certain reserved Government rights), and are expected to publish data generated from the research.

## Summary of the IPR-related provisions of US-DOE Non-Proprietary User Agreement (Berkeley National Laboratory)

**1. Facilities and scope of work.** *Contractor will make available to employees, consultants and representatives of User certain Laboratory Non-Proprietary User Facilities, which may include equipment, services, information and other material, with or without Laboratory scientist collaboration.*

**2. Duration:** 5 years automatically renewable.

**3. Cost.** *Each Party will bear its own costs and expenses associated with this Agreement. No transfer of money.*

**4. Property and material.** *User may be permitted by the Contractor to furnish equipment, tooling, test apparatus, or materials necessary to assist in the performance of the Work at the User Facility. Such items shall remain the property of User.*

**5. Indemnity and liability:** *the user bears all risks for failure and agrees to indemnify if necessary. If User utilizes the Work derived from this Agreement in the making, using, or selling of a product, process or service, then User hereby agrees to hold harmless and indemnify Contractor from any and all liability, claims, damages, costs and expenses...*

**6. Patents rights** (*"Subject Invention" means any invention or discovery conceived or first actually reduced to practice in the course of or under this Agreement*).

6.1. *The user and the contractor must guarantee a full and open knowledge of the user's joint inventions. The contractor and the user agree to disclose their Subject Inventions, which includes any inventions of their Participants.*

6.2. *The users must be responsive to their patent applications and submit to the US regulations. Contractor Inventions will be governed by the provisions of contractor's Prime Contract for operation of the User Facility. User may elect title to any User Invention and in any resulting patent secured by User within one year of reporting the subject invention to DOE. User shall file a US patent application within a reasonable period of time.*

6.3. *For joint inventions, each Party can keep these rights to individual rights. Each Party shall have the option to elect and retain title to its undivided rights in such joint Subject Inventions.*

6.4. *Rights of Government. The US Government grants broad rights to inventions of the user if the latter does not provide a response or if he decides not to protect his rights. User agrees to timely assign to the Government, if requested, the entire right, title, and interest in any country to each user Invention.*

6.5. *The user has obligations to US Government. The user inventions are granted to the US Government.*

- *User shall provide the Government a copy of any application filed by User promptly after such application is filed, including its serial number and filing date.*
- *User agrees that the DOE has certain March-in Rights to any User Inventions elected by the User in accordance with 48 C.F.R. 27.304-1(g) and that User is subject to the requirements with respect to preference for U.S. industry pursuant to 35 U.S.C. § 204 to any User Inventions elected by User.*
- *User agrees to include, within the specification of any U.S. patent applications and any patent issuing thereon covering a User Invention, the following statement: "The Government has rights in this invention pursuant to a User Agreement (specify number) between (User name) and The Regents of the University of California, which manages and operates Ernest Orlando Lawrence Berkeley National Laboratory for the US Department of Energy."*

- *User agrees to submit periodic reports to DOE. He does hereby grant to the Government a nonexclusive, nontransferable, irrevocable, paid-up license in and to any inventions or discoveries.*
- *User hereby grants to the Government a nonexclusive, nontransferable, irrevocable, paid-up licence to practice or have practiced for or on behalf of the United States the user Invention made under said project throughout the world.*

**7. Rights in Technical Data** (*"Technical Data" means recorded information regardless of form or characteristic, of a scientific or technical nature*).

- *The Government shall have Unlimited Rights in Technical Data first produced or specifically used in the performance of this Agreement except as otherwise provided in this Agreement.*
- *User agrees to furnish to DOE or to the contractor data... Any data furnished to DOE or to the contractor shall be deemed to have been delivered with Unlimited Rights unless marked as "Proprietary Data" of the user.*
- *Upon completion or termination of the project, the user agrees to deliver to the DOE and to the contractor a nonproprietary report describing the Work performed under this Agreement.*

Reference:

[http://www-als.lbl.gov/images/stories/User\\_Information/nonpropuseragreement\\_sample-2011.pdf](http://www-als.lbl.gov/images/stories/User_Information/nonpropuseragreement_sample-2011.pdf)



## **Policy Recommendations drawn from the e-IRG Blue Paper on Data Management (2013)**

Policy makers are recommended to take action to ensure that:

- Roles (e.g. end users, data owners, infrastructure providers, service providers, and researchers on data management) are identified and, when appropriate, partitioned between different actors to ensure effective and cost-efficient solutions, fulfilling the needs of the end users and data owners.
- Governance and mandates for different actors are clarified and their way of interacting is sufficiently formalised. Actors specializing on different tasks ensures that synergies can be exploited, leading to cost-efficient implementation of services. Clear responsibilities and formalised relations ensure that the relevant quality of services can be maintained. Funding paths are defined and sustainability for all parts of the e-Infrastructure is secured.
- Costs for different services and procedures are made transparent and that different options for implementing them are investigated.

Also, to ensure that data will be available across borders and disciplinary domains, RIs and e-infrastructure providers are recommended to take appropriate steps to:

- Ensure that data formats are standardised and contain sufficient information on the data (metadata) to enable global usage within the discipline, across disciplines, and in new research settings that could possibly not be envisaged at the time of creation of the data.
- Build e-infrastructure solutions consisting of multiple layers, successively adding more specialised higher-level services using standardised interfaces. Here, different layers can be provided by different actors.
- Adopt a global, standardised lowest-level data infrastructure layer, including e.g. authorisation and authentication and persistent data identifiers. Here, federative approaches could be used to include existing solutions.
- Define and successively move towards a common second-level data storage layer where cross-related requirements between different RIs are identified and utilised to enhance cost-efficiency and quality. Also here, standardised interfaces and federative approaches should be used to include existing solutions.
- Ensure that quality of the e-infrastructure services and the data security is delivered at a level which is relevant for the data at hand.

Cluster projects funded by the European Commission can be seen as a first step towards more coordinated European data infrastructures for some pan-European research infrastructures. There is a need, however, also to secure synergies between the different scientific areas covered by each cluster project. Only by coordinating the e-infrastructure activities and building a multi-layer data structure can we succeed in establishing a RI system in Europe which will avoid separated isles of infrastructures for a specific scientific domain.

The RIs are recommended to:

- Continue the work in the cluster projects and to include new incoming initiatives under one of the umbrella of one of them.
- Coordinate horizontal activities between cluster projects.





## **Legal framework for a European Research Infrastructure Consortium**

### **Article 3 - Task and other activities**

#### **[Excerpts from the ERIC Practical Guidelines]**

**Art. 3.1.** *The principal task of an ERIC shall be to establish and operate a research infrastructure. (...)*

**Art. 3.2.** *An ERIC shall pursue its principal tasks on a non-economic basis. However, it may carry out limited economic activities closely related to its task, provided that they are closely related to its principal task and that they do not jeopardise the achievement thereof.*

An ERIC set up under the ERIC Regulation should have as its principal task the establishment and operation of a research infrastructure on a non-economic basis and should devote most of its resources to this principal task. In order to further promote innovation as well as transfer of knowledge and technology, the ERIC is allowed to carry out limited economic activities.

#### **What is "non-economic"?**

An economic activity consists of offering goods and/or services on a given market. Consequently, "in principle no economic activity is involved where the State carries out activities that the market could not provide". It should therefore be noted that the mere fact that a fee might be charged does not on its own make this an economic activity under the condition that the access and related research support do not correspond to what the market could provide.

According to the Community Framework for state aid for research and development and innovation, collaborative R&D is normally not considered to be an economic activity. The access of universities or research organisations to a research infrastructure in a collaborative R&D manner may therefore be seen as "non-economic". Collaborative R&D can be assumed if there is an integrated approach, characterised for example by joint definition of the project and joint ownership of results.

#### **What is "limited"?**

To the extent this is needed to allow an ERIC to engage in cooperation with industry, carry out technology transfer and contribute to innovation, it may carry out economic activities under the conditions stipulated in Article 3.3. The limited character of these activities means that they must remain secondary and must not prevail over the execution of the main task of the ERIC, as defined in Art. 3. Quantifiable elements may be used to analyse the relationship between the non-economic operation of the ERIC and the limited economic activities, such as the respective costs and incomes, use of human resources or the share of access to the facility for economic and non-economic purposes. If an economic activity is successful enough to be no longer considered to be secondary, the ERIC may consider creating a spin-off company for example.

**Art. 3.3.** *An ERIC shall record the costs and revenues of its economic activities separately and shall charge market prices for them, or, if these cannot be ascertained, full costs plus a reasonable margin.*

This provision establishes standard protection against distortions of competition based on principles developed in State aid law for preventing so-called cross-subsidisation (flow of public funds earmarked for non-economic activities of a legal entity into the economic operations of that entity).



**IDENTIFICATION AND PROMOTION OF THE POTENTIAL FOR INNOVATION IN RIs  
THE RECOMMENDATIONS OF THE ERIDWATCH AND EIRISS PROJECTS  
AND OF THE HORIZON 2020 ADVISORY GROUP**

**ERIDWATCH (2009)**

Research infrastructures, being key resources for supporting and funding research activities, enable scientists to remain at the forefront of science and technology. RIs also stimulate knowledge exchange and technology transfer, which in turn boosts European competitiveness through the development of new products and new markets. Understanding how these elements affect the economic impact on European industry is important in justifying public investment in European infrastructures in addition to developing Public-Private Partnerships (PPP). The ERIDWatch project (*European Research Infrastructure Development Watch*) was set up to evaluate the scale of the RI market and the potential for further industrial engagement. To this end, a list of key recommendations should be considered in relation to the European RI landscape.

RIs are highly important entities for industry - with the total annual procurement for instrumentation & services at all European RIs at approximately €4.0bn. As such, ESFRI roadmap projects and major planned facilities, should prepare statements on the future supply, potential usage and collaborative R&D opportunities. Centralising such information onto a web portal could prove very useful to industry (albeit preserving intellectual property or sensitive information).

Regarding the preparation and implementation of larger RI projects, coordinators should consider industry involvement as early as possible in the planning phase of RIs. Such a process of engagement can be well managed through the creation of innovation teams or dedicated professional KTT teams who will act as communication relays to industry.

Regarding procurement, the ERIDWatch project concluded that the processes currently in place were too complex and diverse across the range of RIs surveyed. As a means to address this, it was recommended that funders should take opportunities to enable greater commonality and transparency in procurement processes such as developing a unique European procurement portal.

***Summary of the main recommendations***

The ERIDWatch consortium partners recommended the creation of a European Information Forum for RIs. Basically, the Forum would be built on a web portal, a repository of key data concerning RIs, and possibly also be updated by professionals at the facilities. The Information Forum could then act as a "market place" between RIs and companies.

Regarding the *human resources* the project recommended to:

- develop exchange programmes industry/public for operating and technological staff members;
- modify existing payment systems towards performance oriented salaries, e.g. by offering incentives for scientists to counterbalance low salaries and fixed-term contracts;
- create a modular and standardized social security system at national and European level to ease mobility between RIs throughout Europe.

The recommendations to the *funders* were to:

- consider a common financial reporting format for RIs;
- contribute, where possible, to less complex and diverse procurement processes, thus adding to the transparency of the market;
- explore new approaches for creating effective long-term technology developments and long-term supply to meet future European RI needs (T-Infrastructures?);
- consider the feasibility of a European Observatory of the RIs:
  - o tackling the risk of technology showstoppers late discovery;

- ensuring an in-line supervision of the level of recurrent budgets for national RIs (in order to detect asap potential reduction of national investments in RIs);
- acting as an employment agency between RIs and companies;
- producing generic market studies on RI markets (optics, vacuum, magnets, etc.).

The recommendations to *industrial companies* were to:

- consider the business opportunities in large-scale facilities as a whole rather than as individual prospects; the procurement opportunities offered by the existing RIs and the ESFRI projects are outstanding, especially in technology-rich instrumentation areas;
- collaborate with RIs for stimulating innovation, and have a significant impact on sales into other market segments;
- base their long term business strategy on long-term relationships with RIs established from the early planning stages of the ESFRI projects.

## **EIRIIS FINDINGS AND RECOMMENDATIONS (2012)**

The *European Industry and RI Interaction and Support Study* project was set up to study the feasibility and maturity of a possible EU action to strengthen the European industrial capacity in developing and exploiting the potential of scientific instrumentation used in RIs. The objectives of this action would be (i) to maximise the EU/RIs technological innovation potential including KTT to industry and to strengthen synergies/links between RIs and their industrial suppliers and users. EIRIIS reviewed the ERID Watch survey. The project made an in-depth analysis of the RI instrumentation development, industrial engagement and financial mechanisms and produced a series of findings and recommendations.

### ***Pan-European industry survey***

The visibility of business opportunities could be improved. Upcoming tenders are often discovered too late through networking and the Official Journal of the EU is not fully exploited, hampering the development of technology roadmapping that would enable industry to plan ahead. The simplification of the tendering could enable industry to make new links to RIs, through the organization of tendering best practice forum for RIs and Industry (showcase event?). New procurement practices should ensure to industry an early engagement in the specification, especially for developing potential collaborative R&D programmes when needed.

### ***Funding mechanisms***

Funds must be made available at an EU level for RI collaborative R&D with industry (pre-procurement phase) particularly with SMEs despite the fact that no one mechanism will suit all industries (mainly because the majority of industries are SMEs).

The R&D tax credits are not useful if firm is not in positive profit (typical for high tech small firms). The soft loans can be very useful, but many high technology firms have already much in debt. The collaborative R&D grants are potentially useful if the grants are available in the technology area but SMEs may have concerns about collaboration with larger firms (IPR leakage).

### ***Set-up an "Opportunities Portal" for calls, tenders, TT opportunities and future needs***

This portal could also be the site to promote RI services. The portal should post information about relevant procurement procedures and legal issues including European, national and regional funding opportunities.

The use of roadmapping practices should be encouraged for specific technologies in line with medium to long term needs as well as related market studies. Some EU funds should be devoted to RI collaborative R&D with industry for state of the art prototypes, boosting the path to the production and set-up short-term calls.

The harmonisation of RIs public procurement methods or an information portal concerning the best practices in procurement involving a high degree of innovation are recommended.

*Set-up a best practice forum in procurement opportunities* should encourage the simplification and harmonisation of RIs public procurement methods. It is proposed to set-up a specialized KTT support through an EU helpdesk or KTT advice; and to devote KTT funding as a part of any Integrating Activities network or instrumentation development project.

All these actions could be done by a centrally available TT Office funded by the EC to provide concrete support for the commercialization of RI instrumentation at an EU level. This central TTO could fund feasibility studies jointly undertaken by industry and RIs.

## **RECOMMENDATIONS OF THE HORIZON 2020 ADVISORY GROUP ON EUROPEAN RIs INCLUDING E-INFRASTRUCTURES / TOPIC 1: INNOVATION AND COOPERATION (2014)**

1. Carry out an analysis of potential technical areas of interest for industrial research at RIs
2. Promote existing mechanisms for industrial cooperation in the design and construction of RIs, such as the precompetitive procurement
3. Increase usage of e-infrastructures to facilitate the access of industrial researchers to RIs (harmonization in terms of quality, standards, data protection needed)
4. Enhance clustering actions of RIs to promote cross-disciplinary effects on innovation and private sector collaboration
5. Establishing strong links between RIs and technology platforms and encouraging industrial participation in RIs.
6. Facilitate and enhance further the use of structural funds
7. Develop cross-disciplinary cooperation (e.g. involvement of digital humanities in other scientific areas)
8. Enhance synergies with training and educational programs for engineers, young scientists and technicians to work in RIs.
9. Promote the awareness of socio-economic aspects of RIs