



# HORIZON EUROPE

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## THE EU RESEARCH & INNOVATION PROGRAMME

2021 – 2027

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HORIZON EUROPE CLUSTER 6 COORDINATORS DAY



# IPR Management Best practices



# Management of intellectual property



## ➤ As a Horizon Europe beneficiary you shall:

- Use your best efforts to **exploit the results you own**. This allows you to know more about the results they intend to exploit and how they want to do it.
- **Protect your results adequately** – if possible and justified – taking account of possible prospects for commercial exploitation and any other legitimate interest.
- If results not exploited, **have them exploited by another legal entity**, e.g. transfer and **licensing of results**, through **Horizon Results Platform** (to be used mandatorily one year after the end of the project if no exploitation took place).



- The provision of a **results ownership list (ROL)** is **mandatory** at the end of the project.
  - Fill in the **dedicated form in the reporting template**
  - Describe a snapshot in time

☞ Failure to fill it in can result in blocking of the final periodic report: *“The beneficiaries must indicate the owner(s) of the results (results ownership list) in the final periodic report” (MGA Annex 5 Article 16)*

# Public emergency provision



## ➤ WHAT?

Right to request the beneficiary to **grant non-exclusive license** under fair and reasonable conditions.

## ➤ WHEN?

An emergency characterised by a **genuine and sufficiently serious threat** undermining the EU security, public order or public health.

## ➤ TO WHOM?

To legal **entities needing the results to address the public emergency** and committing to rapidly and broadly exploit the resulting products and services at fair and reasonable conditions.

## ➤ FOR HOW LONG?

Minimum = duration decided by the granting authority

**Maximum = up to four years after the end of the action**

## ➤ FOR ALL PROJECTS?

If the **work programme** (general annexes) foresees additional exploitation obligations in case of a public emergency.

☞ *MGA Annex 5 Article 17*

# Right to object to exclusive licence and transfer of ownership of results



## ➤ FOR ALL PROJECTS?

Where the call conditions in Horizon Europe actions provide for the right to object to transfers or licensing, **the granting authority may** — up to four years after the end of the action — **object to a transfer of ownership or the exclusive licensing of results.**

## ➤ HOW?

➤ Beneficiaries will have to **notify to the granting authority the intention to transfer results.** A procedure will be put in place to determine the validity of the transfer.

- ☞ “...the granting authority may object to a transfer of ownership or the exclusive licensing of results, if:
- the beneficiaries which generated the results have received funding under the grant
  - it is to a legal entity established in a non-EU country not associated with Horizon Europe, and
  - the granting authority considers that the transfer or licence is not in line with EU interests”. (MGA Annex 5 Article 16)

# Additional exploitation obligations



- Article 34 of Horizon Europe **legislation** gives the possibility to add exploitation obligations.
  - The additional exploitation obligations are useful to tailor some additional obligations to specific needs in a given work programme.
  - The additional obligations may include obligations linked to the restriction of participation or control due to strategic assets, interests, autonomy or security reasons.

# Guidance on intellectual assets management

## ➤ **Practical recommendations** on IP management during **project implementation** e.g.

- Monitor newly issued patents and patent applications through a patent watch to protect your invention.
- Consider different IP legislation in different countries – and how to align legal requirements with the expectations of the parties.
- Consider involving the necessary skills and profiles (e.g. legal IP experts for support with patent applications)
- Disputes amongst the partners is subject to the consortium agreement and national law may apply. The EC has limited competence to intervene.

## ➤ **Further recommendations in the upcoming Code of practice for the smart use of IP (ERA Policy Action 7)**

- Co-created with R&I stakeholders
- Publication by end of 2022



# Advice and best practices



- **Follow a strategy** for IP management throughout project implementation. Ensure that this strategy is a core element of your exploitation plan.
- If not already in the consortium, consider collaboration **opportunities with partners in industry and society** including transfer of ownership.
- **IPR are not only patents**: consider the whole range of available instruments (more info can be found through EPO and EUIPO).
- **Remember** IP protection can be used to ensure **broad access to knowledge and innovation** (e.g. via open licensing).

👉 Find best practices on intellectual assets management on the **EU Knowledge Valorisation Platform**

👉 Watch the **video on intellectual assets management** for expert evaluators





# Thank you!

**#HorizonEU @EUgreenresearch @REA\_research**

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