THE EU RESEARCH & INNOVATION PROGRAMME
2021 – 2027

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Cluster 6 Coordinators Day- 22/09/2022
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!

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http://ec.europa.eu/horizon-europe