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IP Helpdesk



## **VERWERTUNGSSTRATEGIEN IN HORIZON 2020 ANTRÄGEN**

10. Juli 2019

## IHR HOST

- Die Österreichische Forschungsförderungsgesellschaft (FFG) ist die zentrale Förderstelle des Bundes für anwendungsorientierte Forschung und Entwicklung.
- Die FFG beheimatet auch alle Nationalen Kontaktstellen/“NCPs” zu HORIZON 2020.
- Astrid Hoebertz ist langjährige Trainerin in der FFG Akademie, sie leitet die Antragstellertrainings für kooperative Projekte. NCP für Gesundheit/Life Sciences in den EU-Programmen.



## JÖRG SCHERER/ EUROPEAN IP HELPDESK

- Das European IP Helpdesk ist ein Service der Europäischen Kommission, der im Kontext von HORIZON 2020 rund um das Thema „Geistiges Eigentum“ informiert, berät und unterstützt.
- U.a. hat das European IP Helpdesk mit der Europäischen Kommission den Leitfaden „**Making the Most of Your Horizon 2020 Project**“ erarbeitet und bietet diesbezüglich Training für Project Officer, Gutachter, Antragsteller und Projektteilnehmer.
- Jörg Scherer ist seit 2005 als Experte – und seit Januar als Koordinator - im European IP Helpdesk tätig. Er leitet auch das Projekt-und Innovationsmanagementbüro EURICE mit Erfahrung in über 30 HORIZON 2020 Projekten.



## FFG SERVICES FOR HORIZON 2020

Information	Consulting
<ul style="list-style-type: none"><li>• Events</li><li>• Webinars</li><li>• Newsletter</li><li>• Homepage</li><li>• .....</li></ul> <p><b>....plus other services!</b></p>	<ul style="list-style-type: none"><li>• Check of your project idea („One page proposal“)</li><li>• Phone calls, emails, personal meetings...</li><li>• „Proposalcheck“ - detailed feedback</li><li>• FFG Academy: Trainings and Webinars<ul style="list-style-type: none"><li>✓ Next one: 2 day training on proposal writing for cooperative projects, 18./19. November</li><li>✓ All our webinars are recorded! you can listen any time...</li></ul></li></ul>

### Anleitung zur Ausarbeitung des Impact-Kapitels in Horizon 2020-Projektanträgen

- [https://www.ffg.at/sites/default/files/downloads/service/impact\\_beratungsunterlage\\_0.pdf](https://www.ffg.at/sites/default/files/downloads/service/impact_beratungsunterlage_0.pdf)

## AGENDA

- Einleitung
- Was wird im Antrag verlangt?
- Was heißt „Verwertung“, wie grenzt es sich von „Verbreitung“ ab?
- Wer im Konsortium kann „verwerten“?
- Wem gehören die Projektergebnisse? Wie wird „joint ownership“ behandelt?
- Wie kann man Projektergebnisse schützen?
- Welche Verwertungsmöglichkeiten bietet HORIZON 2020? Was ist die richtige Strategie?
- Übersicht Services European IP Helpdesk
- Passt die Management-Struktur des Projektes zu den Plänen hinsichtlich Verwertung und Schutz der Ergebnisse?
- Fragerunde

# HORIZON 2020 – DIE STRUKTUR

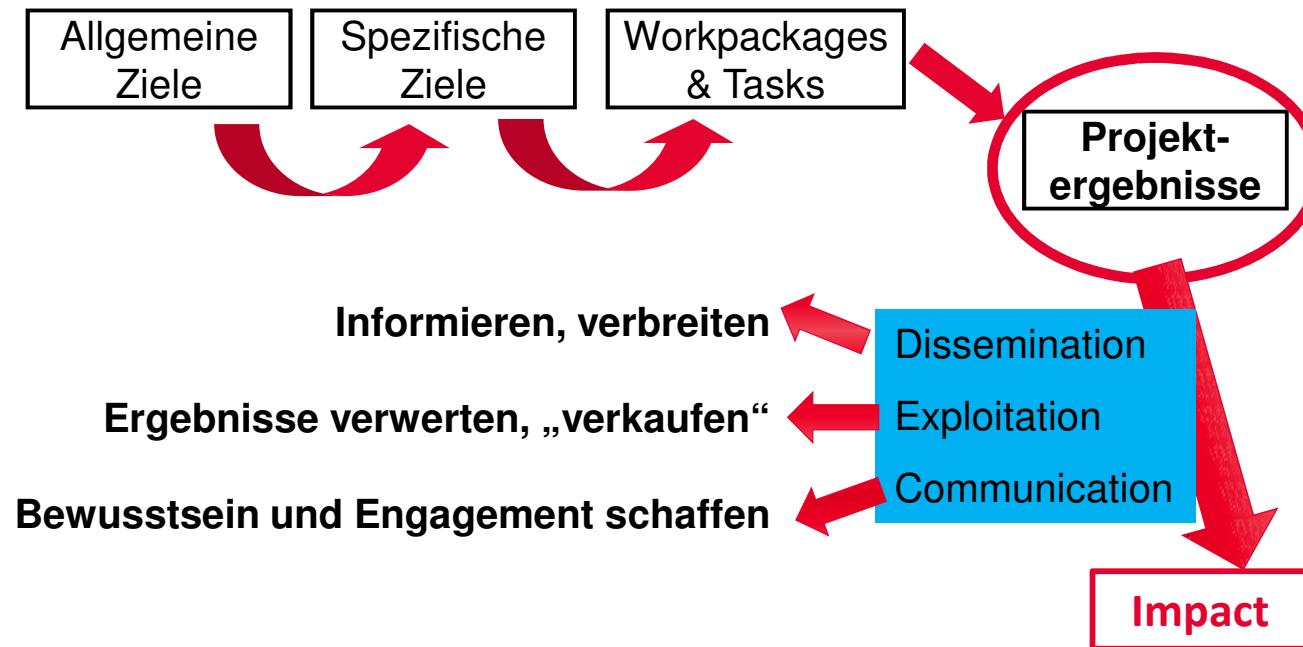


- Widening Participation
  - Science with and for Society
    - Europäisches Innovations- und Technologieinstitut (EIT)
    - Gemeinsame Forschungsstelle (JRC)



## WAS WIRD IM ANTRAG VERLANGT?

# PROJEKTERGEBNISSE SIND ZENTRAL



## HINTERGRUND - WARUM WICHTIG?



### HORIZON 2020 – SICHT DER EC

- Forschungs und Innovationsprogramm aus öffentlichen Geldern => neues Wissen, neue Produkte, neue Services
- Europäische Projekte ermöglichen Nutzen für die Gesellschaft und für Europa
- auch Grundlage für zukünftige Programmentscheidungen
- **Kommunikation, Verbreitung und Verwertung der Projekte und der Ergebnisse essentiell und verpflichtend!**



# HINTERGRUND - WARUM WICHTIG?



## SICHT DES KONSORTIUMS

- relevante Stakeholder sollen Interesse zeigen und sich engagieren
- Sichtbarkeit für Ihr Projekt und für Ihr Konsortium auf nationalen und internationalem Level
- Investition in die Zukunft => neue Projekte, neue Kollaborationen, neue Geschäftspartner, Investoren
- Nachfrage/Markt nach Ihren Ergebnissen herstellen



# STRUKTUR DES ANTRAGS - PROPOSALTEMPLATE



1. Excellence
  - 1.1 Objectives
  - 1.2 Relation to the work programme
  - 1.3 Concept and methodology
  - 1.4 Ambition
2. Impact
  - 2.1 Expected impacts
  - 2.2 Measures to maximise impact
    - a)Dissemination and exploitation of results
    - b)Communication activities
3. Implementation
  - 3.1 Work plan - Work packages, deliverables
  - 3.2 Management structure, milestones and procedures
  - 3.3 Consortium as a whole
  - 3.4 Resources to be committed
4. Members of the consortium
  - 4.1. Participants (applicants)
  - 4.2. Third parties involved in the project (including use of third party resources)
5. Ethics and Security
  - 5.1 Ethics
  - 5.2 Security



# STRUKTUR DES ANTRAGS – WO SPIELT VERBREITUNG UND VERWERTUNG EINE ROLLE?



1. Excellence
2. Impact
  - 2.1 Expected impacts
  - 2.2 Measures to maximise impact
    - Dissemination and exploitation of results
    - Communication activities
3. Implementation
  - 3.1 Workplan and Workpackages
    - => eigenes WP zu Dissemination & Exploitation & Communication
  - 3.2 Management structure and procedures
    - => Managementtätigkeiten einplanen
  - 3.4 Ressources to be committed
    - => Kosten für diese Aktivitäten nicht vergessen!
4. Konsortium
5. Ethics

## EVALUIERUNGSKRITERIEN

### Excellence (5)

clarity and pertinence of objectives

soundness of the concept and credibility

progress beyond the state of the art, innovation potential

consideration of interdisciplinary approaches....

### Impact (5)

impact listed in the work programme

enhancing innovation capacity, new market opportunities, other impacts....

dissemination & exploitation & communication & data management

### Implementation (5)

Quality of work plan and ressources

appropriateness of the management structures and risk and innovation management

complementarity of participants, all necessary expertise



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# European IP Helpdesk

Stay ahead of the innovation game.

Verwertungsstrategien für  
Projektergebnisse

Jörg Scherer

10 July 2019





# Contractual Obligation

There are three separate articles in the Horizon 2020 Model Grant Agreement that stipulate the obligations related to communication, dissemination and exploitation

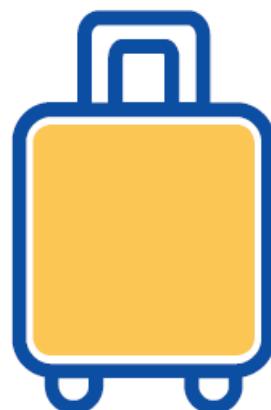
- Article 38: **Promote the action and its results**, by providing targeted information to multiple audiences
- Article 29: **Disseminate results** — as soon as possible — through appropriate means, including in scientific publications and ensure open access
- Article 28: Take measures aiming to **ensure ‘exploitation’** of the results — up to four years after the end of the project – by using them in further research activities; developing, creating or marketing a product or process; creating and providing a service, or using them in standardisation activities



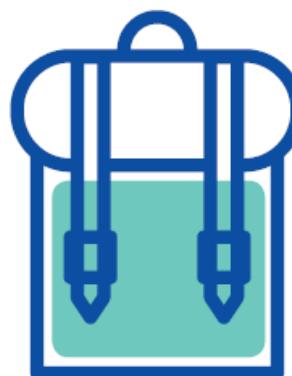
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## Central Definitions



Communication



Dissemination



Exploitation



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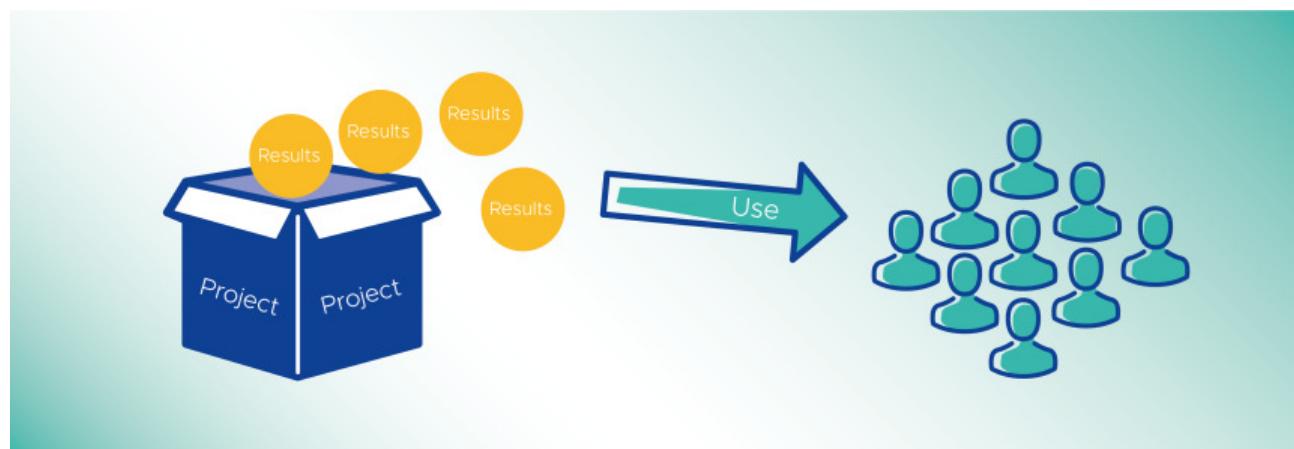
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# Communication





# Dissemination

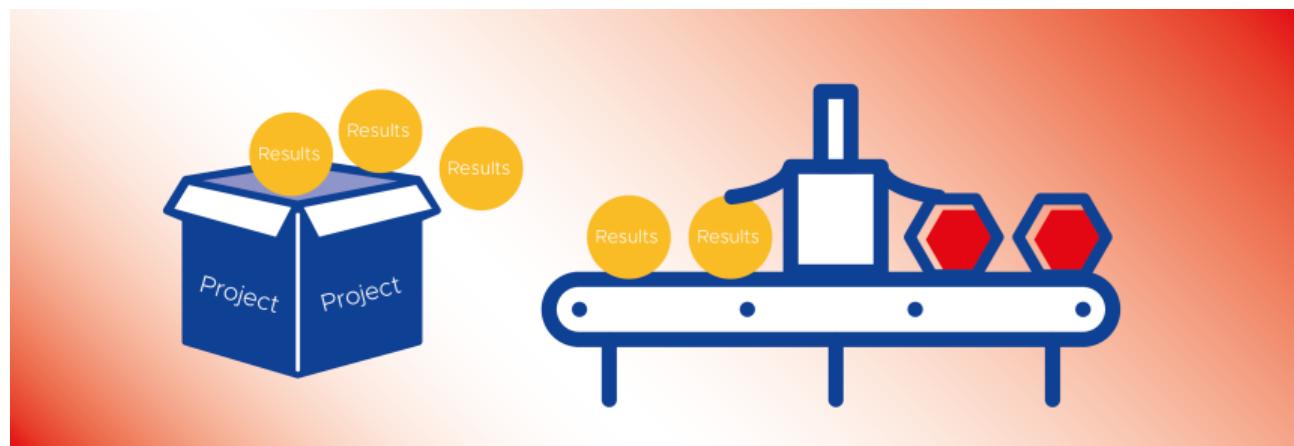




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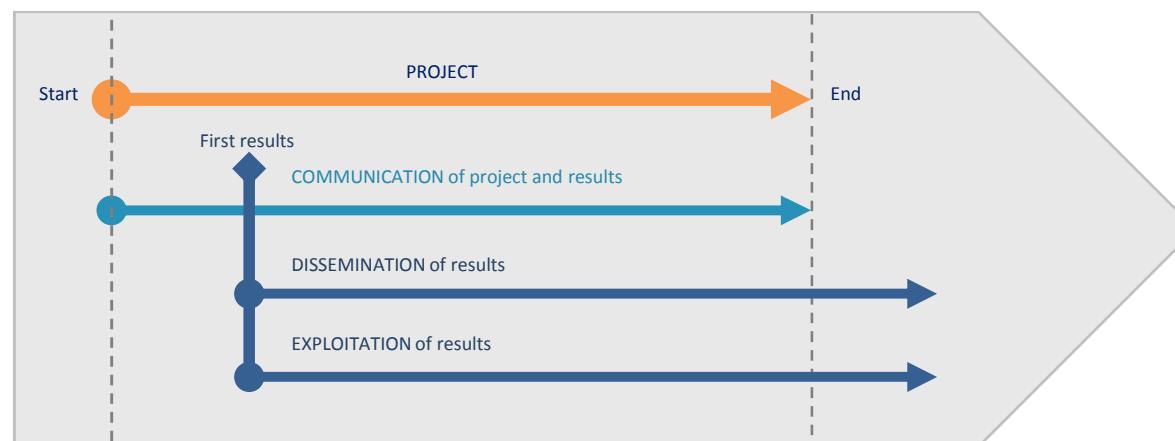
# Exploitation





# Timing

STRATEGIC  
PLANNING





## Potential Tools



First define the purpose of the communication, dissemination and/or exploitation measure, and who is addressed by it, then identify the right tool and carry out the activity that will optimally convey your message.





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# Setting the Scene - Rules





## Ownership of Results

- In Horizon 2020, generally the grant agreement establishes that the results of the project belong to the participant generating them.
- It is advisable to take appropriate measures to properly manage ownership issues, such as keeping laboratory books or other kinds of documentary evidence (e.g. a properly completed Invention Disclosure Form)
- Given the collaborative nature of most projects, some results can be jointly developed by several participants. Hence, situations of joint ownership might arise.
  - > Joint Ownership Agreements (i.e. defining specific conditions for granting licenses or issues related to costs of protection and sharing of potential revenues); Default rule in Consortium Agreement ..



## Access Rights (I)

- Each project partner has the right to request access rights to the other project partner's background and results as long as it needs them in order to carry out its work under the project or to use its own results (these are minimum access rights).
- To avoid conflicts, it is recommended that beneficiaries agree (e.g. in the consortium agreement) on a common interpretation of what is "needed"
- Are to be requested/granted throughout the duration and up to 1 year (or as otherwise agreed in the CA) after the end of the project for exploitation needs; Once requested, access rights may be exercised as long as they are needed for exploiting the results (e.g. until the background patent expires).
- Access rights do not confer the right to grant sub-licences.



## Access Rights (II)

### Granting of Access Rights

	Access to background	Access to results
Project implementation	Royalty-free	Royalty-free
Use of results	Royalty-free, or on fair and reasonable conditions	Royalty-free, or on fair and reasonable conditions



## Dissemination checklist

- Take a decision about the protection of results and all required steps
- Inform the other consortium partners in writing 45 days before the planned dissemination activities and include enough information to allow them to analyse whether their interests are affected or not. Note that this time limit can be changed (for more or less days) in the CA. Wait 30 days for any objection to the dissemination (unless otherwise agreed in the CA).
- Beware not to infringe third parties' intellectual property rights
- List the dissemination activities in the Exploitation and Dissemination Plan (PDE)



## General obligation to protect

Each beneficiary must examine the possibility of protecting its results and must adequately protect them — for an appropriate period and with appropriate territorial coverage — if:

- (a) the results can reasonably be expected to be commercially or industrially exploited and
- (b) protecting them is possible, reasonable and justified (given the circumstances).

When deciding on protection, the beneficiary must consider its own interests and the interests (especially commercial) of the other beneficiaries.



# Protection by subject matters

Subject Matter	Patent	Utility Model	Industrial Design	Copyright	Trade Mark	Trade Secrets
Invention (e.g. device, process, method <sup>1</sup> )	X	X				X
Software	X <sup>2</sup>	X		X		X
Scientific article				X		
Design of a product			X	X	X	
Name of a technology/product					X	
Know How	X	X				X
Website			X	X	X	

<sup>1</sup> Except methods excluded from patentability by virtue of Articles 52(2)(c) and (3) and 53(c) EPC.

<sup>2</sup> Software patentability is still a debated issue given its exclusion as subject matter as by Article 52(2)(c) and (3) EPC.



## General obligation to exploit

Each beneficiary must — up to four years after the project completion take measures aiming to ensure '**exploitation**' of its results (either directly or indirectly, in particular through transfer or licensing by:

- (a)using them in further research activities (outside the action);
- (b)developing, creating or marketing a product or process;
- (c)creating and providing a service, or
- (d)using them in standardisation activities.



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# Maximising Impact

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*Effective IP Management and Exploitation  
Strategies in Horizon 2020 Projects*





## Horizon 2020

### Focus on IMPACT & INNOVATION

- **Not just about producing research results**
- Must plan to use the results to address strategic challenges and contribute to the expected impacts
  - Impact and Innovation must be **addressed in all sections** of a proposal, not just the impact section  
*(Proposal Stage)*
  - Impact and Innovation must be **managed in all stages** of a project, not just after results have been created  
*(Implementation Stage)*



## IP and IPR

### The key to innovation

- Intellectual **Property** – key assets resulting from the project
- Intellectual Property **Rights** – the tools to support commercial exploitation of the assets (IP)

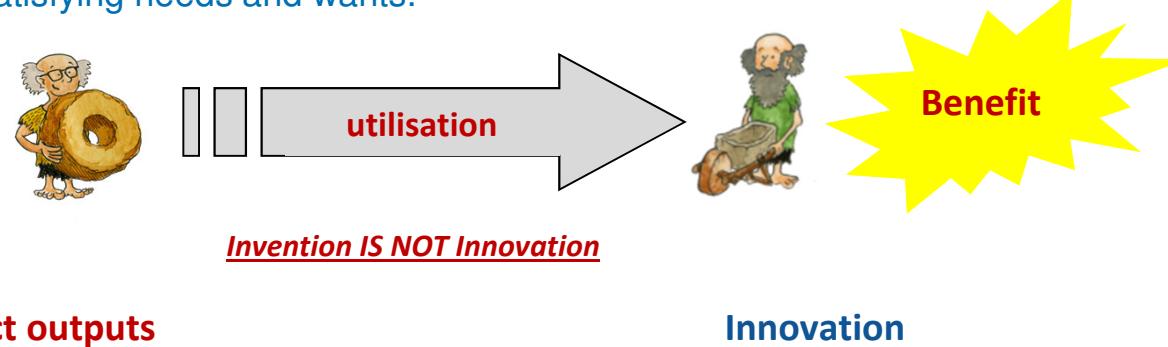
**The strategy for use of IP and IP Rights must be part of the Dissemination and Exploitation plan**

**The management of the IP is a critical part of the innovation management**



# Innovation

A **new** (or improved) entity (creation), which when used produce tangible **benefits**, satisfying needs and wants.



# Impact

The **benefits** derived from the innovation. The larger the benefit – the larger the impact



## Any type of innovation

- Innovations **do not have to be commercial**
- Innovations can be based on new **products, services, organisational or business methods**, improved health/environmental conditions, improved **networks** or collaborations, advisory **reports**, etc,

### Any type of benefit and impact

- Benefit (hence impact) **does not have to be financial**.
- The impact of the innovation can be **societal, research, environmental, technical, commercial, educational**,
- or **anything that delivers a benefit to someone or addresses a need**



## Innovation Potential (Sec 1 – Excellence)

- What is the **potential** of the results to deliver **innovations** which **contribute to the expected impacts defined in the call** (e.g. products, services, new approaches, etc.)

## Innovation Capacity (Sec 2 – Impact)

- Can the results be used to develop innovations **in areas not specifically mentioned in the call?**



## What's special about project results?

- Project outputs are often early stage (and not fully market ready)
  - **so more work might be needed before investors can be convinced (overcoming the “valley of death”)**
- Many research groups are working on the same challenges (no one has a monopoly on invention!)
  - **so you might need to collaborate with others, or licence in technology, to build a credible package**



# Understand the landscape

Strategic Intelligence – Components for a sound Exploitation & Impact strategy

*WP and Call Challenges,  
Objectives & Topics; Expected Impact*



Source: E.Sweeney, 2016



# Strategic Intelligence

## Information Sources

- Academic Sources
  - publications, conference proceedings
- Industry Sources
  - Market reports
  - Industry partners
  - Company websites, annual reports (incl. financial)
  - Industry publications, events, conferences and exhibitions
- Influencers
  - Policy papers
  - Technical reports and white papers
- External Drivers or constraints
  - Standards bodies (CEN/CENELEC, ISO, ETSI, National Bodies)
  - Patents and other registered IP

Don't forget these!  
Ensure strategies/plans do not only include  
academic references!



# Standards

- Identified in Horizon 2020 as one of the measures that will **support market take-up of research results and innovation**
- Help on addressing standardization in Horizon 2020 projects is available from CEN-CENELEC.
- **For more information see:**  
<http://www.cencenelec.eu/research/tools/horizon2020/>
- **Download guide from:**  
[http://www.cencenelec.eu/research/news/publications/Publications/Standards\\_Horizon\\_2020.pdf](http://www.cencenelec.eu/research/news/publications/Publications/Standards_Horizon_2020.pdf)





## Knowledge (IP) Management in a H2020 collaborative project - Managing the KEY assets!

- IP **used** by the project
  - access and usage rights **during AND after** the project (results, background and 3<sup>rd</sup> party)
- IP **generated** by the project
  - **Capture/disclosure, ownership, management** of IP, secure **evidence of creation, pre-publication reviews** for technical inventions
- IP **assessment**
  - prior art, market opportunity, exploitation and protection strategies, etc.
- IP **protection**
  - patents, copyright, database rights, trademarks, etc.
- IP **dissemination and exploitation (use!)**
  - Research, education, commercial, policy, etc



## How will results be accessed? (the exploitation part)

- Who will provide them?
  - A research institution? A partner SME? A new company? Joint Venture?
- What are the expected terms?
  - Free, royalties, equity share, staged or fixed payments, etc?
  - May be different for each target group or results

Likely to be after the project ends

So plan must be credible!



## Research Data Management (RDM)

- RDM refers to all the means and strategies put in place to create, store, share and preserve research data throughout its lifecycle. It facilitates the future reuse of data.

IP and exploitation -related Components:

- **Data Acquisition** (i.e. 3<sup>rd</sup> party infringements, Open Source regulations, etc.)
- **Data Protection** (i.e. Ownership, Copyright, Database Rights, Registered IP)
- **Data Assessment** (i.e. field of use, applicability, need for further research)
- **Data Sharing** (i.e. Embargoes, Pre-Pub-Checks, Licences, Assignments, Collaborations, Joint Ventures)

Output: Data Management Plan (DMP); “IP Audit”, PDE



# DMP

- The DMP of the Project is the document that details what data the project will generate, whether and how it will be exploited or made accessible for verification and re-use, and how it will be curated and preserved.

It covers the following issues:

- Dataset reference, name and description
- Standards and metadata
- **Data sharing policies**
- Archiving and preservation (including storage and backup) policies



It's also about  
exploitation



## Exploitation-related issues in managing the DMP

- Whith whom will you share your data during the project and beyond? How are access rights ruled in the Consortium Agreement?
- How will you make your data available? What is the process to gain access to the data?
- Will data be protected by copyright or Database right?
- Who owns the copyright and other IP?
- Limits of use – i.e. Use of data for teaching and research
- Creative-Commons-Licenses



## Disseminate & exploitation plan

- Draft dissemination and exploitation plan at **proposal stage**
  - Further elaborated D&E plans **during the project**
  - A credible final plan going **beyond the end of the project**
  - Focus on the project results, which **address the call challenges** and **contribute to expected impacts**



# The exploitation roadmap

## Plan the route(s) to get where you want to go

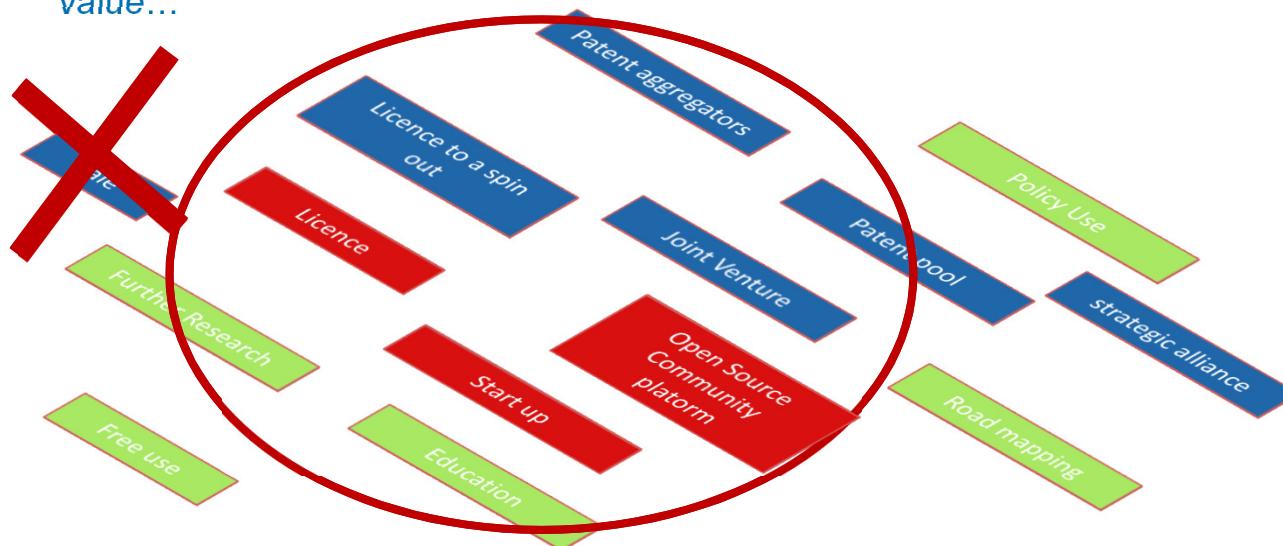
- What must happen to get the project results used (and **deliver the expected impacts**)?
- What **barriers or enablers** are on these routes (standards, IPRs, regulatory, ethical, etc.)?
- Is any **further work** (investment/funding) envisaged to convince your targets (e.g. proof of concept/scale-up)?
- Take-to-market-partners?

Understand the landscape, develop a  
credible strategy and plan the routes



## Exploitation Pathways

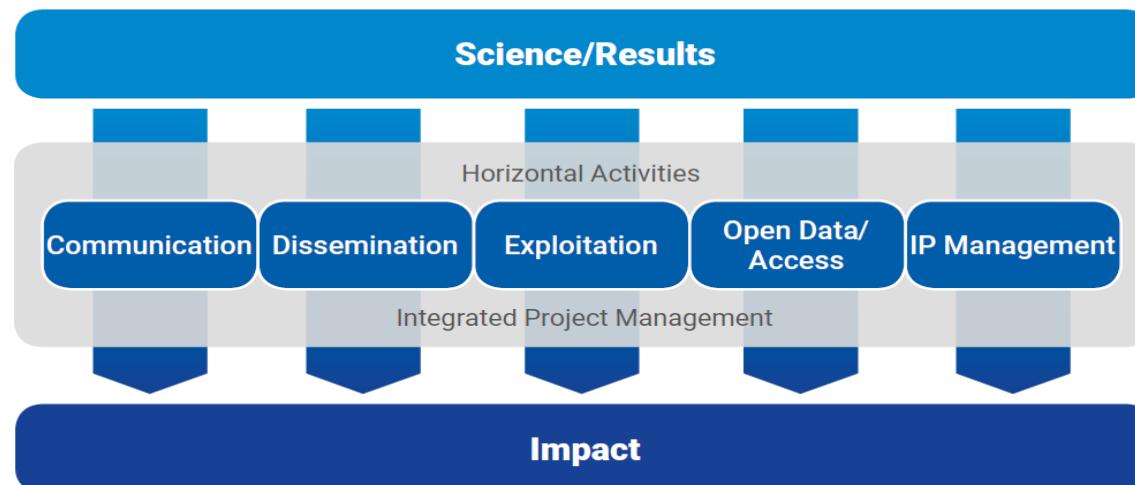
- Project outputs are **valuable assets** which, like physical property, can be **used** and **traded** – bought, sold or leased, used in JV's, or as collateral
- But, unlike physical property there are **many more ways** of extracting value...





# In a Nutshell

*Keeping track of communication, dissemination and exploitation means  
keeping track of your project!*





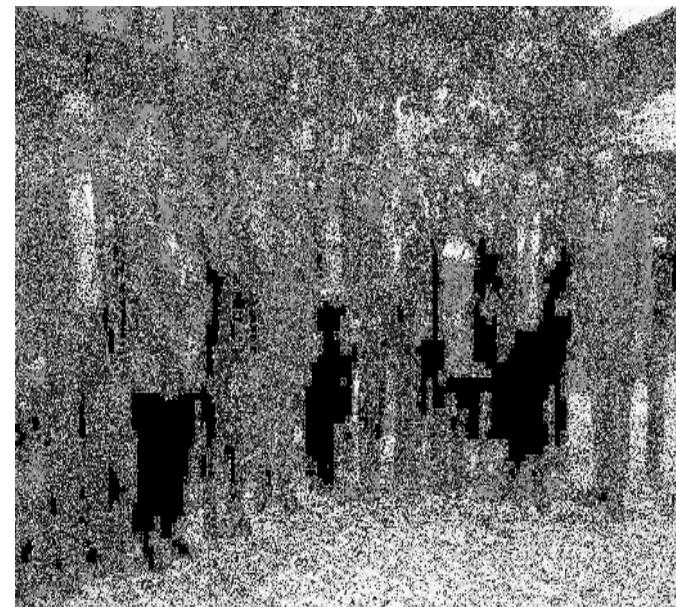
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## European IP Helpdesk

- Service initiative of the European Commission providing free-of-charge first-line support on IP-related issues
- Helping current and potential beneficiaries of EU-funded projects, researchers and EU SMEs engaged in cross-border business manage their intangible assets

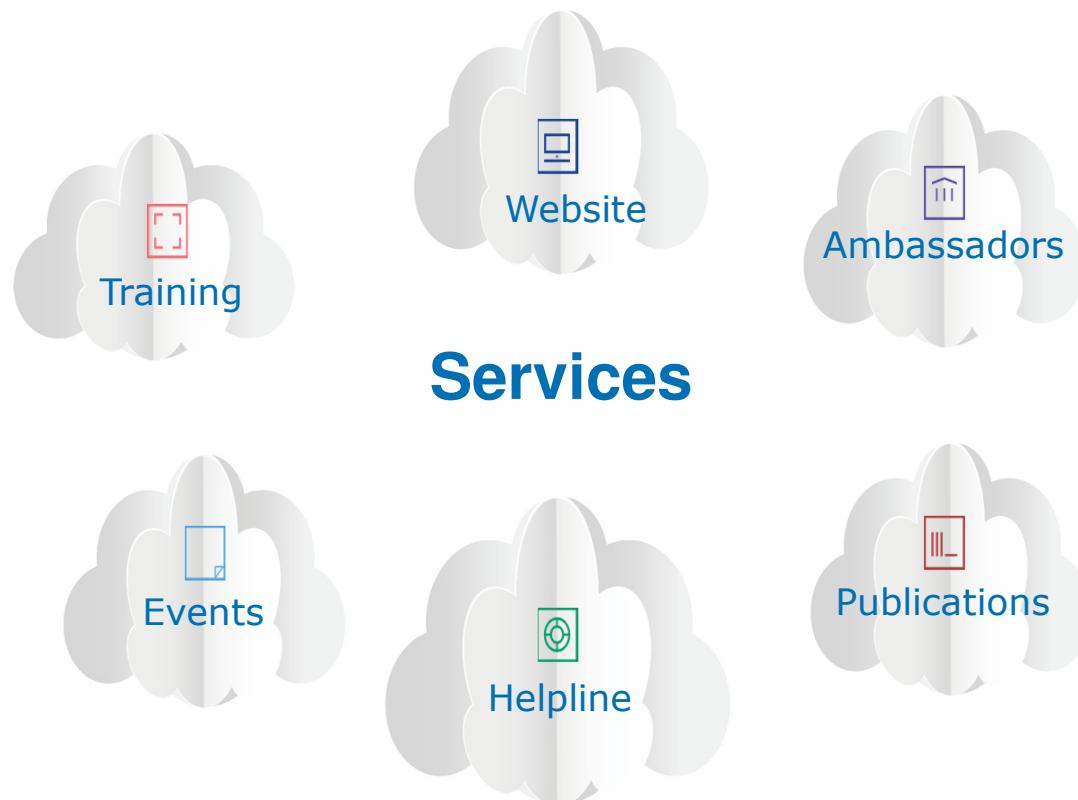
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## Publications

- Online library: fact sheets, case studies, IP guides and charts, infographics, templates, FAQs
- IP Specials: information packages on “hot” IP & innovation topics
- Bulletin: thematic online magazine published twice a year
- Bi-weekly newsletter





## Upcoming Webinars

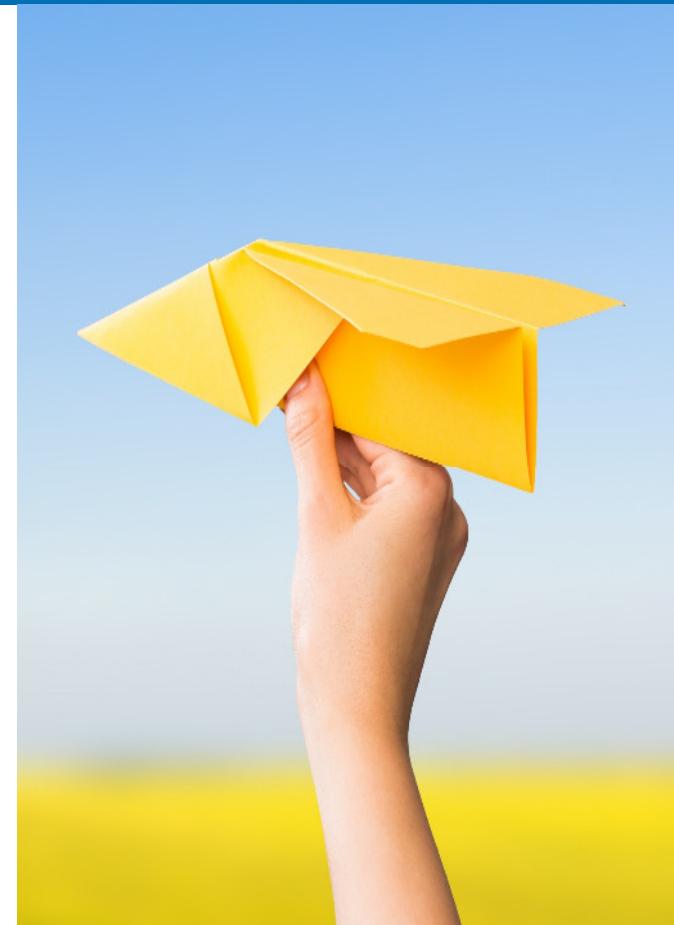
- 17 July – Effective IP and Outreach Strategies Help Increase the Impact of Research and Innovation
- 11 Sep – Introduction to IP
- 18 Sep – IP Commercialisation
- 09 Oct – Geographical Indications
- 23 Oct – IP in EU-funded projects
- 30 Oct – Technology Transfer
- 06 Nov – Freedom to operate in H2020
- 13 Nov – Consortium Agreements





## Contact:

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## DISCLAIMER

The European IP Helpdesk provides free-of-charge first-line support on IP-related issues aiming to help current and potential beneficiaries of EU-funded projects, as well as EU SMEs, manage their Intellectual Property assets.

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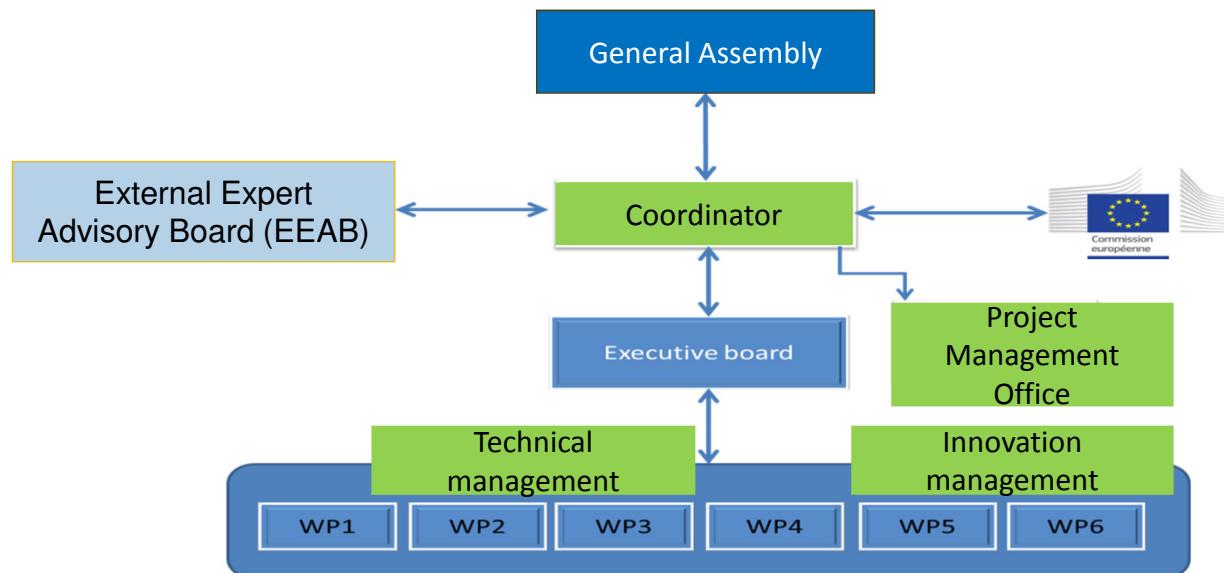
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## MANAGEMENTSTRUKTUR DES PROJEKTES

VERWERTUNG



## PROJEKT-ORGANIGRAMM – BEISPIEL



## MÖGLICHE „PROJEKTROLLEN“

### Einzelne interne Rollen - Beispiele

- ProjektkoordinatorIn
- ProjektmanagerIn oder PM-Team
- WP leader
- Task leader
- **IPR oder Exploitation ManagerIn**
- **Innovation/Ethical/...** ManagerIn

### Gremien - Beispiele

- General Assembly
- Executive Board oder Steering Committee
- Technical Committee
- **Exploitation Committee**
- External Expert Advisory Board

Auswahl  
treffen passend  
für Ihr Projekt!!

## Innovation ManagerIn – Tätigkeiten zum Beispiel:

für alle Aktivitäten verantwortlich, die im Zusammenhang mit Innovation stehen

- ⇒ beobachtet Marktbedürfnisse, Marktchancen, IP, technologische Entwicklungslandschaft...
- ⇒ für den übergeordneten strategischen Ansatz zuständig
- ⇒ steuert die Verwertung der Ergebnisse, um Innovation und Impact zu maximieren
- ⇒ Management Prozesse und Strukturen auf Innovation abstimmen