



European IP Helpdesk

Stay ahead of the innovation game.

**IP in Business collaborations for
SMEs and Start-ups**

30.04.2024





European IP Helpdesk

- Service initiative of the European Commission
- Addressing **current and potential beneficiaries of EU-funded projects, researchers and EU SMEs**
- Free-of-charge first-line support on intellectual property (IP)
- Hands-on IP and innovation management support
- International pool of IP experts from various thematic fields
- Unique cooperation scheme with the Enterprise Europe Network: 44 ambassadors from 27 EU countries



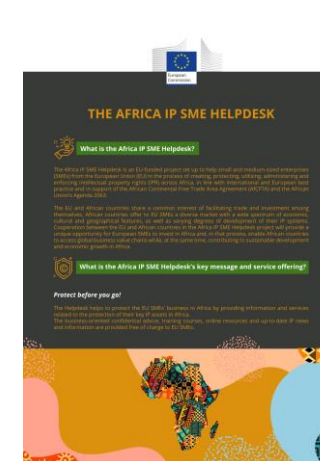
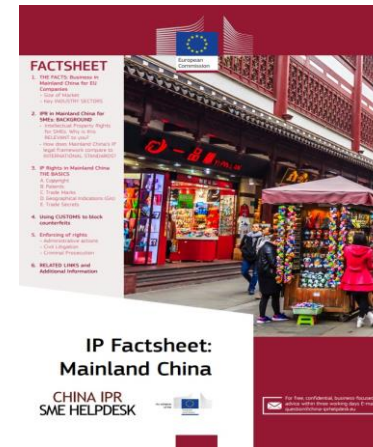
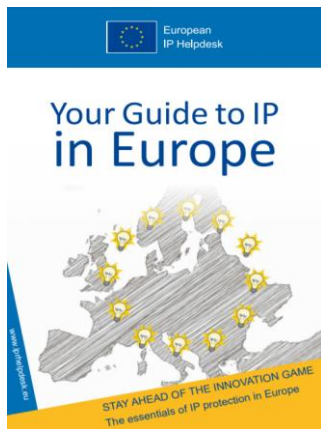


The EC IP Helpdesks





EC IP (SME) Helpdesk Hub – Gateway to Information



- E-learning modules & more
- Guides / Topic, country, sector-specific factsheets / Infographics
- Case studies



European IP Helpdesk Training Calendar

Europa - Upcoming events

23 APR 2024	Training and workshops EU - Webinar: IP and Artificial Intelligence - Advanced	24 APR 2024	Training and workshops EU - Webinar: IP in EU funded projects with a special focus on MSCA
🔗 Live streaming available		🔗 Live streaming available	
30 APR 2024	Training and workshops EU - Webinar: IP in Business collaborations for SMEs and Start-ups	07 MAY 2024	Training and workshops EU - Webinar: Addressing IP impact and innovation in EU projects
🔗 Live streaming available		🔗 Live streaming available	
09 MAY 2024	Training and workshops EU - Webinar: IP Management in ICT Projects	14 MAY 2024	Training and workshops EU - Webinar: Finding Patents
🔗 Live streaming available			
15 MAY 2024	Training and workshops EU - Webinar: Freedom to Operate	16 MAY 2024	Training and workshops EU - Webinar & Horizon Results Platform: IP and Software
🔗 Live streaming available		🔗 Live streaming available	



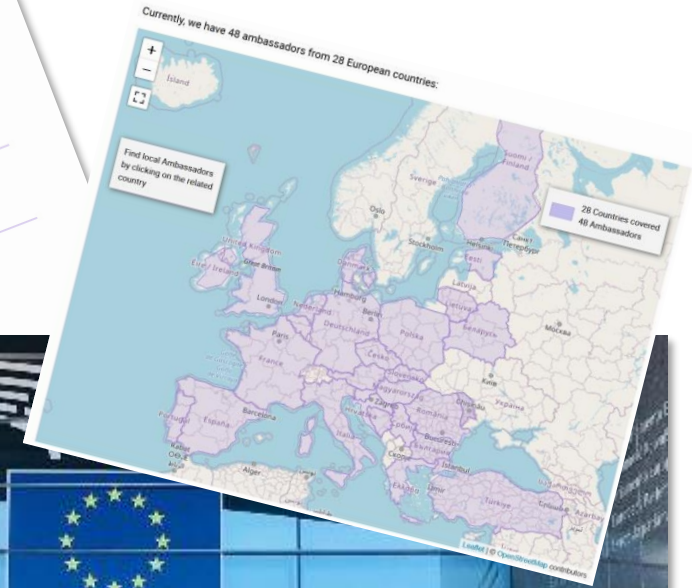
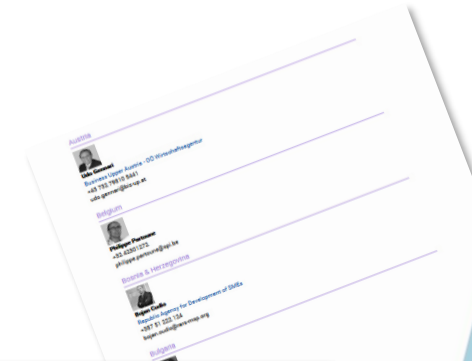
2024

Registration: www.ec.europa.eu/ip-helpdesk



Ambassador Scheme

- **Cooperation scheme** with the Enterprise Europe Network (EEN): 44 ambassadors – 27 countries
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- Local **awareness** and **training events**





Thank you!

- www.ec.europa.eu/ip-helpdesk
- helpline@iprhelphdesk.eu
- training@iprhelphdesk.eu
- Twitter [@iprhelphdesk](https://twitter.com/iprhelphdesk)
- LinkedIn [/european-ipr-helpdesk](https://www.linkedin.com/company/european-ipr-helpdesk)





European IP Helpdesk

Stay ahead of the innovation game.

- 40 years practical experience of early stage technology exploitation
- Experience in Research, Industry and Investment
- Member of ISO and CEN committees developing Innovation and IP Management standards
- Member of Licensing Executives Society

IP in Business Collaborations

Dr Eugene Sweeney, CEO, Iambic Innovation Ltd
Senior IP & Innovation Advisor, European IP Helpdesk
es@iambicinnovation.com



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Roadmap

- **WHY BOTHER COLLABORATING**
- **IDENTIFYING AND LEVERAGING INTELLECTUAL ASSETS**
- **DEVELOPING SHARED STRATEGIES**
- **MANAGING AND SHARING INTELLECTUAL ASSETS**



2



Why collaborate?

All companies need to innovate (or die!)

SMEs have limited resources or capacity

Partnering with others can provide access to new assets
and opportunities

3



Where to collaborate?

What are the **gaps** or in the product or service offerings?

How could the product or service be **improved**?

Are there **new products or services** which could help the
company?

Working with others can help

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Can you get more value from your IP assets?

IP which is not yet being used, but could be further developed with others?

Core IP which could be built on to develop new innovations?

Applications of IP in other sectors or fields of use?

Sharing IP can help

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Where are new opportunities?


New geographic territories not yet addressed

New fields of use

New market sectors

Working with others can help to access these

6



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Many types of business collaboration

Research
Supply Chain
IP licensing in or out
IP Cross-licensing
Joint Venture
Start up with shared equity
Shared marketing, different markets (by fields of use or territory)
etc

Align individual and shared commercial strategies

Agree strategies for managing, protecting and exploiting the IP

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Different businesses = different motives and cultures

They pull in different directions... which can affect commercial success

They can cause conflicts in the management, protection and exploitation of the results/IP

Unless addressed early

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Many skills and resources needed

- Pre- and post-deal scientific and technical support**
- IP lawyers**
- Commercial and licensing legal support**
- Marketing and communications**
- Finance to support transfer activities**
- Etc**

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HORIZON RESULTS PLATFORM

MAKING RESULTS MATTER

HRP can help you find collaborators, and expertise

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/horizon-results-platform>

Quick searches

Policy related results	Assessed by the Innovation Radar	Looking for legal, financial or tech transfer advice
Wishing to transfer their IPR	Looking for business partners	Looking for Venture Capital
Looking for Angel Investors	Looking for funding or loans	Looking for business development assistance

Project results

Can the climate change and exotic pathogens kill our Mediterranean forests? Unfortunately, yes. *Phytophthora cinnamomi* is one of the most ferocious exotic pathogens which is killing thousands of plants in the Mediterranean regions, which are an important source of biodiversity worldwide. [Addit...](#)

Ring around Ti Cylinders as Barrier against Overgrowth by Cells
We could demonstrate that a laser-structured and anodized ring around the Ti cylinder surface, beginning at a height of 0.5mm, is an effective way to create a barrier that fibroblasts (which a...


STOREGGO European Roadmap for Power-to-Gas
The results from the power-to-gas project STOREGGO are condensed in this document. It describes a pathway to an energy system which is mostly free of fossil carbon. The documents presents how t...

IoT microturbine for smart gas grids
Our plug & play Microturbine allows coupled to our Remote Terminal Unit enables off-grid real-time monitoring and control solutions with the highest reliability over 10...

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COLLABORATION
=
GIVE & TAKE
=
“SHARING” ASSETS

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Intellectual Assets

Products of the mind


Assets which can be traded

The KEY assets in any company
Company USPs

Collaboration Inputs & Outputs

- Inventions*
- Software code*
- New methods*
- Manuals/Reports*
- Designs (aesthetic/functional)*
- Databases*
- Works of art*
- Music*
- Videos*
- Books*
- Roadmaps*
- etc*

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Intellectual Property Right (IPR)

Patents	Some legal rights come into existence automatically
Copyright	Some need registration
Design Rights	Confidentiality Agreements (Know-how)
Database Rights	Secrets (Trade Secrets)
Trade marks	Time limited rights
Plant Breeders Rights	National rights
Utility Models/petty patents	
Plant varieties	
etc	

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What is the deal?

legal right to prevent others using their creation (without agreement)	In return for	disclosing details
<u>commercial purposes</u> <u>(only)</u>		so others can develop new innovations
for a limited period		

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Who benefits?

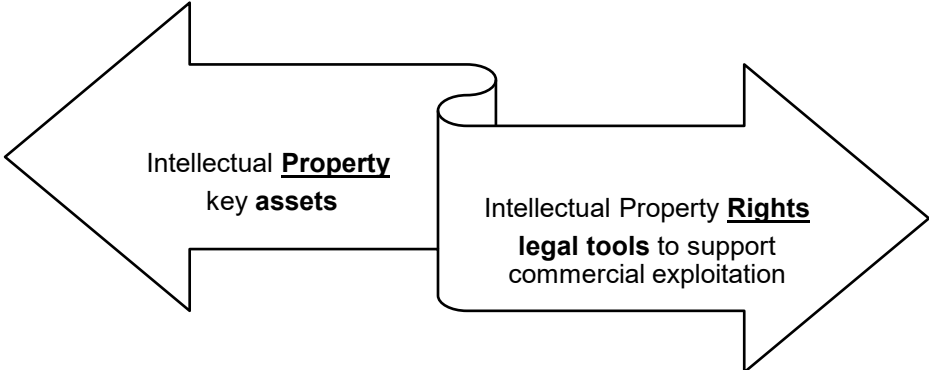
The state by avoiding secrecy	<ul style="list-style-type: none">• Improves innovation capacity, stimulates innovation, enriches society
The creator by being able to prevent unauthorised commercial use	<ul style="list-style-type: none">• Unless they come to an agreement (which may be financial)
Investors (time, money, facilities, etc) from the limited monopoly	<ul style="list-style-type: none">• To get a return on investment

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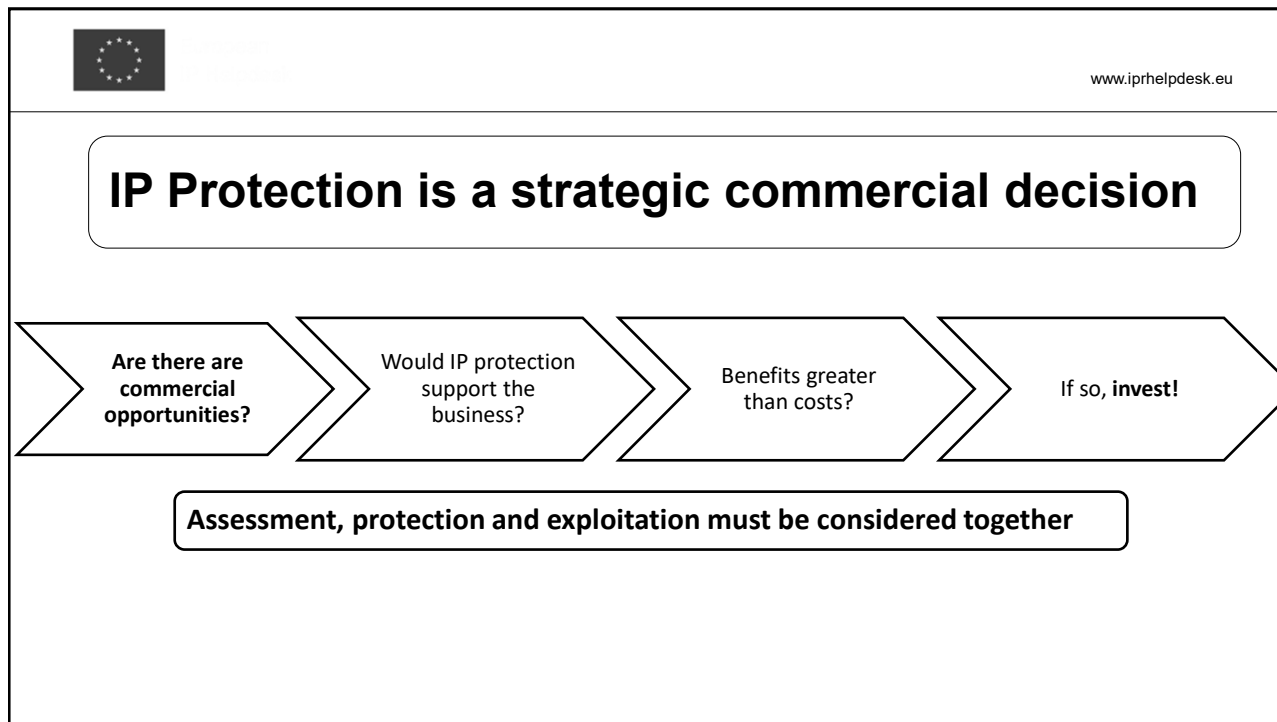
Don't confuse IA, IP and IPR



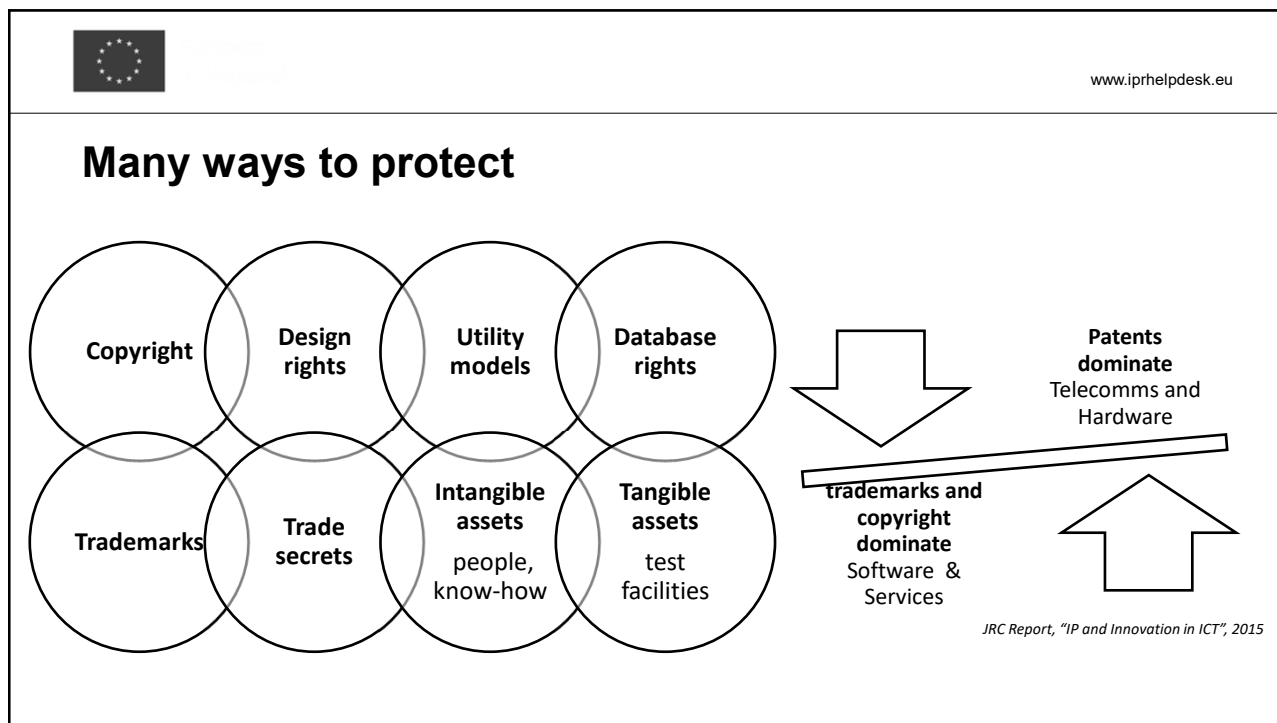
Intellectual **Property**
key **assets**

Intellectual Property **Rights**
legal tools to support
commercial exploitation

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Ensure all the relevant assets are identified
(as well as all the contributors)


Patentable IP	Copyrightable IP	Designs (design rights)	Trade secrets, etc	Intangible assets
<ul style="list-style-type: none">• Computer implemented inventions (software!)• Processes• Products• Apparatus	<ul style="list-style-type: none">• Software code• Reports• Engineering drawings• Manufacturing and user guides	<ul style="list-style-type: none">• Functional• Eye-appeal	<ul style="list-style-type: none">• Formulas• Methods• etc	<ul style="list-style-type: none">• People• Know how (e.g. best way to implement)• Potential Brand value (supported by Trade or Service Marks)

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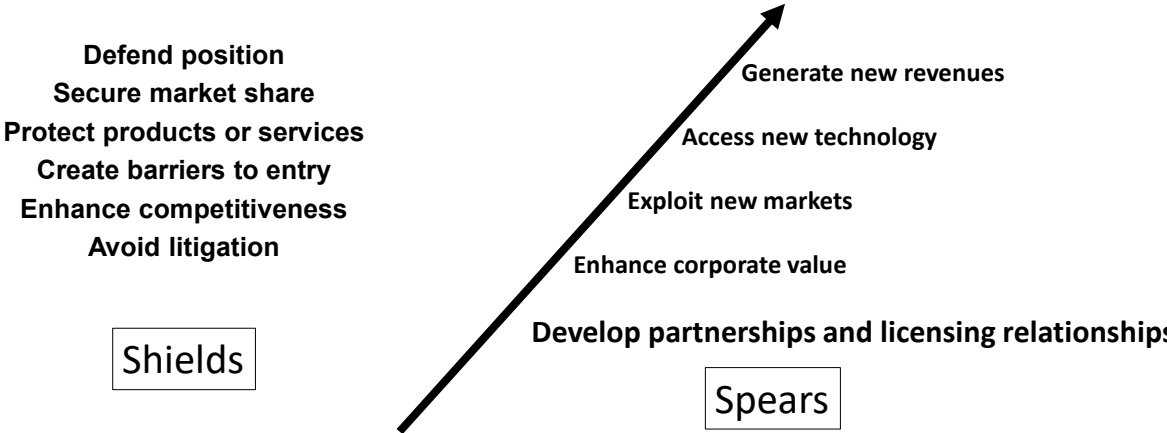


**THE STRATEGIC USE OF
INTELLECTUAL ASSETS IN
BUSINESS COLLABORATIONS**

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The strategic value of protected IP




Shields

- Defend position
- Secure market share
- Protect products or services
- Create barriers to entry
- Enhance competitiveness
- Avoid litigation

Spears

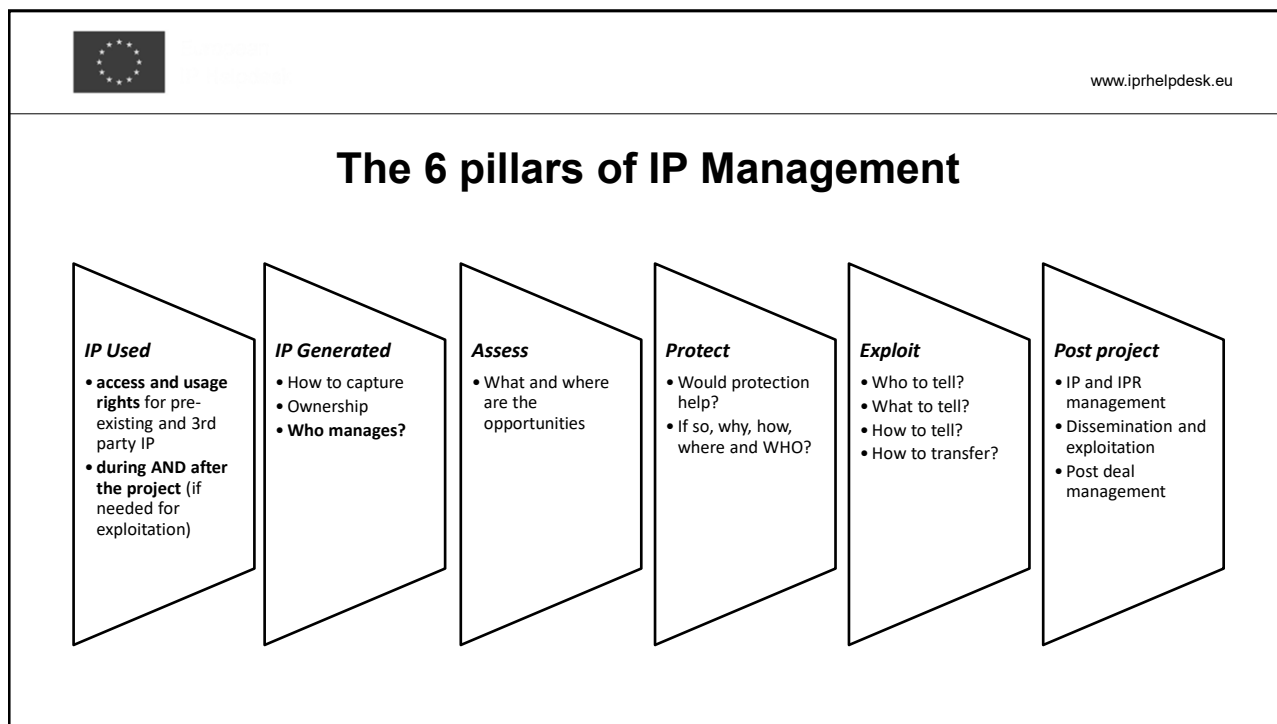
- Generate new revenues
- Access new technology
- Exploit new markets
- Enhance corporate value
- Develop partnerships and licensing relationships

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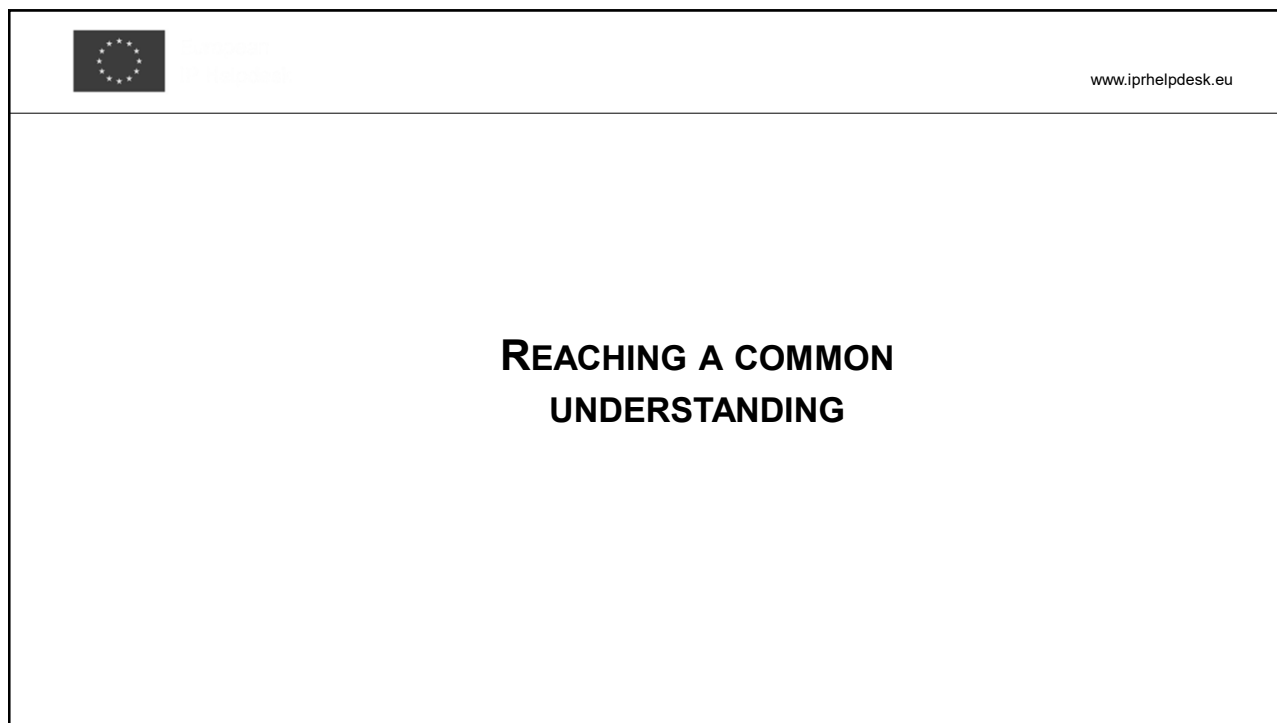
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MANAGING THE KEY ASSETS IN COLLABORATIONS

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What are the collaboration opportunities?

The **opportunities** for all the collaborators

Who will address which opportunities (individually or collaboratively)

How the collaboration affects **competitive positioning**

What are the **gaps** in knowledge, competence and assets which the collaboration can reduce

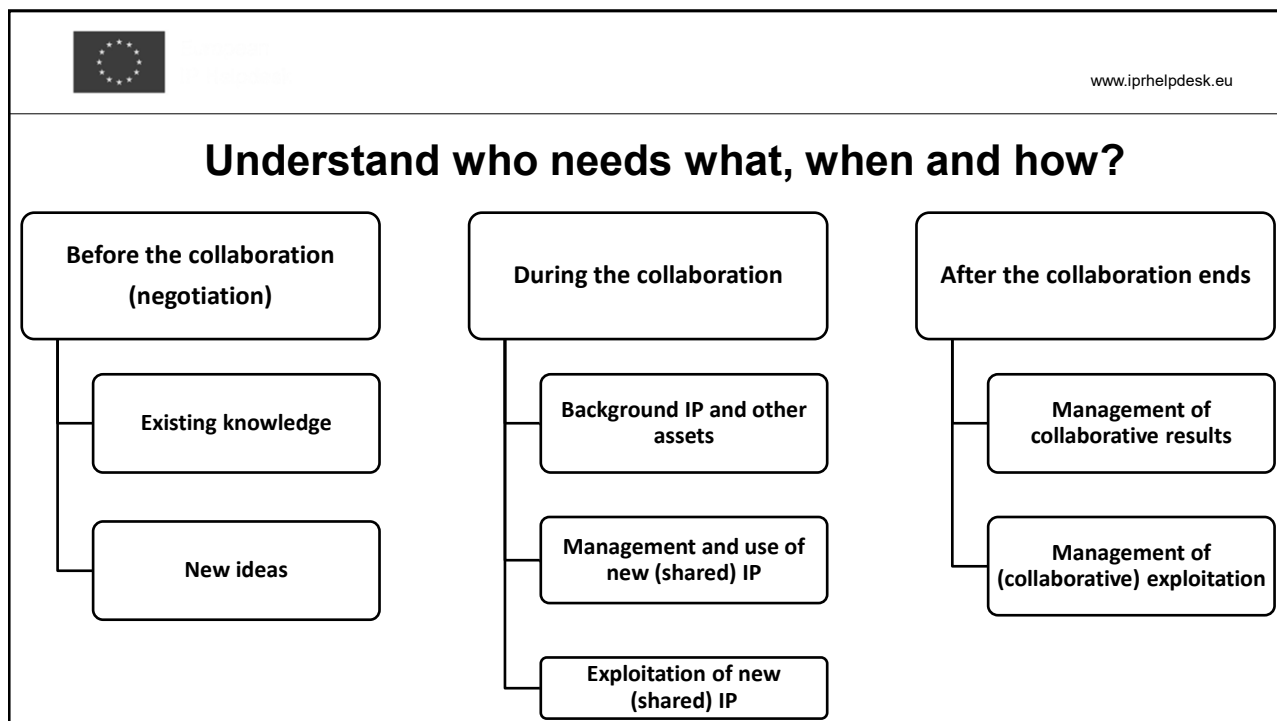
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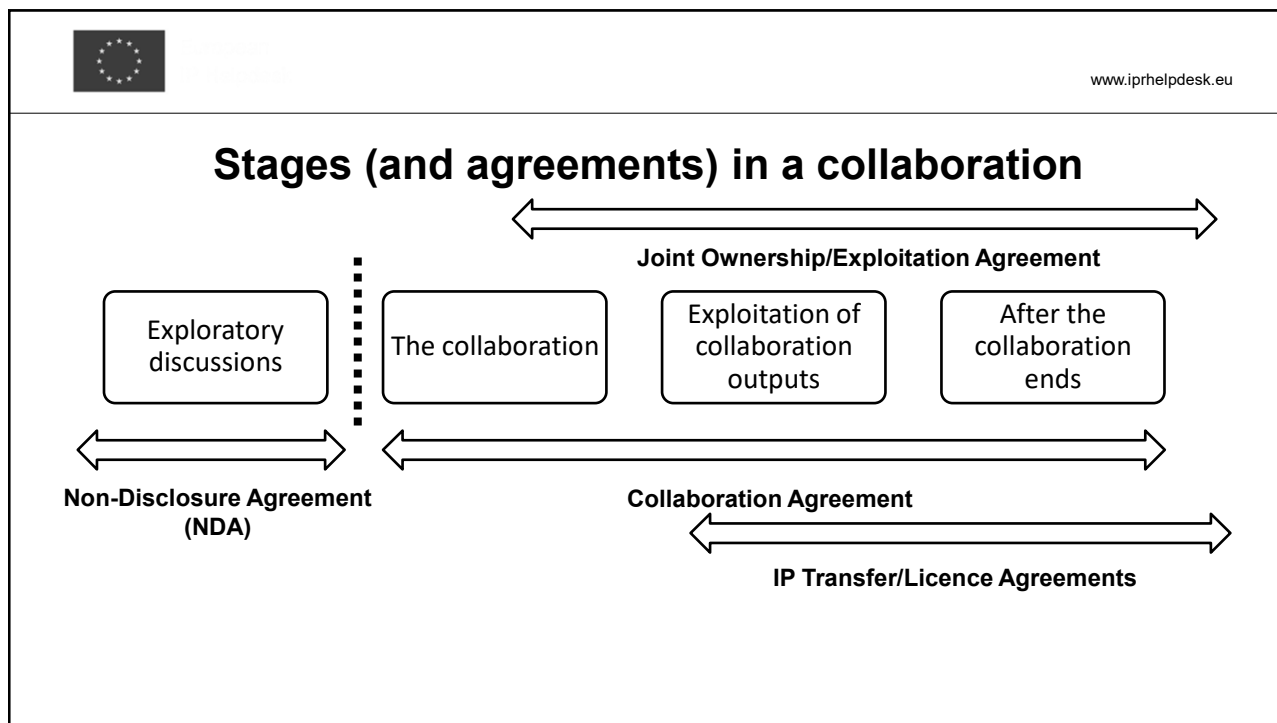
Needs, Contributions, Benefits, Risks Matrix

Partner	P1	P2
Needs	What are the needs/wants/challenges you want to address?	
Contributions		What do you plan to contribute to the collaboration?
Benefits	What do you want to get out of the collaboration?	
Risks		What are your main concerns or potential risks which might reduce your expected benefits?

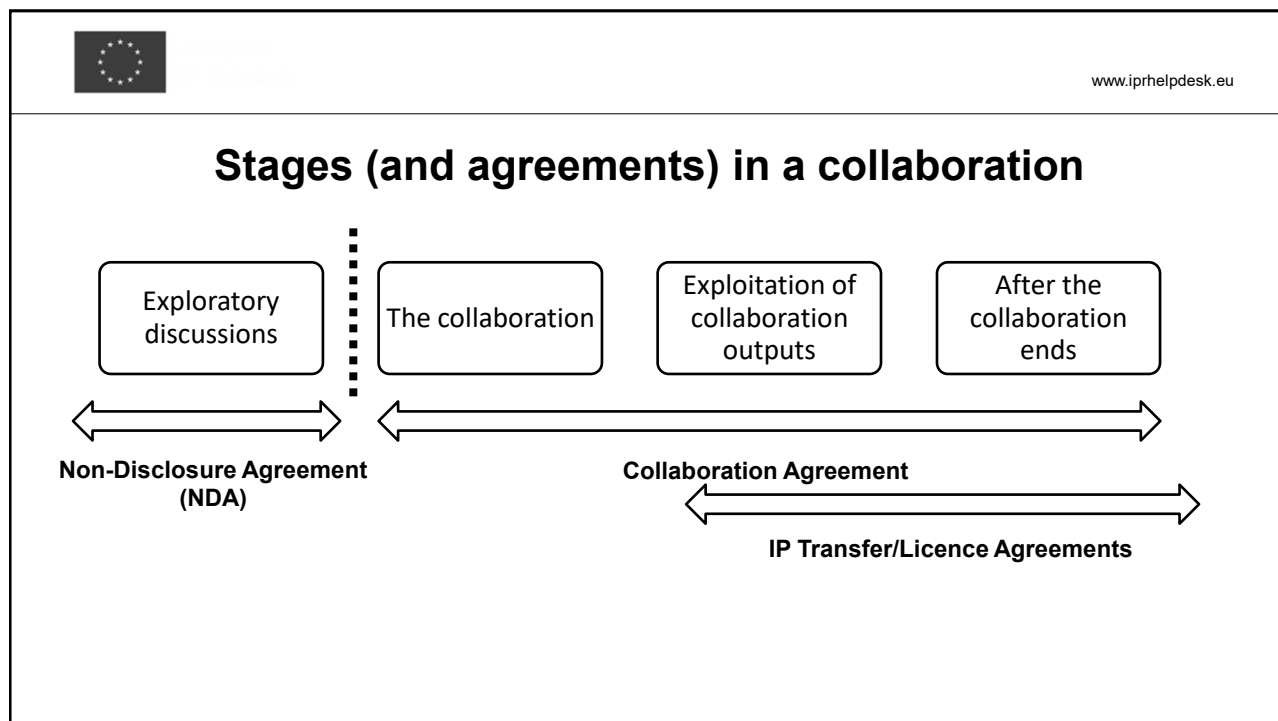
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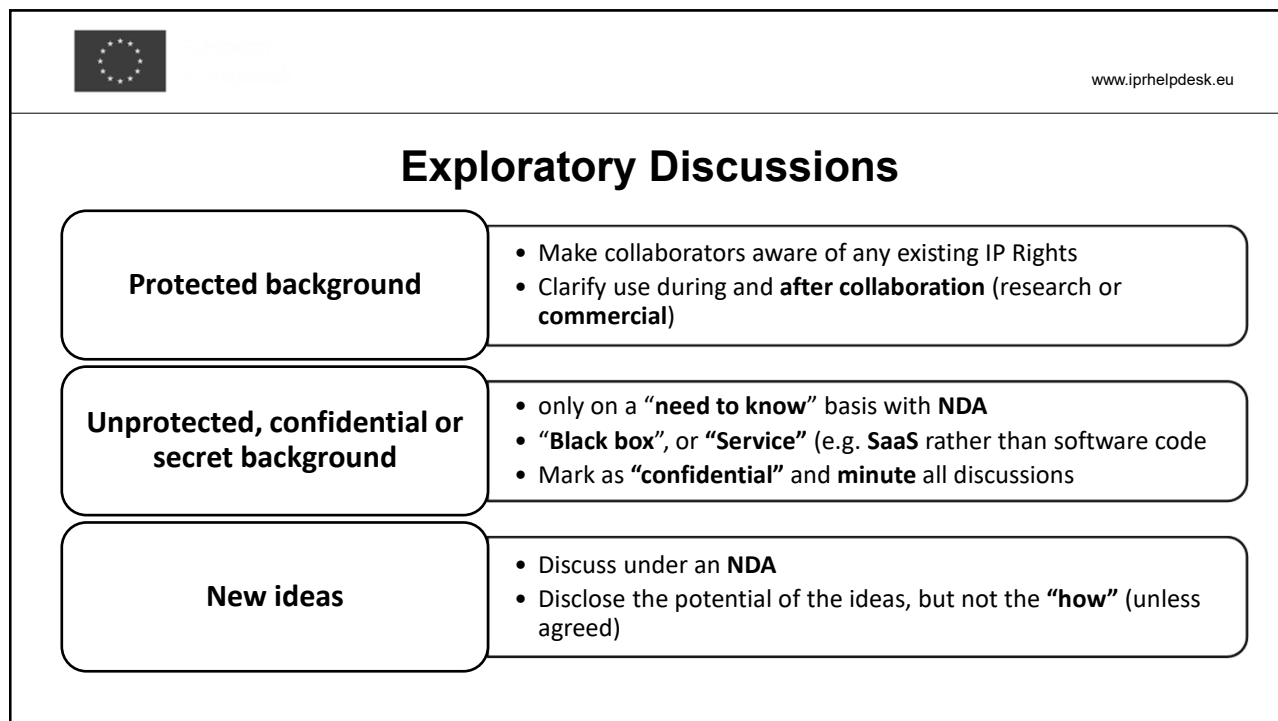
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Non-Disclosure Agreements

Always have an NDA prior to any discussion related to confidential information (trade secrets, know-how or new ideas)

An NDA **only covers disclosure, NOT commercial transactions.**
Make the **purpose of the disclosure** clear in the NDA

Do not use an NDA beyond exploratory discussions

Confidentiality and trade secret **laws may differ outside Europe**, so ensure NDA serves its purpose – and is “water tight”

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During the collaboration

Clear management responsibilities, structures and procedures for:

- **Accessing** existing IP
- **Capturing, assessing**, and agreeing strategies for **protecting** new IP
- Agreeing terms of **joint ownership**, and its management and exploitation
- **Implementing the exploitation** strategies

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Capturing the collaboration outputs

- Which partners contributed (and what) - to determine owners
- Other contributors (e.g. students, advisory board members, etc)
- Any other external funding or facilities used?
- Any relevant confidentiality agreements
- Any publications or disclosures already made?
- What other IP (3rd party or background) will be needed to use IP?

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Ownership – beware! Default position without a written agreement (variations by IP and in national law)

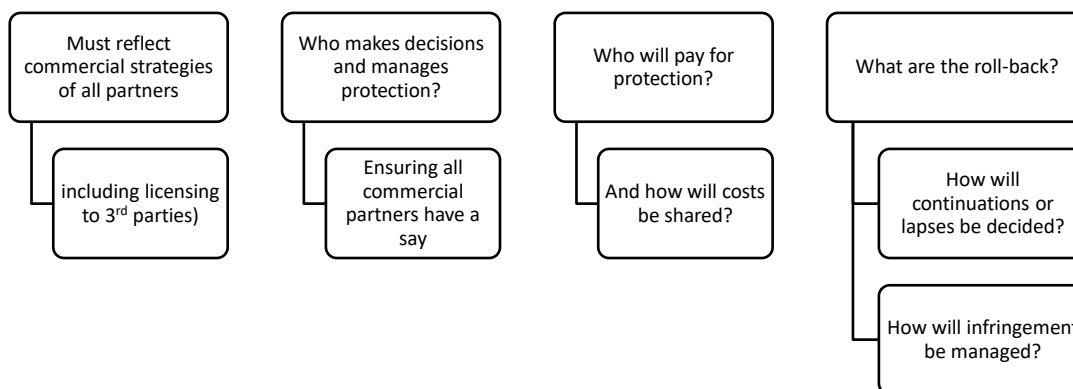
- | | |
|---|--|
| each joint owner owns an undivided interest in the whole work. | • It doesn't matter who contributed most |
| each has the right to exploit without the other's permission | • but must pay the other joint owners equal shares of earnings |
| No right to transfer or grant someone else an exclusive license | • Without permission of other joint-owners |
| If case of infringement , one joint-owner can sue the infringer without consent or involvement of the other(s) | • But any damages or compensation recovered will need to be shared |

It is always best to have a written agreement!
Processes to agree relative contributions and to take decision

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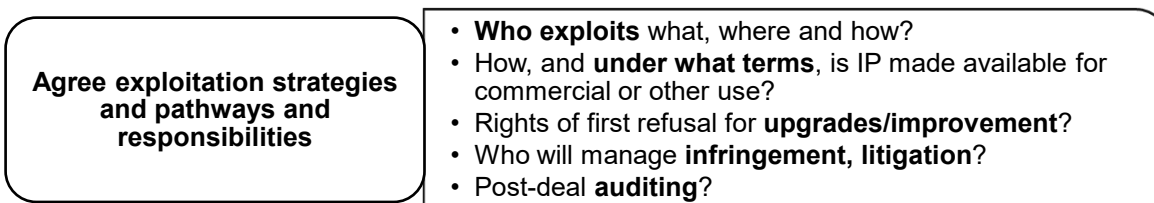
Assessing and Protecting the Results



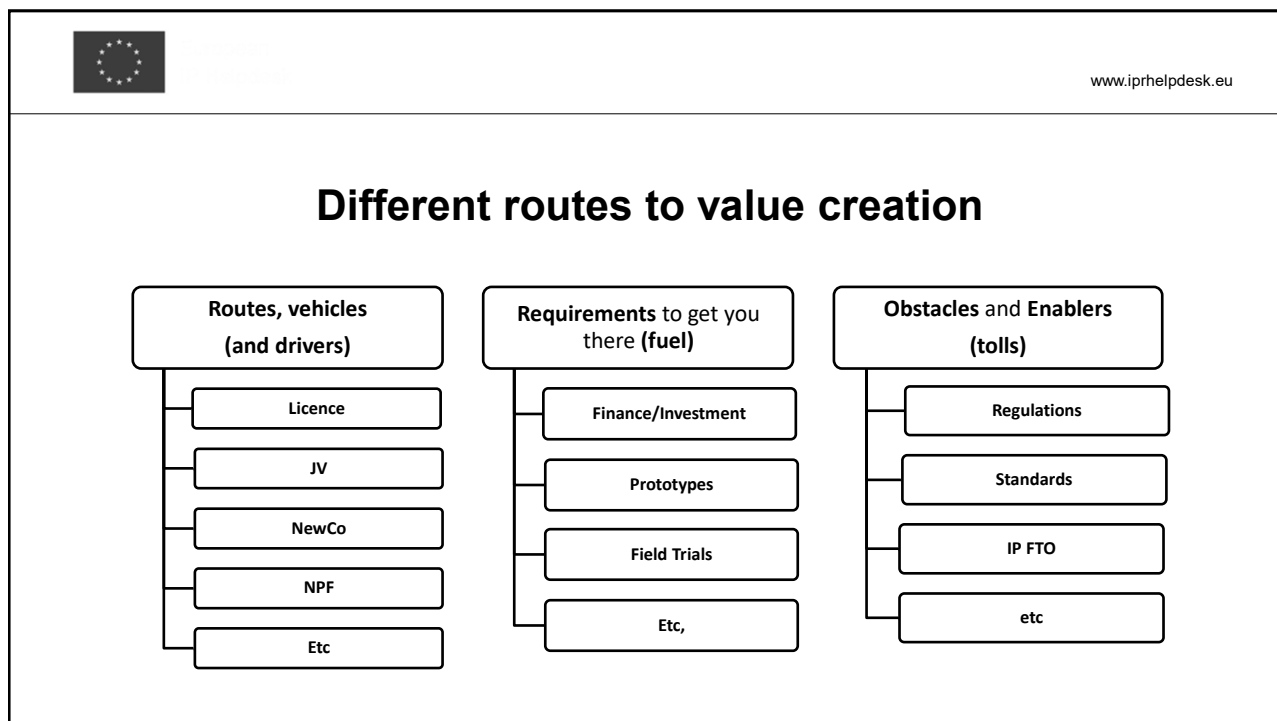
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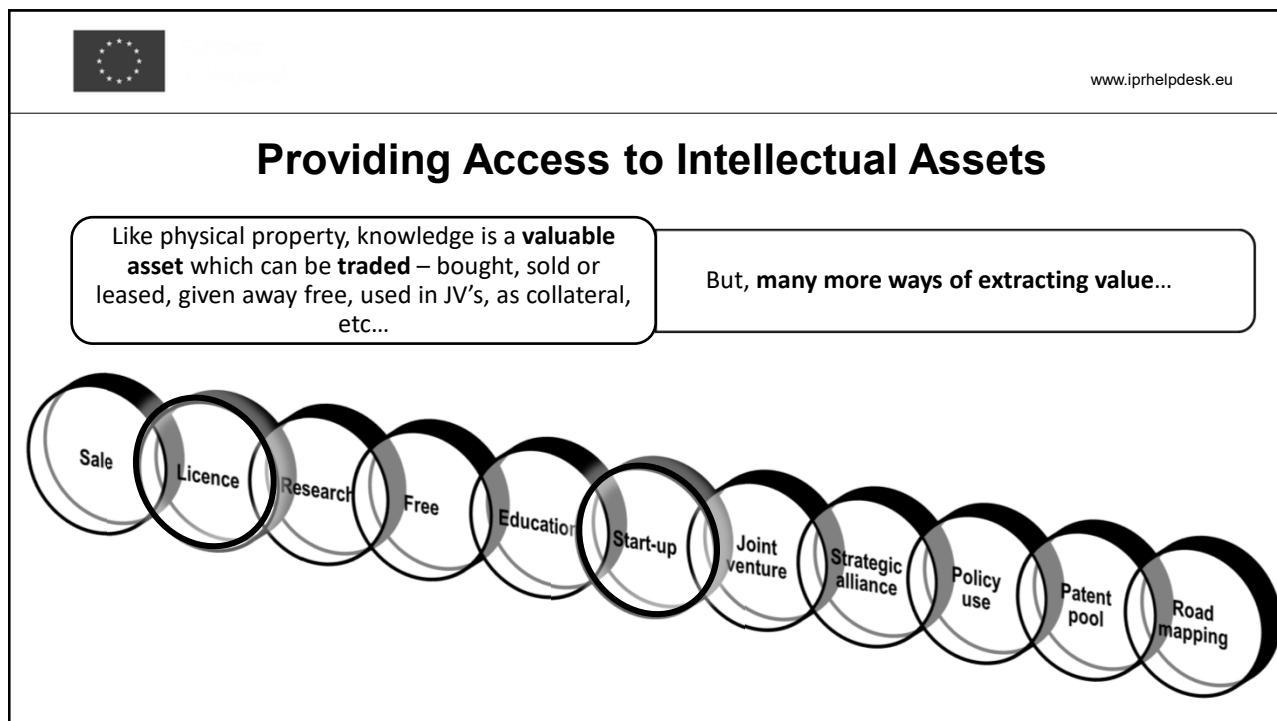
Agree exploitation of the collaboration outputs




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Licence

Licensee has expertise and resource

Can address different fields of use and geographical areas

Established markets & suppliers

Evolutionary/incremental technology

The IP fits a gap in someone else's portfolio

Low financial commitment – less risk

Early returns – may grow over time

or

New Venture?

New Company must acquire expertise and resource

Needs a critical mass of expertise and a committed and enthusiastic team

New markets for new suppliers


Revolutionary or platform technology

Delivers a unique business advantage

Needs capital - more risk

Returns take longer – but could be large

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Licensing (in general)

Granting right to use
Granting the right to use the **protected IP**
under agreed terms and conditions

- Field of use
- Geographic territory
- To validate not sell
- Subject to conditions

European IP Helpdesk Bulletin No.1 - IP Licensing



<https://op.europa.eu/o/opportal-service/download-handler?identifier=3ae24438-9c73-11e9-9d01-01aa75ed71a1&format=pdf&language=en&productionSystem=cellar&part=>

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Every clause in a licence agreement is a negotiating point



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THE END OF THE COLLABORATION (IS NOT THE END OF THE IP!)

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Agree what happens after the collaboration ends

Terms of access and use of IP post-collaboration

Ongoing management of jointly owned IP and its protection

Who will **manage** and **monitor existing licences**, and **derivative works** including auditing

How will **infringement and litigation** be managed?

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More Help... “Knowledge Valorisation in R&I Collaborations” Thematic Package from IP Helpdesk


- **Successful Valorisation of Knowledge and Research Results in Horizon Europe**
- **Your Guide to Intellectual Property Management in Horizon Europe**
- **Article: Leveraging Innovation Through Collaboration - IP Challenges And Opportunities For SMEs In The Context Of EU-Funded Collaborative Research Projects**



[Knowledge Valorisation in R&I Collaborations \(europa.eu\)](https://europa.eu)

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Knowledge Valorisation in Collaborative R&I Projects and the Role of Intellectual Property Management

Valorising research results and scientific knowledge is key to delivering new responses to current and future challenges and opportunities. The EU's valorisation policy sets the overall frame for research teams to engage in activities aimed at communicating, disseminating and exploiting newly generated knowledge and research results. Proficient intellectual property (IP) management is one of the major facilitators (in fact, prerequisites) of enhanced knowledge valorisation, which ensures innovative ideas and inventions are turned into concrete, value-adding solutions that benefit society and economy. While we have put together an entire guide on this subject, this infographic spotlights major strategic considerations related to knowledge and IP management, especially when tackling dissemination and exploitation activities within collaborative R&I projects.

1 Raise awareness among all partners concerning good research practice and the importance of IP management (i.e. confidentiality, ownership, access rights, responsibilities).

2 Perform a mapping of potential valuable and exploitable results, i.e. identify different types of results and their potential user groups – on partner and/or consortium level.

3 Plan and describe adequate internal IP and innovation management, helping to create, capture, assess, manage and protect research results to ensure that legitimate interests of project partners will not be compromised (e.g. filing a patent, the need to keep results confidential).

4 Clarify who brings what, and who owns what in the project and after its end through a Results Ownership List. This will ensure straightforward information as to who is responsible for continuing management, protection and exploitation of results beyond project end.

5 Describe how the project results will be increased and used, and under which terms (i.e. for further research, policy issues or branding, new products/services, start-ups, joint ventures, standards, etc.) in case of commercialisation opportunities, consider the need/value of protecting first before deciding.

6 Carefully assess the compatibility of IP policies and management strategies with dissemination/ exploitation activities throughout the project.


- Do the IP policies and managing structures established at the beginning of the project fit the dissemination and exploitation interests within the consortium?
- Have conflicts of interests among project partners occurred in this regard?


Find out more in our guide!

Disclaimer: The European IP Helpdesk provides guidance for the legal and IP aspects of knowledge valorisation. It does not provide legal advice. The European IP Helpdesk is a service provided by the European Commission. The European IP Helpdesk is not responsible for any legal or IP advice given by the European Commission. For more information, please contact the European IP Helpdesk at iprhelpdesk@ec.europa.eu or visit our website at www.ec.europa.eu/ipr-helpdesk.

- <https://op.europa.eu/en/publication-detail/-/publication/aa98a200-c11b-11ec-b6f4-01aa75ed71a1>


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Code of practice on the management of intellectual assets for knowledge valorisation

Commission Recommendation



Mariya Gabriel
Commissioner for Innovation, Research, Culture, Education and Youth

"Intellectual assets management is key for both individuals and organisations to improve their ability to collaborate, communicate and valorise knowledge. Together with stakeholders, we have developed a code of practice to support the Quality Procedure for knowledge valorisation and promote the effective use and sharing of intellectual assets."

The **code of practice** provides guidance for R&I actors to successfully manage their intellectual assets in order to maximise the socio-economic benefits of research results and innovative technologies for the EU taking into account sustainability.

1 Revised guidance


Replaces the 2008 code of practice for universities and other public research organisations to reflect the changes in the R&I landscape.

2 Inclusiveness

Co-creation with a wide range of R&I stakeholders with an interest in intellectual assets management through a community of practice.

3 From ideas to market


Identifying the most suitable means to control intellectual assets, to find the appropriate markets and to involve business partners.


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VALORISATION POLICIES

CODE OF PRACTICE ON INDUSTRY-ACADEMIA CO-CREATION

COMMISSION RECOMMENDATION



Elena Vassena
Commissioner for Innovation, Research, Culture, Education and Youth

"To develop new technologies, products and services in Europe and to ensure that innovative solutions are taken up, academia and industry must work closely together. This code of practice, developed with stakeholders, will be a valuable tool for bridging the gap between the lab and the market and for boosting knowledge valorisation."

The **code of practice** is a detailed guidance to facilitate industry-academia co-creation, to strengthen valorisation of research results and to bridge the gap between research outputs and marketable innovations and the uptake to society.

STRATEGIC APPROACH

Industry and academia to create enabling environment for collaboration and actively seek for common interests and work together in research and innovation from early on.

MATCHING SUPPLY AND DEMAND

Bring industry and digital platforms for match-making, interactive media for co-creators, support from infrastructure and co-creation facilities.


SUCCESSFUL PARTNERSHIPS


Creating the right conditions for partnerships, professional support from intermediaries, effective valorisation of results, the sharing of value created.

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IP in Business Collaborations for SMEs and Start-ups

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WHAT'S NEW? STRATEGIC NOVELTIES IN HORIZON EUROPE WITH REGARD TO EXPLOITATION

With Horizon Europe, the European Commission has stepped up its efforts to monitor and follow up on sound exploitation strategies more systematically and rigorously. Additional rules have been envisioned to support the standardisation of key technologies, address current and possible future public emergencies, and extend the capacity of beneficiaries in the exploitation of results beyond the project's end.

For the management of Intellectual Property (IP), the obligation remains that each Horizon Europe beneficiary shall use its best efforts to exploit the results they own or to have them exploited by others, in particular through the transfer and licensing of results. Beneficiaries are thus required to protect their results adequately – if possible and justified – taking into account possible commercial exploitation options and any other legitimate interests.


Public Emergency Provision

Where the call conditions impose additional exploitation obligations in case of a public emergency, the granting authority may have the beneficiaries grant non-exclusive licences of their results to the legal entities that need the results to address the public emergency for a limited period of time (four years maximum). Public emergencies could cover events such as pandemic diseases (like Covid-19), terrorist attacks, hacking, earthquakes, tsunamis, CERN events, e.g. novel and highly fatal infectious agents or biological or chemical toxins, as well as those from resulting cascading risks.

Mandatory Results Ownership List (ROL)

Horizon Europe has a specific objective: designating the exploitation of research results. This calls for clarity as to ownership of results. Thus, beneficiaries must now provide information on the ownership of the results (results ownership list). This includes whether the ownership is single or joint, the name of the owner(s), the country of establishment of the owner(s) and whether the results will be exploited by the owner(s). Failure to do so will block the submission of the final periodic report and the final payment.

KEY UPDATES TO KEEP IN MIND



Union Interest

If any exploitation is to take place in non-associated third countries, beneficiaries must include justification on how the exploitation is still in the Union's interest. The European Commission noticed that some EU-funded research results are being exploited by firms based in Asia or the United States, even though they had received EU financing. Another EC policy that is aligned with the Union is the Industrial Policy.

New Obligation to Exploit Results on the Horizon Results Platform

As formulated in the Model Grant Agreement: "If despite the best effort for exploitation no uptake happens within a specific period after the end of the project (one year), then the project must use the Horizon Results Platform (HRP) to make exploitable results visible (unless obligation is waived)". As part of the Funding & Tenders Portal, the Horizon Results Platform provides multiple benefits, as beneficiaries: greater visibility and faster matchmaking with priority third parties; targeted increased promotional events; free access to support services, and quick searches.

Mandatory Plan for the Dissemination & Exploitation of Project Results, incl. Communication Activities

Project leaders are asked to provide their Dissemination and Exploitation Plan, incl. Communication Activities 9 months after the signature of the Grant Agreement as a mandatory deliverable. At this stage, they will already have a better idea of the kind of (key) results to exploit and can focus on how to best disseminate and valorise their results – including appropriate knowledge management and IP strategies.

→ If you want to learn more about IP management in Horizon Europe projects, look at our guides on IP management in Horizon Europe and Successful valorisation of knowledge and research results in Horizon Europe.


Disclaimer

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- <https://op.europa.eu/en/publication-detail/-/publication/8a160377-4e07-11ee-9220-01aa75ed71a1>

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Summary

Collaboration starts with a mutually beneficial business opportunity

Understand the needs, expected benefits and contributions of all partners

Develop coherent individual and shared strategies for managing, protecting, and using the IP

IAs can be protected, shared and transferred in many ways, for different purposes, under different T&Cs

IP Management continues after the end of the collaboration

Prepare and plan in advance

Innovate, be competitive and grow!

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Presentation produced by Dr. Eugene Sweeney, Iambic Innovation Ltd. 2023

DISCLAIMER

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