



European IP Helpdesk

Stay ahead of the innovation game.

European IP Helpdesk Services

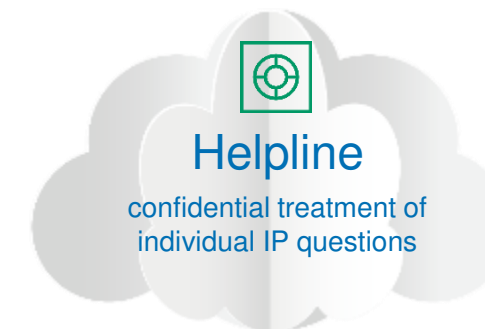
IP Management in ICT Projects





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






Upcoming webinars

07
JUN
2023

Training and workshops


EU - Webinar: IP Management in ICT Projects

 Live streaming available

13
JUN
2023

Training and workshops


EU - Webinar EPO Coop: Patent protection for EU funding beneficiaries - Green Technologies

 Live streaming available

15
JUN
2023

Training and workshops


EU - Webinar: Copyright in collaborative projects

 Live streaming available

29
JUN
2023

Training and workshops


High-growth Technology Business Forum 2023 - Build-to-sell

 Live streaming available

11
JUL
2023

Info days


Horizon IP Scan - Info Session

 Live streaming available

11
SEP
2023

Info days


Horizon IP Scan - Info Session

 Live streaming available

24
OCT
2023

Training and workshops


EU - Webinar EPO Coop: Patent protection for EU funding beneficiaries - Digital communication

 Live streaming available

09
NOV
2023

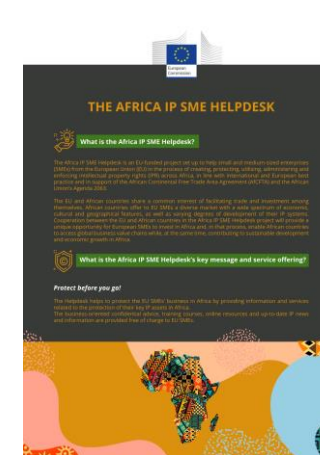
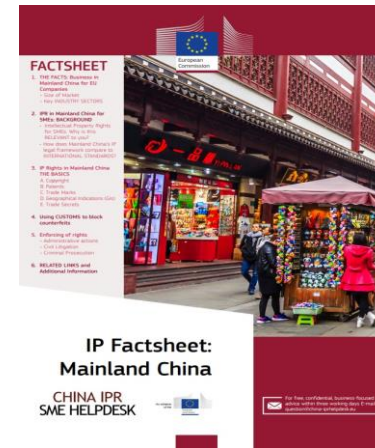
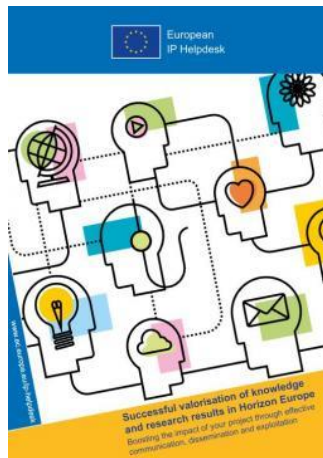
Info days

Horizon IP Scan - Info Session

 Live streaming available



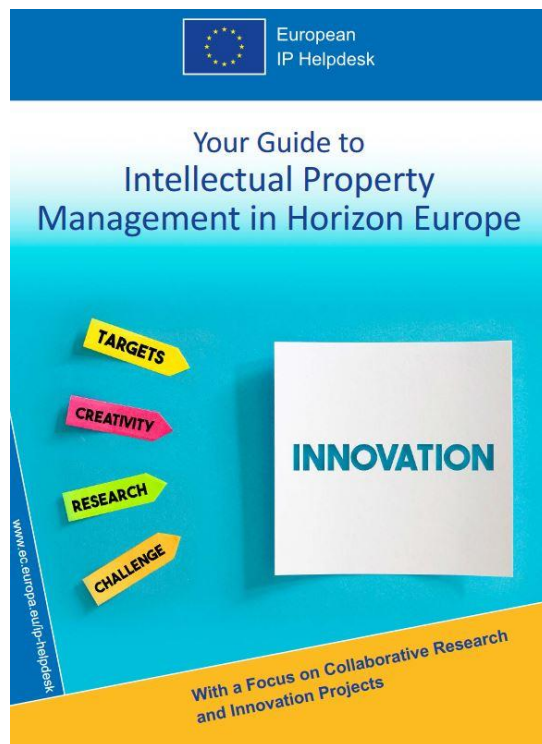
EC IP (SME) Helpdesk Hub – Gateway to Information



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



Your Guide to Intellectual Property management in Horizon Europe



<https://op.europa.eu/en/publication-detail/-/publication/43e0204c-6ed3-11ed-9887-01aa75ed71a1/language-en/format-PDF/source-276235204>



Ambassador Scheme

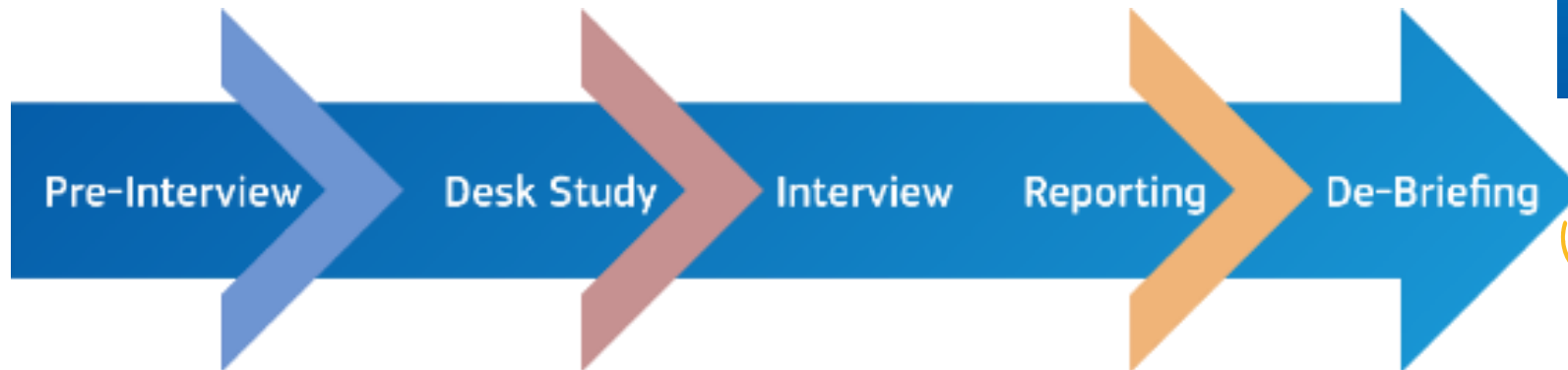
- **Cooperation scheme** with the Enterprise Europe Network (EEN): 44 ambassadors – 27 countries
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- Local **awareness**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





Horizon IP Scan

IP Support Service for SMEs in Collaborative EU-funded
Research Projects



www.horizon-ipscan.eu

IP Management in ICT Projects

European IP Helpdesk Webinar: 7 June 2023



European
IP Helpdesk

www.iprhelpdesk.eu

European IP Helpdesk

Stay ahead of the innovation game.

IP Management in ICT projects

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



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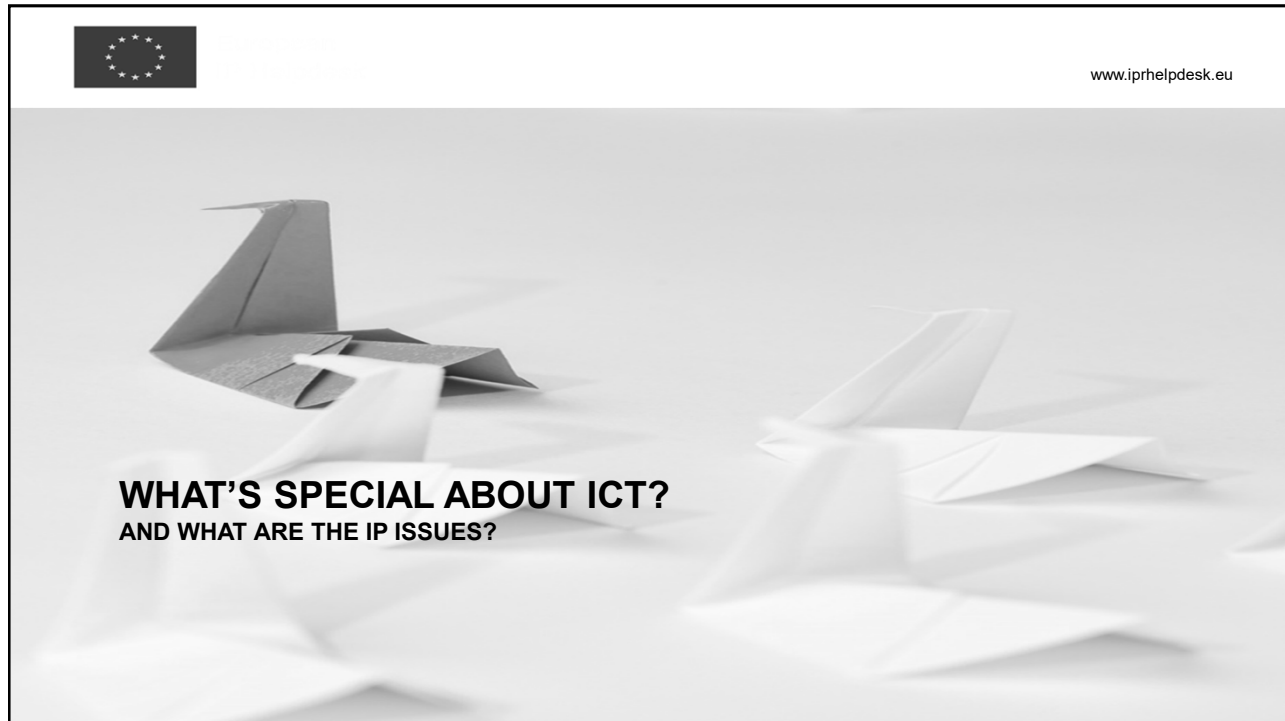
Today's speaker



Dr. Eugene Sweeney

- Over **25 years** experience with EC as **proposal evaluator and project reviewer**
- **Over 40 years in the ICT industry**
 - 1970's **Researcher – computer modelling/simulation**
 - 1978 First **start-up**: microcomputer software applications for engineers
 - 1980's Computer **industry**: Developing, sourcing and taking new ICT technologies to market
 - 1990's Early stage technology/IP **investment and commercialisation**: Focus on **ICT**
 - 2000 - Formed Iambic Innovation Ltd: **Consultancy** in Innovation, IPR and research exploitation
- Member of International (ISO) and European (CEN) Standards Committees on **Innovation Management and IP Management**
- Member of Licensing Executive Society

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A slide with a light gray background. In the top left corner is the European Union flag, and in the top right corner is the URL www.iprhelpdesk.eu. The main text is **ICT is ..**. Below this, there are three rows, each with a rounded rectangular box on the left containing a characteristic and a rounded rectangular box on the right containing a bullet point:

- All-pervasive** • Any time, any place, any device, any sector
- Critical** • ICT controls critical infrastructures
- Horizontal** • usually an essential component in other innovations, whatever sector

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ICT is...

Dependent	<ul style="list-style-type: none">• Relies on other technologies, systems or data
Cumulative	<ul style="list-style-type: none">• Based on pre-existing components, integration, derivatives• Can be combined in different ways to create new products and services
Convergent	<ul style="list-style-type: none">• Takes advantage of merging/converging technologies; e.g. Cloud, sensors, IoT, etc.

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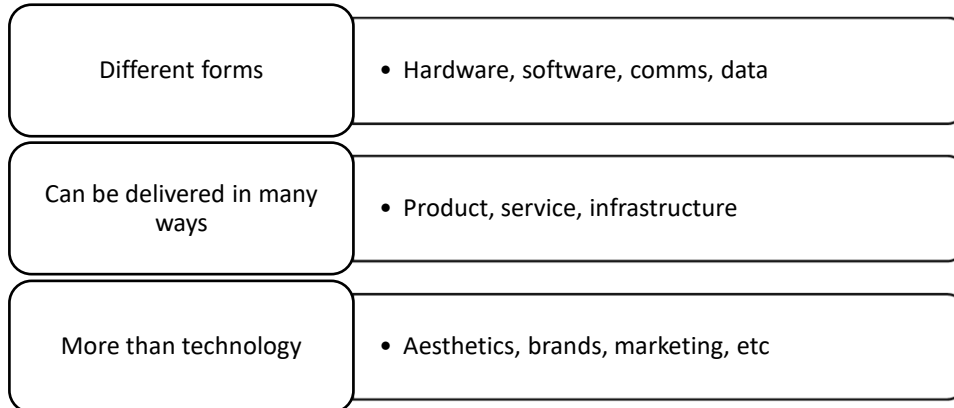
ICT is ...

Global	<ul style="list-style-type: none">• scalable
Trans-border	<ul style="list-style-type: none">• Cloud, Internet, IoT, blockchain, AirBnB, etc.

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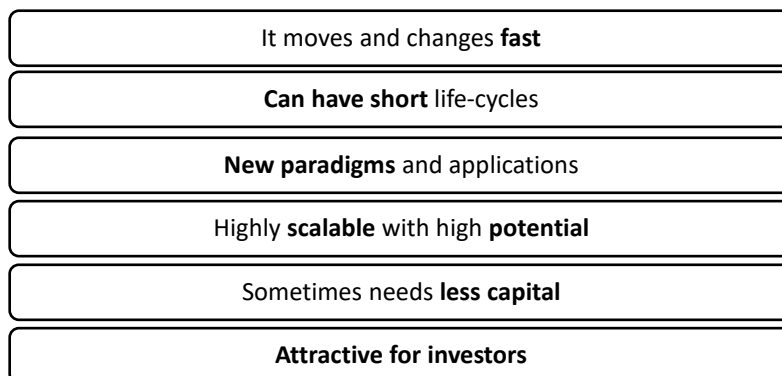
ICT has many faces..



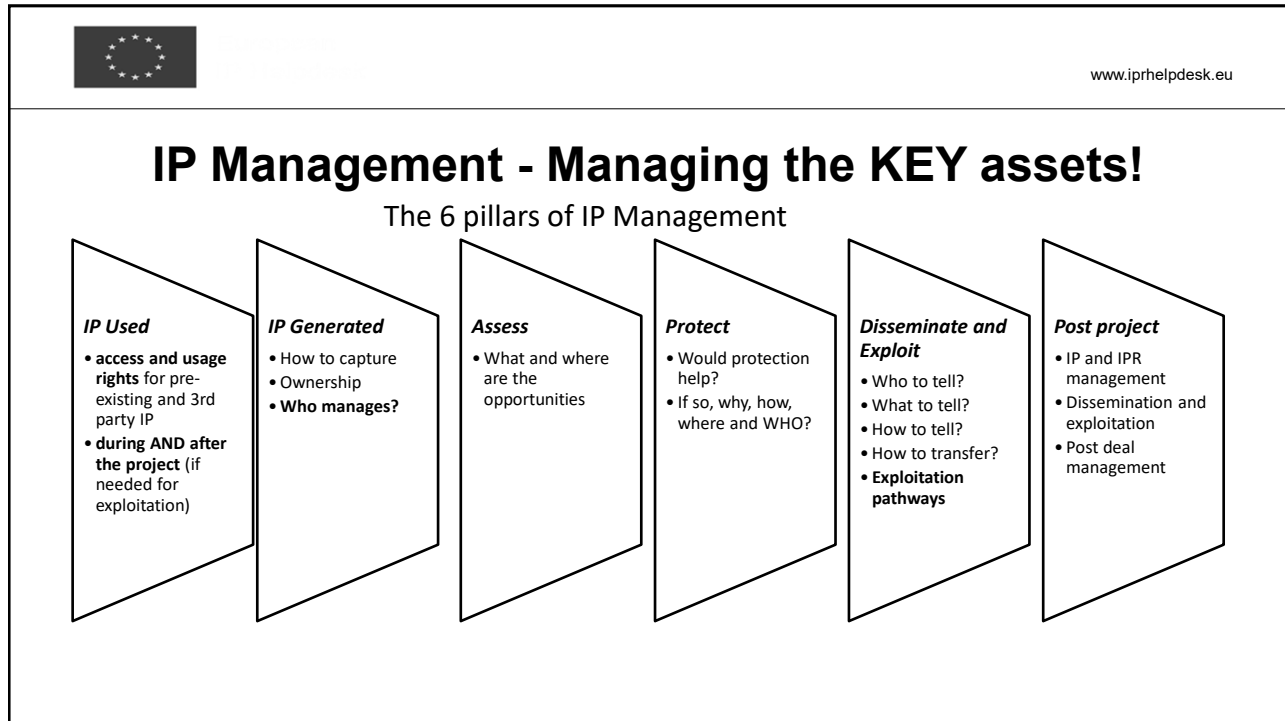
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ICT is dynamic and disruptive



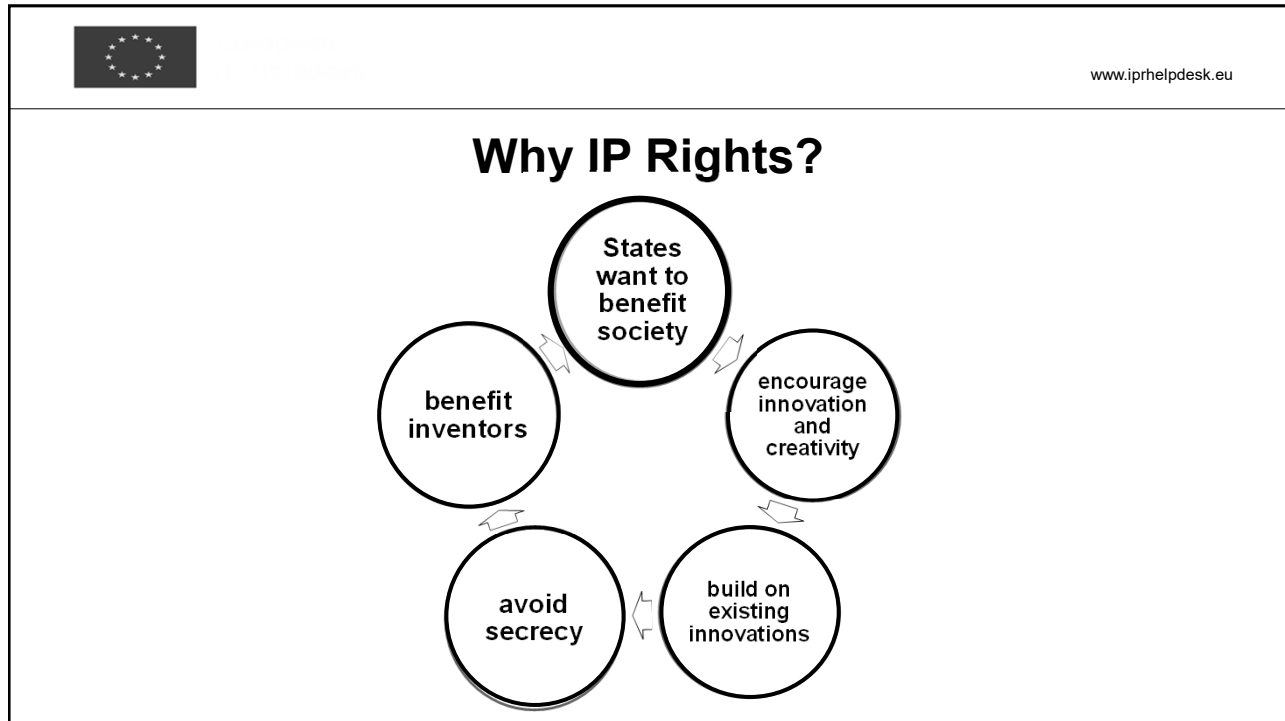
8



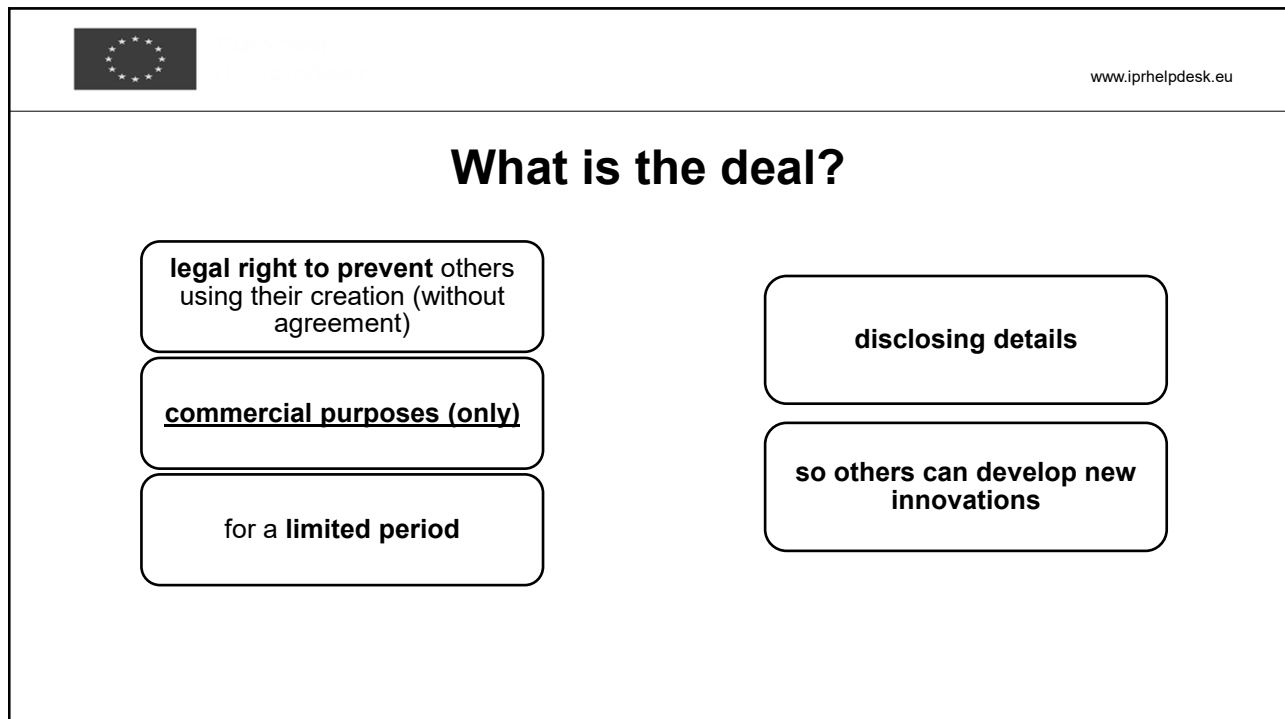
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Who benefits?

The state by avoiding secrecy	➤ Improves innovation capacity, stimulates innovation, enriches society
The creator by being able to prevent unauthorised commercial use	➤ Unless they come to an agreement (which may be financial)
Commercial partners from the limited monopoly	➤ To get a return on investment

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Many types of Intellectual Property (IP)

Products of the mind	<i>Inventions</i>
Assets which can be traded	<i>Software code</i>
	<i>New methods</i>
	<i>Manuals/Reports</i>
	<i>Designs (aesthetic/functional)</i>
	<i>Databases</i>
	<i>Works of art</i>
	<i>Music</i>
	<i>Videos</i>
	<i>Books</i>
	<i>Roadmaps</i>
	<i>etc</i>

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Many types of Intellectual Property Right (IPR)

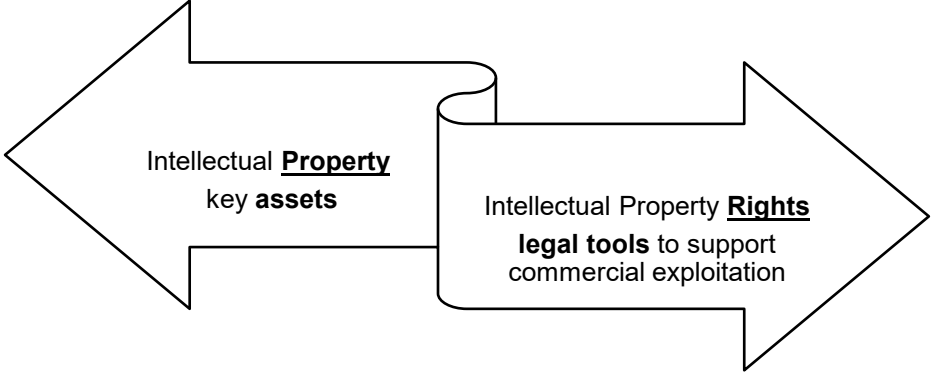
Patents	Some legal rights come into existence automatically
Copyright	
Design Rights	Some need registration
Database Rights	Confidentiality Agreements (Know-how)
Trade marks	
Plant Breeders Rights	Secrets (Trade Secrets)
Utility Models/petty patents	Time limited rights
Plant varieties	
etc	National rights

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Don't confuse IP and IPR



Intellectual Property key assets

Intellectual Property Rights legal tools to support commercial exploitation

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Obligation to protect the results


“Beneficiaries which have received funding under the grant must adequately protect their results for an appropriate period and with appropriate territorial coverage if protection is possible and justified, taking into account all relevant considerations, including the prospects for commercial exploitation, the legitimate interests of the other beneficiaries and any other legitimate interests.”

Horizon Grant Agreement

If commercial

➤ Should you protect it?
➤ If so, **why, how** and **where**?

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Strategic decisions

Are there commercial opportunities?

Would IP protection support exploitation?

Benefits greater than costs?

If so, **invest!**

Assessment, protection and exploitation must be considered together

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More than just patents!

Patents dominate
Telecomms and
Hardware

trademarks and
copyright
dominate
Software &
Services

JRC Report, "IP and Innovation in ICT", 2015

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Sharp rise in ICT patents

Sharp rise – Total European patent applications² in computer technology

Year	Total patent applications in computer technology
2015	10 359
2016	10 772
2017	11 348
2018	11 589
2019	12 774 (+10%)

Total patent applications in computer technology

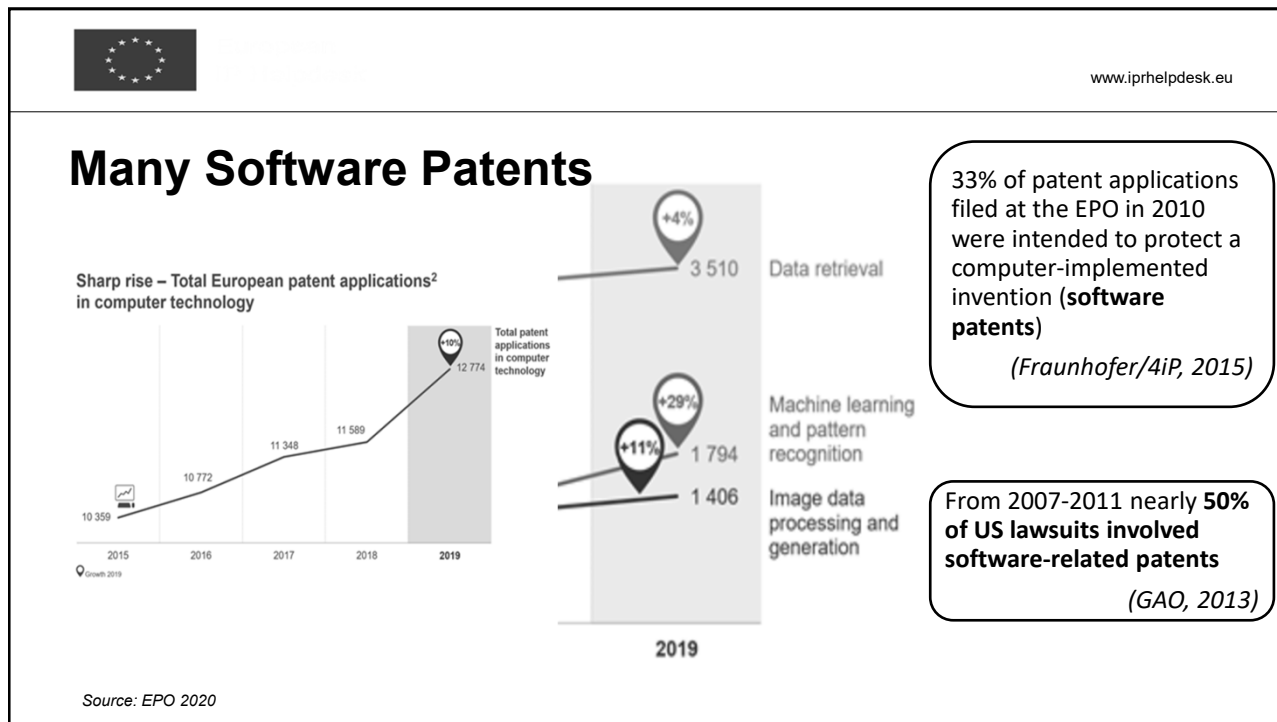
Total European patent applications² in digital communication

Year	Total patent applications in digital communication
2015	11 051
2016	10 967
2017	11 853
2018	11 853
2019	14 175 (+20%)

Total patent applications in digital communication

Source: EPO 2020

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What can you patent?

Almost anything of **technical character** that is not a mere discovery and is:


- **New/Novel** (not previously disclosed publicly)
- **Inventive** (not obvious to “one skilled in the art”)
- **Industrially applicable/has a technical effect**
- **Sufficiently described**

What can't you Patent?

- **Computer programs** (*per se*)
- Scientific theories
- **Mathematical methods/algorithms**
- Aesthetic creations
- Schemes, rules and methods for performing mental acts
- Playing games or doing business
- Presentations of information

Some important exceptions in law and its interpretation in the USA and elsewhere

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Software Patents in Europe..

European Patent Convention

Computer programs are not patentable	software code
Computer-implemented inventions are patentable	<i>"inventions whose implementation involves the use of a computer, a computer network or other programmable apparatus, realised by means of a computer program (i.e. software)"</i>
Needs to have a technical effect	not business or financial

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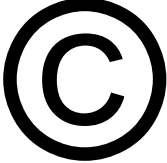
Software Copyright

Copyrights protects the expression of the method not the method itself; for example:	<ul style="list-style-type: none">• The code as such (source and binary)• Design material• User guides• Graphical elements such as icons
Comes into existence automatically	<ul style="list-style-type: none">• so keep good records to prove date of creation.
Lasts at least 50 years	<ul style="list-style-type: none">• national variations


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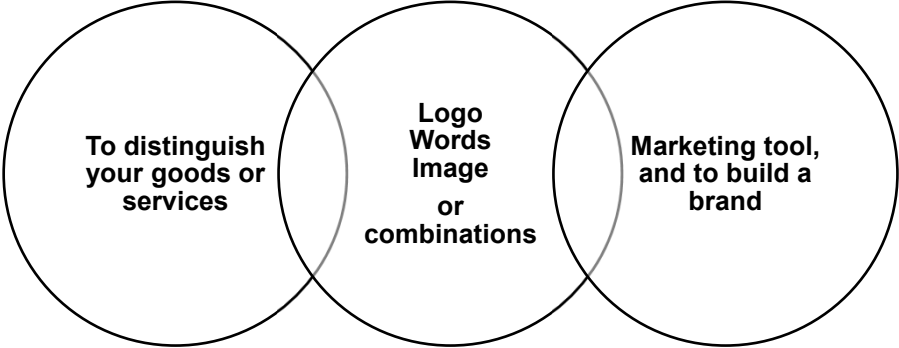
Software patent OR/AND Software copyright

<p>Patent</p>  <p>What it <u>does</u> (regardless of how expressed)</p>	<p>Copyright</p>  <p>What it <u>is</u> (its expression)</p>
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Trademarks




To distinguish your goods or services

Logo Words Image or combinations

Marketing tool, and to build a brand





















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Brands can be Valuable!!


Amazon	60% growth
Microsoft	53% growth
Spotify	52% growth
Netflix	41% growth
Adobe	41% growth
PayPal	38% growth
Apple	38% growth
Salesforce.com	34% growth
Nintendo	31% growth
MasterCard	17% growth

Biggest risers

01  +38% 322,999 \$m	02  +60% 200,667 \$m	03  +53% 166,001 \$m	04  -1% 165,444 \$m	05  +2% 62,289 \$m
06  -10% 56,894 \$m	07  -8% 51,595 \$m	08  -3% 49,268 \$m	09  -6% 42,816 \$m	10  -8% 40,773 \$m
11  -4% 39,756 \$m	12  -8% 36,971 \$m	13  -12% 35,178 \$m	14  -14% 34,885 \$m	15  +9% 34,388 \$m
16  -4% 34,119 \$m	17  -2% 31,720 \$m	18  +12% 28,011 \$m	19  New 26,060 \$m	20  -11% 21,694 \$m

Source Interbrand Best Global Brands 2020

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Database Rights

- Copyright protects the contents
- Database right protects the collection if there has been a "substantial investment" in obtaining, verifying or presenting the contents of the database.

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The slide features a background image of a white paper airplane in flight against a light grey background. In the top left corner, there is a small European Union flag. In the top right corner, the website address www.iprhelpdesk.eu is displayed. The main title of the slide is "Obligation to exploit the results" in bold, black, uppercase letters, centered on the page. Below the title, a quote is enclosed in a black-bordered box with a wavy bottom edge. The quote reads: "Beneficiaries which have received funding under the grant must — up to four years after the end of the action — use their best efforts to exploit their results directly or to have them exploited indirectly by another entity, in particular through transfer or licensing." Below the quote, the text "Horizon Grant Agreement" is written in a smaller, italicized font.

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Issues to consider when commercialising ICT

Wide variety of business models

Open/free	Product or service	Per use/seat	one-off fee	subscription based	ad based	voluntary contributions	community supported	etc.
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Characteristics of ICT

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How far do you want to go?

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Exploitation Strategies

Like physical property, **intellectual property is a valuable asset** which can be **traded** – bought, sold or leased, given away free, used in JV's, as collateral, etc...

But, many more ways of extracting value...


Sale, Licence, Research, Free, Education, Start-up, Joint venture, Strategic alliance, Policy use, Patent pool, Road mapping

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Licence	or	New Venture?
Licensee has expertise and resource		New Company must acquire expertise and resource
Can address different fields of use and geographical areas		Needs a critical mass of expertise and a committed and enthusiastic team
Established markets & suppliers		New markets for new suppliers
Evolutionary/incremental technology		Revolutionary or platform technology
The IP fits a gap in someone else's portfolio		Delivers a unique business advantage
Low financial commitment – less risk		Needs capital - more risk
Early returns – may grow over time		Returns take longer – but could be large

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ICT ventures

VC funds investing heavily in favour of ICT

Drive for **capital growth** rather than profitability


Investors don't wait around....

ICT has **rapid growth** potential

New paradigms, low capital investment and rapid growth

make **ICT start-ups attractive** for investors

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Licensing (in general)

Granting right to use your property under agreed terms and conditions


- Field of use
- Geographic territory
- To validate not sell
- etc

European IP Helpdesk Bulletin No.1 - IP Licensing



http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/bulletin/01/IP-H_b01_content-3.html

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Open Source Licences

Just another type of licence!	<ul style="list-style-type: none">• Usually requires source code to be made available• Many different versions and variations• Beware clauses which affect commercial use	Needs management – how will it be funded?
Good for	<ul style="list-style-type: none">• building community of developers and users	How will it be sustainable?
		Choose only if appropriate and can be justified
		not “policy” or “ideology” decision

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Company types using Open Source software?

hardware companies	<ul style="list-style-type: none">• To increase the market for their hardware (e.g. printers, phones, white “smart” goods, etc
software companies	<ul style="list-style-type: none">• In their own products
services companies	<ul style="list-style-type: none">• To build a market for their services (e.g. support, training, customisation, etc.)

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Two main types of Open Source licence

Open Source licences allow others to make modified versions of your code,
and to make these modified versions available to others

<p>Copyleft Licences (weak or strong) (e.g. GPL, Mozilla, Eclipse, EUPL...)</p> <ul style="list-style-type: none"> Conditions about what licences can be used on modified versions Usually that same rights included in derivative works. Conditions help keep code free, but can impact commercial applications 	<p>Permissive Licences (e.g. MIT, Apache, BSD...)</p> <ul style="list-style-type: none"> Do not control how modified code is licensed Modifications can be released under any licence, open source or not
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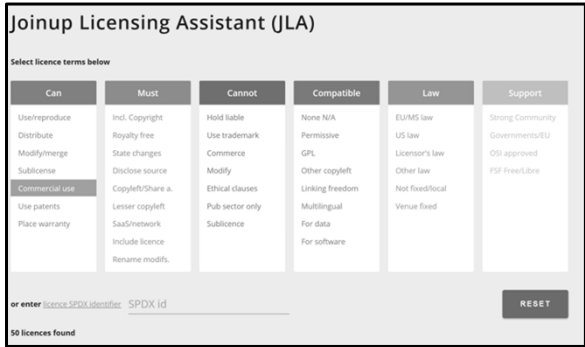
European Union Public Licence

- Originally developed by/for the EC – now available for anyone
- Open source licence in **all EU official languages** (OSI certified 2009)
- Compliant with EU law
- Interoperable and compatible with other licences

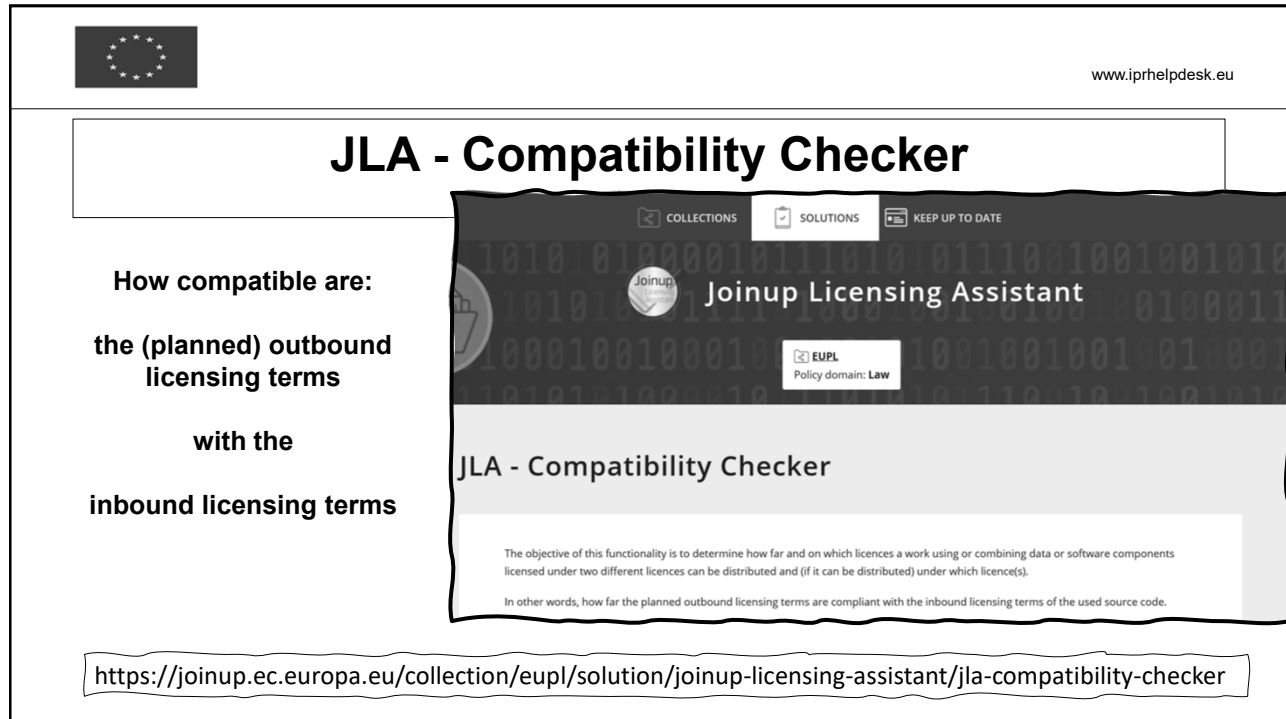
Joinup Licensing Assistant (Select and compare open licences)

<https://joinup.ec.europa.eu/collection/eupl>





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JLA - Compatibility Checker

How compatible are:
the (planned) outbound
licensing terms
with the
inbound licensing terms

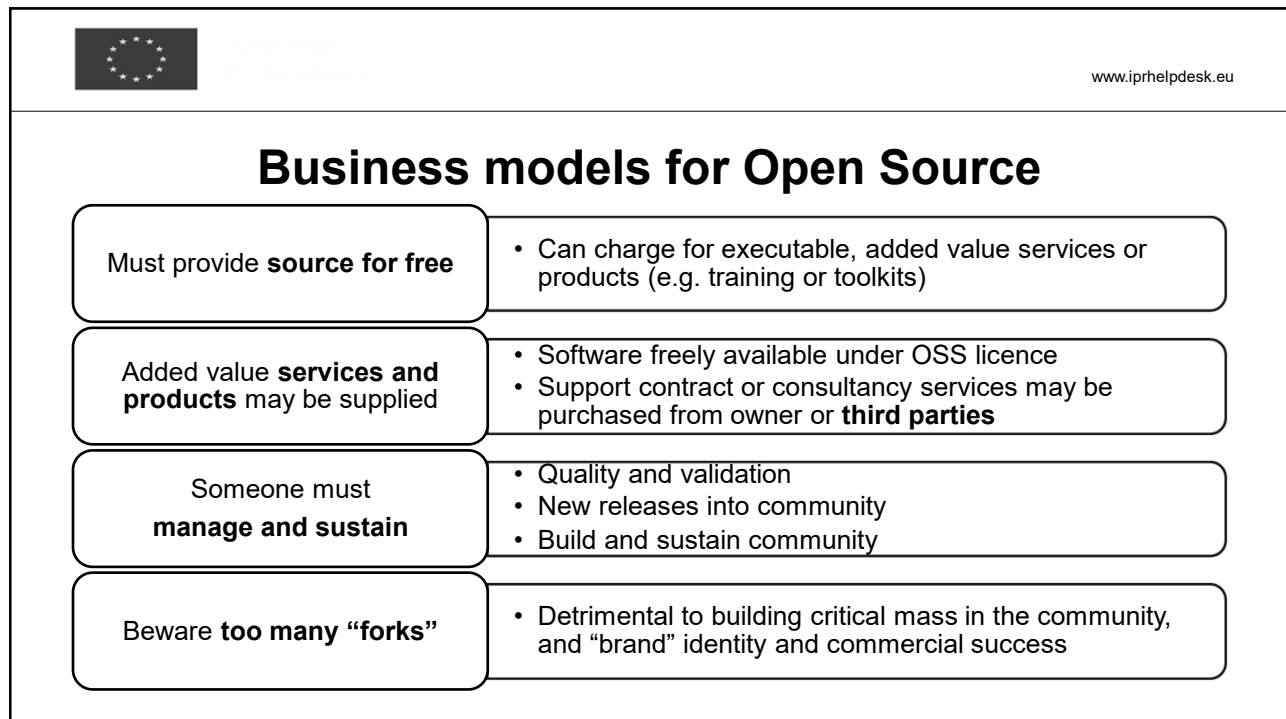
Joinup Licensing Assistant

JLA - Compatibility Checker

The objective of this functionality is to determine how far and on which licences a work using or combining data or software components licensed under two different licences can be distributed and (if it can be distributed) under which licence(s).
In other words, how far the planned outbound licensing terms are compliant with the inbound licensing terms of the used source code.

<https://joinup.ec.europa.eu/collection/eupl/solution/joinup-licensing-assistant/jla-compatibility-checker>

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Business models for Open Source

Must provide source for free	<ul style="list-style-type: none">• Can charge for executable, added value services or products (e.g. training or toolkits)
Added value services and products may be supplied	<ul style="list-style-type: none">• Software freely available under OSS licence• Support contract or consultancy services may be purchased from owner or third parties
Someone must manage and sustain	<ul style="list-style-type: none">• Quality and validation• New releases into community• Build and sustain community
Beware too many "forks"	<ul style="list-style-type: none">• Detrimental to building critical mass in the community, and "brand" identity and commercial success

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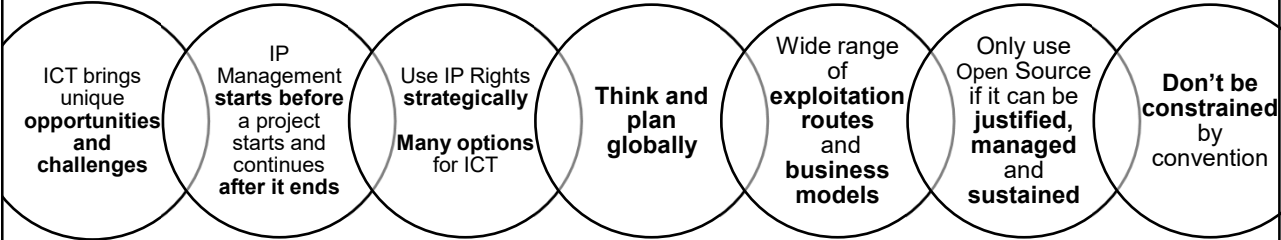
IP Management in ICT Projects

European IP Helpdesk Webinar: 7 June 2023




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Summary



- ICT brings unique **opportunities and challenges**
- IP Management **starts before** a project starts and continues **after it ends**
- Use IP Rights **strategically**
Many options for ICT
- Think and plan globally**
- Wide range of **exploitation routes and business models**
- Only use Open Source if it can be **justified, managed and sustained**
- Don't be constrained** by convention

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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.

The European IP Helpdesk is managed by the European Commission's Executive Agency for Small and Medium-sized Enterprises (EASME), with policy guidance provided by the European Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG Grow).

The information provided by the European Union IP Helpdesk is not of a legal or advisory nature and no responsibility is accepted for the results of any actions made on its basis. Moreover, it cannot be considered as the official position of EASME or the European Commission. Neither EASME nor the European Commission nor any person acting on behalf of EASME or of the European Commission is responsible for the use which might be made of this information.

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

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