



TURKEYⁱⁿ
HORIZON 2020
COOPERATION INNOVATION COMPETITIVENESS



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INTELLECTUAL PROPERTY RIGHTS

Learn about IP Rights in Horizon 2020



*This is an introductory document for Intellectual Property aspects in general and in relation to Horizon 2020 projects.
This brochure is by no means exhaustive or conclusive. It is not an official document of the European Commission.
It is provided as a service of the “Turkey in Horizon 2020” project.*



CONTENTS

Intellectual Property Rights	4
What is IPR?	4
Organisations (Global & Regional) in the IPR Field	4
Industrial Property Rights & how to protect them	6
Patent - Utility Model	7
Trademark	10
Design	11
Trade secret - Know how	13
New plant varieties and plant-breeder rights	14
Copyright	15
IP Rights as a Contract between Public and Rights owner	16
What IPR means for an SME or an entrepreneur?	16
IPR is an Important Asset	17
IPR as an Innovation Catalyst	18
Innovation process and IPR Relations	21
IPR & Horizon 2020	23
What is Horizon 2020	23
What's new in Horizon 2020 with regard to IPR?	23
Managing IPR in H2020. What do you need to know?	23
Exploitation of Results	24
IPR in H2020 Proposal Stage	25
Before you start	25
Define your own IPR background	25
Confidentiality Issues	25
Assess the State-of-the-Art (SOTA)	25
Clear Plan	26

Intellectual Property Rights

4

The term Intellectual property (IPR) may be one of the most undervalued or misunderstood terms in business. Many think that this term is only a legal term and should be only dealt with by qualified personnel such as lawyers & attorneys. Another wrong assumption is that, IPR only matters to large scale companies or artists/craftsmen. Studies¹ reveal that IP is not used properly by SMEs and entrepreneurs and due to misconceptions these groups don't use IPR effectively and do not integrate IPR into their business strategies.

In this booklet, we will address these issues and try to underline how beneficial IPR is for the business of SMEs and entrepreneurs and show that IPR is an important aspect of innovation management, not only for legal but also for business, technical and managerial activities, regardless of the size of the company.

What is IPR?

By definition, IPR should be understood as certain kinds of *exclusive rights to intellectual capital* and *creations of the mind*; such as inventions, designs, literary and artistic works, and symbols, names and images used in commerce.

Such various types of IPR are classified in 3 segments:

- **Industrial property rights**, applicable to industrial creations. Patent, designs, trademarks, geographical indications, utility models, traditional product names and topographies of integrated circuits are called industrial property.

- **Copyright and related rights**, relevant to literary or artistic creations. Drawings, paintings, sculptures, radio-TV programs, performances, poems, films and similar type of artistic creations are part of copyright and related rights.
- **Trade Secrets** are special competitive information that companies have and are protected in part by employment laws and contracts.

Organisations (Global & Regional) in the IPR Field

- **WIPO:** The World Intellectual Property Organization (WIPO) is a United Nations (UN) agency with 189 member states. The main concern of WIPO is to lead the **development of a balanced and effective international intellectual property (IPR) system** that enables innovation and creativity for the benefit of all. WIPO also administers several international IPR registration systems. Furthermore, WIPO produces good resources for IPR awareness and information and also presents good databases for IPR rights, where interested parties can proceed searches. For more information: <http://www.wipo.int/>
- **WTO:** The World Trade Organization (WTO) is the only global international organization dealing with the **rules of trade between nations**. Of course, intellectual property rights are an important part of the rules of trade and WTO administers the **TRIPS Agreement** (Agreement on Trade-Related Aspects of Intellectual Property Rights).

¹ For example, "Prospective Study About The Design Registration Demand At A European Union Level Report" or "The European Citizens and Intellectual Property: Perception, Awareness and Behaviour Report" by EUIPO

The WTO's TRIPS Agreement (https://www.wto.org/english/docs_e/legal_e/legal_e.htm#TRIPs) establishes minimum levels of protection that each government has to give to the intellectual property of fellow WTO members. For more information: <http://www.wto.org/>

- **EUIPO:** Formerly known as OHIM, EUIPO is the **European Union Intellectual Property Office** responsible for managing the EU trade mark and the registered community design. EUIPO manages EU trademark and community design systems. EUIPO provides good databases for both systems on the website of the institution that can be reached at: <https://euipo.europa.eu/>
- **European Patent Office (EPO):** is an intergovernmental organisation, set up on the basis of the European Patent Convention (EPC) in 1977. It's Patent Office offers inventors a uniform application procedure which enables them to seek patent protection in up to 40 European countries. <https://www.epo.org>
- **Turkish Patent and Trademark Office (TURKPATENT):** In Turkey, the industrial property registration system is governed by TURKPATENT. This Institute is located in Ankara. Apart from the main headquarters Turkish Patent and Trademark Office (TURKPATENT) has a number of information-documentation centres nationwide, which help potential industrial property owners by providing guidance in application and processes. **From the QR code you can check the nearest information-documentation centre to you.** The online databases (patent, trademark, design) of TPE can be reached from <http://online.tpe.gov.tr/web/index.html>

The same page can be used to track IP applications made to the TURKPATENT. Lately, WIPO, TURKPATENT and Ankara University have jointly launched a Masters of Law program on Intellectual Property Rights. Apart from these expert level information products, since October 2016, TURKPATENT has been appointed by the PCT Contracting States as an International Searching Authority (ISA). Furthermore, TURKPATENT has produced a number of information and awareness materials and organises informative events. All can be checked from the website of the TURKPATENT: <http://www.turkpatent.gov.tr>

- **Copyright Directorate of the Ministry of Culture and Tourism of Turkey:** This Directorate is responsible for the implementation of Law 5846 on Intellectual and Artistic Works. The Directorate executes legal and administrative activities to strengthen institutional capacity of intellectual property system, to ensure the system facilitates properly by using reliable data and records, by considering the conditions in Turkey and international standards and developments. Further information can be found at: <http://telifhaklari.gov.tr/>
- **General Directorate Of Vegetative Production of the Ministry of Food, Agriculture and Livestock:** Known as BUGEM, the Directorate facilitates activities to develop vegetative production, support to the integration to the agriculture and industry, establish new production methods, build information systems, breed and preserve agricultural basins, meadows and pastures. For further information <http://www.tarim.gov.tr/bugem>



Industrial Property Rights & how to protect them

The purpose of the industrial property rights system is to encourage and to motivate inventors and creators of designs, to protect their rights, take action against infringers and to instil confidence in the maintenance of business activities related to Intellectual Property Rights.

Industrial property rights are territorial rights, that is, they are valid only in the countries where they are registered, and can only benefit from the protection provided by that country's laws. Turkish applicants enjoy full access to such regional protection systems available in EU for community trademarks and designs.

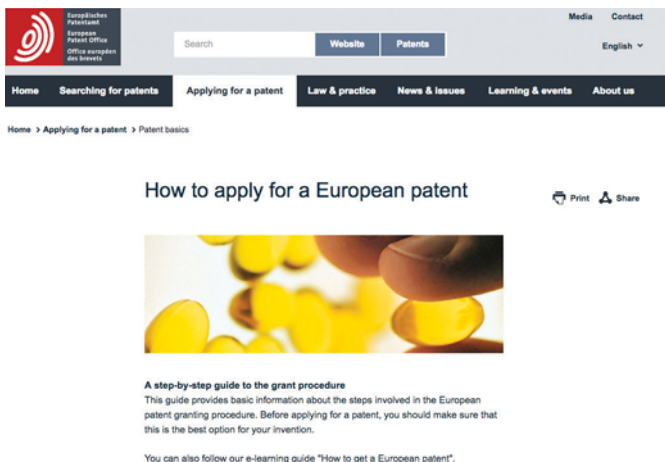
It is not forgotten that these rights are protected only where they are registered. Furthermore, in order to enjoy these rights in different countries for example, in Germany, UAE or in African countries, one must apply for registration in these countries also. Similarly, any foreign IP right holder must apply to Turkey to use their rights in Turkey too. There are international systems to make this process easier for the right holders. **European Patent Office (EPO)** of which Turkey is also a member, has created a procedure to simplify the process although after a European Patent is granted it has to be validated by all member states.

6

In order to protect industrial property rights, one must apply for registration and follow the granting procedures in Turkey. It should not be


Learn the whole process here:

<https://www.epo.org/applying/basics.html>



The screenshot shows the EPO website interface. At the top, there is a search bar and navigation links for 'Webseite' and 'Patents'. Below this is a horizontal menu with options: 'Home', 'Searching for patents', 'Applying for a patent', 'Law & practice', 'News & issues', 'Learning & events', and 'About us'. The 'Applying for a patent' section is highlighted. Below the menu, the breadcrumb trail reads 'Home > Applying for a patent > Patent basics'. The main heading is 'How to apply for a European patent', accompanied by 'Print' and 'Share' icons. A photograph of several yellow and orange capsules is displayed. Below the image, the text reads: 'A step-by-step guide to the grant procedure. This guide provides basic information about the steps involved in the European patent granting procedure. Before applying for a patent, you should make sure that this is the best option for your invention.' At the bottom, it states: 'You can also follow our e-learning guide "How to get a European patent".'

WIPO PatenScope Search Interface



PATENTSCOPE

Search International and National Patent Collections

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Home > IP Services > PATENTSCOPE

Simple Search

Using PATENTSCOPE you can search 58 million patent documents including 3 million published international patent applications (PCT). Detailed coverage information can be found here (->)

Office: All

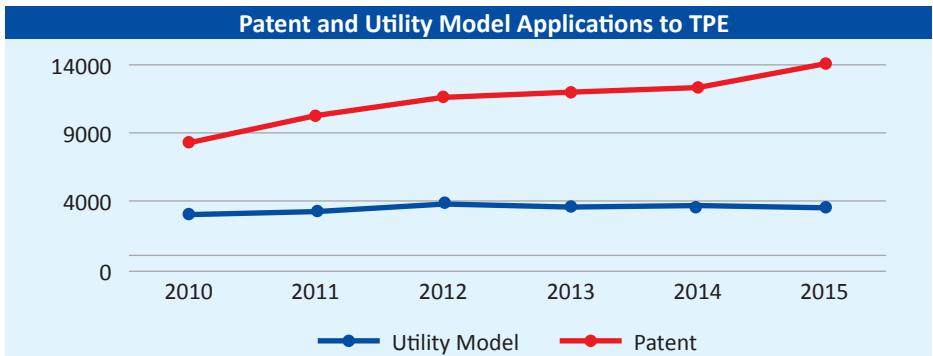
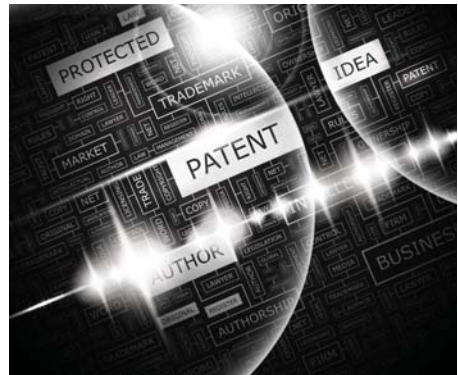
🔍 New Chemical Structure Search functionality

📅 PCT Publication 46/2016 (2016/11/17) is now available. The next publication date is scheduled as follows: Gazette number 47/2016 (2016/11/24). [More](#)

Patent - Utility Model

Patents are **important part of the intellectual capital of a company and a good instrument to protect the innovative investments** of the company. Inventions are protected by either a patent or a utility model. In order to qualify for patent rights, the invention:

- must be **new** (first in the world);
- should include an **‘inventive step’** which means that the proposed improvement should not be ‘obvious’ to someone skilled in that technical area;
- must be industrially applicable.



Example of a granted Utility Model Application



Print



File Status



Result Page



Documents



New Search

Application Information

Application No : 2015/02653

Application Date : 2015/03/05

Type of Application: Ulusal Başvuru

Registration No : 2015-GE-78525

Registration Date : 2015/03/05

Type of Protection : Faydalı Model

Registration No : 2015 02653

Granted Date : 2015/11/23

Publication Date : 2015/04/21

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Classification Code

B60R 3/02

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Title of Invention

ENGELLİLER İÇİN LİNEER HAREKETLİ HİDROLİK ARAÇ KALDIRMA LİFTİ

Abstract of Invention

Bu buluş, özel araçlarda ve toplu taşıma araçlarında (minibüs, servis, belediye otobüsü, özel halk otobüsü, vb.) kullanılmak üzere geliştirilmiş; tekerlekli sandalyeye bağımlı engelli vatandaşlarımızın araçlara bindirilmesi ve indirilmesi esnasında kullanılan aşağı yukarı lineer hareketli hidrolik araç kaldırma lifti ile ilgilidir.

Intellectual Property Protection in Turkey

In Turkey, inventions that do not fulfil the second criteria can be protected under the “utility model” system. But the period of protection for a utility models is shorter than for a patent (see box below).

Some inventions cannot be patented; these include:

- Inventions which are contrary to public order or public morality.
- Plant varieties or animal breeds and substantial biological processes intended for the production of plants or animals, except for microbiological processes or products resulting from microbiological processes.
- All treatments applied to the human or animal body including surgical methods and diagnostic methods.
- Discovery of one of the elements of the human body, including the human body and a gene array or partial gene array at various stages of its formation and development.
- Human cloning procedures, genetic modification of the human germ line, use of the human embryo for industrial or commercial purposes, genetic modification procedures that may cause animals to suffer without significant medical benefit to humans or animals.

HOW TO PROTECT YOUR INVENTION	PATENTS
<p><i>Either patents or utility models should be registered to enjoy the associated IPR rights and benefits. In Turkey, the inventor or a company or anyone entitled to hold the IPR rights should apply to the Turkish Patent and Trademark Office.</i></p> <p><i>Patents are protected for 20 years. Patent rights are granted by the Turkish Patent and Trademark Office. However, in the case of a patent grant, the protection starts from the date of application.</i></p> <p><i>Utility model applications are protected for 10 years.</i></p>	<p>20 years</p>

Links and Further Information on Patents

- In Turkey, SMEs may receive incentives from KOSGEB and TUBITAK to cover their patenting expenses. More information can be found at:
<http://www.turkpatent.gov.tr/TurkPatent/commonContent/Tubitak> and
<http://www.turkpatent.gov.tr/TurkPatent/commonContent/Kosgeb>

- Guidelines for preparing a patent application:



- Utility Model:



- Detailed information on fees can be reached at:
<http://www.turkpatent.gov.tr/TurkPatent/fees/informationDetail?id=112>
- For those who work in R&D, patent information databases can serve as an inspiration and a tool for solving problems in their daily work. Here are some patent search sites: <http://tr.espacenet.com> (EPO Search tool with Turkish interface for published Turkish patents), <http://online.turkpatent.gov.tr/web/index.html> (Turkish patent database), <http://www.wipo.int/pctdb/en/search-adv.jsp> (WIPO Patent Scope), <http://www.uspto.gov/patft/> (US Patents)

Trademark

Trademarks are used to distinguish the goods and services of one company from those of others. Trademark can protect a company’s brand from consumer confusion and sales losses. Signs, words, in some cases personal names, designs, letters, numerals, shape of the goods or their packaging etc. may be used as trademark.



HOW TO PROTECT YOUR BRAND	TRADEMARKS
<i>Trademarks are protected by registration. As with the other forms of industrial property, this right is acquired by applying to the Turkish Patent and Trademark Office. Unlike other forms of industrial property a trademark is registered for a period of ten years from the date of filing of the application and there is no limit for renewals; meaning that a trademark can be protected indefinitely.</i>	10 to ∞ years

Links and Further Information on Trademarks

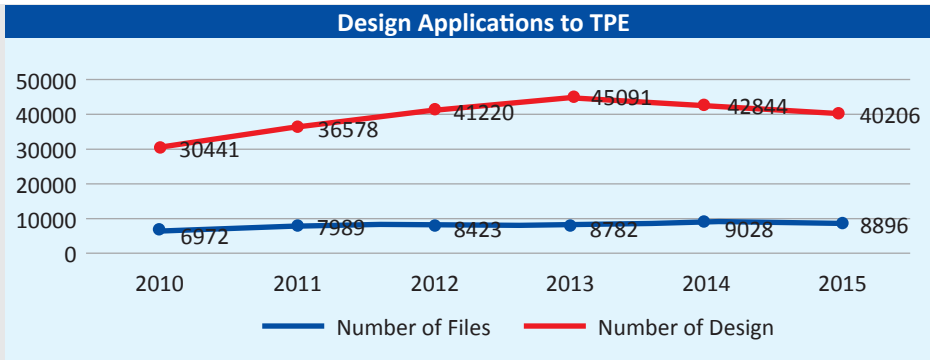
- As in patents, trademark registration costs of SMEs can be covered by KOSGEB incentives.
- Turkish Patent and Trademark Office provides a guideline for all trademark applications, this guideline can be reached via: <http://www.turkpatent.gov.tr/TurkPatent/resources/temp/65F971CA-5A9F-49C1-A009-4F95FFD46AEF.pdf>
- Any SME or entrepreneur should check availability of certain signs and/or symbols and should have an opinion on the registrability of potential trademark of their goods and services. This search should be processed before deciding on a brand for the company or project or consortium etc. In Turkey, such basic search can be processed from <http://online.turkpatent.gov.tr/web/index.html>
- Trademarks that need to be protected abroad may use international systems; such as Madrid Agreement. Further information on Madrid system can be found at: <http://www.tpe.gov.tr/TurkPatentEnstitusu/commonContent/Madrid> <http://www.turkpatent.gov.tr/TurkPatent/commonContent/Madrid> (in Turkish)

Design

Design is the ornamental or aesthetic aspect of a product. A design may consist of the creation of a line, contours, shape, materials, configuration or composition of pattern or colour, or combination of pattern and colour containing aesthetic value. A design can be a two- or three-dimensional shape used to

produce a product, industrial commodity or handicraft.

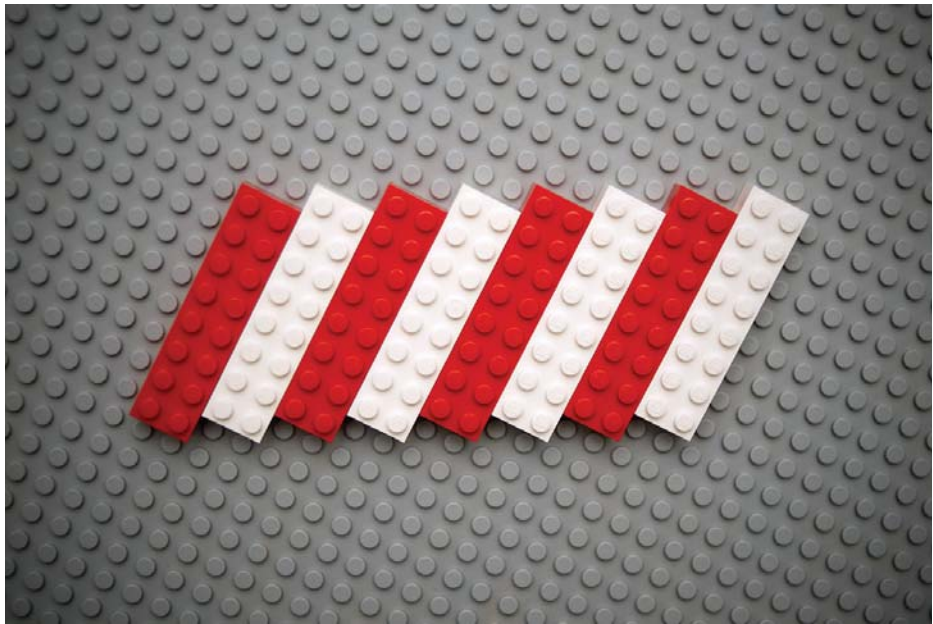
In order to be protectable, an industrial design should be new (first in the world) and have individual character (the overall impression which that design produces to the informed user must be different from that produced by earlier designs taken individually).



HOW TO PROTECT YOUR DESIGN	REGISTER
<p><i>Designs are protected by registration. In Turkey, design protection can be renewed after 5 years of registration.</i></p> <p><i>In total, designs can be protected up to 25 years. Design owners should apply to Turkish Patent and Trademark Office for registration.</i></p>	<p style="text-align: center; font-size: 2em;">25 years</p>

Links and Further Information on Designs

- SMEs can cover the costs of design registration by using KOSGEB incentives.
- As in patent searching, R&D professionals, designers, product development specialists or entrepreneurs can check the registered designs by using specific databases. For example, from <http://online.turkpatent.gov.tr/web/index.html> one can reach a database of Turkish design registrations.
- If you plan to apply for industrial design registration in Turkey, this guideline may be helpful when preparing your application: application: <http://www.turkpatent.gov.tr/TurkPatent/resources/temp/0D392E81-456C-4C41-AA35-5E38F210CD33.pdf>



Example of a Registered Industrial Design

TURKISH PATENT INSTITUTE design search

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[File Status](#)
[Results Page](#)
[New Search](#)

DESIGN INFORMATION

File Information			
Application No	: 2008/04701	Grant No	: 2008 04701
Application Date	: 26.08.2008	Grant Date	: 26.08.2008
Bulletin No	: 151	Publication Date	: 01.11.2008
Applicant(s)			
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Designs			
1Masa Takvimi		Locarno Classification : 19-03	
Design views			



Trade secret - Know how

Trade secrets are **special competitive information that companies have and have to be kept confidential**. Therefore, these types of information are not registered. Trade secrets can be the most precious intellectual asset of the company. Client records, in-company training notes, R&D records, laboratory memos, presentations etc. may be some forms of trade secrets.

One of the most famous (yet unknown) trade secret is the formula of Coca Cola. Generally, the formula was incorrectly known as “patented”. The Coca Cola formula is “trade secret”, and the company needs to invest in confidentiality “to keep the secret”. Conversely, if anything is patented, the information about the invention has to be made available to the public.

Companies need to determine if they want to protect their intellectual assets as a trade secret. This strategy may bring some advantages such as having no need to make the information publically available and using the trade secret for as long as a company is able to keep the secret confidential (without time restriction). However, there may be some disadvantages too. For example, a company needs to invest a lot to keep the secret confidential and needs to identify specific precautions etc.

Know-how means technical information, data or knowledge resulting from experience or skills which are applicable in practice, particularly in industry.² Know-how is considered as part of the intellectual property of a company and generally transferred when companies are purchased.

² WIPO Model Law For Developing Countries on Inventions, Volume II, Know-How Examination and Registration of Contracts Inventors' Certificates Technovations Transfer of Technology Patents, [ftp://ftp.wipo.int/pub/library/ebooks/Modellaws/841e_vol_2.pdf](http://ftp.wipo.int/pub/library/ebooks/Modellaws/841e_vol_2.pdf)



New plant varieties and plant-breeder rights

New Plant Variety (NPV) protection, also called a “plant breeder’s right” is a form of intellectual property right granted to the breeder of a new plant variety concerning the exploitation of the protected variety

which requires the prior authorization of the breeder. As it is necessary to be registered by TURKPATENT to benefit from protection for patents, trademarks and industrial designs; prior examination and granting by the relevant authority (Ministry of Food, Agriculture and Livestock) is required to establish new plant variety protection.

HOW TO PROTECT YOUR PLANT VARIETIES	REGISTER
<p><i>Plant varieties that are novel, distinct, uniform, stable are protected. In Turkey, plant variety rights are governed by Ministry of Food, Agriculture and Livestock.</i></p> <p><i>Further information can be found at:</i></p> 	<p>25 years</p> <p><i>For trees, vines and potatoes: 30 years from the grant date.</i></p>



Copyright

Scientific and literary works and works of fine arts; such as musical works, cinema, graphics, choreographic works, paintings and sculptures are covered under copyright. Moreover, performing artists (such as sound artists, musicians and cinema actors), film and music producers and radio and TV broadcasters are covered by copyright as related right holders. Such works are, as a rule, protected throughout the life of the author and for 70 years from his death.

In order to distribute intellectual and artistic works by means of sales, rent, import, export, representation, making available to public via the internet or any other form; it is necessary to obtain written permission from the copyright holder. Works protected by copyright can also be protected by industrial property (such as trademark or design) on condition that they meet the criteria for relevant type of industrial property.

HOW TO PROTECT YOUR COPYRIGHT	REGISTER
<i>In Turkey, copyright protection is granted without any application or registration, as in many countries of the World. Protection starts upon creation of the works. Copyright issues are coordinated by the Copyright Directorate of the Ministry of Culture and Tourism of Turkey.</i>	<i>Life+ 70 years</i>
<i>For further information: http://www.telifhaklari.gov.tr/</i>	

IP Rights as a contract between Public and Rights owner

The IPR system has two counterparts: the IPR owner and the public. Of course all counterparts have an interest in the system and these interests are distinguished and clarified through a legal agreement or contract between the parties. These interests generate two main pillars of the IPR system: *protection* and *information*.

- **Protection:** An SME or an entrepreneur may protect his IPR and obtain exclusive rights to **use, sell** or **license**. By registering their novelties, the IP right holder receives an acknowledgement as an inventor or designer etc. The IP right provides a limited-life **monopoly**, that gives the right to exclude others from the identical line of business. Such a monopoly is also a reward for the research and development investments made by the IP right owner.
- **Information:** When an IP right is granted, it is certainly made available to the public. It doesn't matter what the type of the protection (patent, trademark, utility model etc.), any IPR grant can be found in the IPR databases. Such disclosure helps the public to be informed about technical developments and helps new inventors or innovators by increasing their creativity and by providing them the state-of-the-art.

The IPR system is a good catalyst for innovation and the effective use of IPR by an organisation may bring enormous developments. We should add that, as an innovation catalyst, IPR doesn't only bring competitive intelligence to the company but also precious technical information support to the public.



What IPR means for an SME or an entrepreneur?

IP rights create economic benefit for the SMEs or entrepreneurs by using these properties in business, which is called exploitation of IPR. There are several ways to exploit IP; such as **transferring, licensing, using (e.g. manufacturing), distributing** etc.

Instead of exhausting this booklet giving legal definitions for IPR, we believe it is better to start with the reasoning for the IPR system by explaining **“what are the benefits in IPR for an SME or an entrepreneur?”** Why this system existed in the first place and why SMEs or entrepreneurs should know about IPR?



We all understand the scarcity of the resources of SMEs or entrepreneurs: scarcity of time, money, human resources. Still, they need to manage the daily workload and should also deal with bureaucratic or legal issues that may emerge. They are also expected to manage many administrative details and at the same time they need to keep their company competitive, assuring the quality of their products or services and the satisfaction of their customers.

The primary purpose of any business is to “create value” and “establish a sustainable value creation mechanism” which means making profits. This “value creation mechanism” is essential for ensuring the

sustainability of a company. Intellectual assets of a company, derived from research, hard work and often years of experience in the field, can make the difference and serve as an invaluable resource to outperform the competition. Thus, IPR serves an SME or an entrepreneur in two ways:

- provide a **valuable (reusable) intellectual asset**
- provide a **competitive advantage** when embedded in an innovation management system

“IP rights are the most important intangible assets of a company”

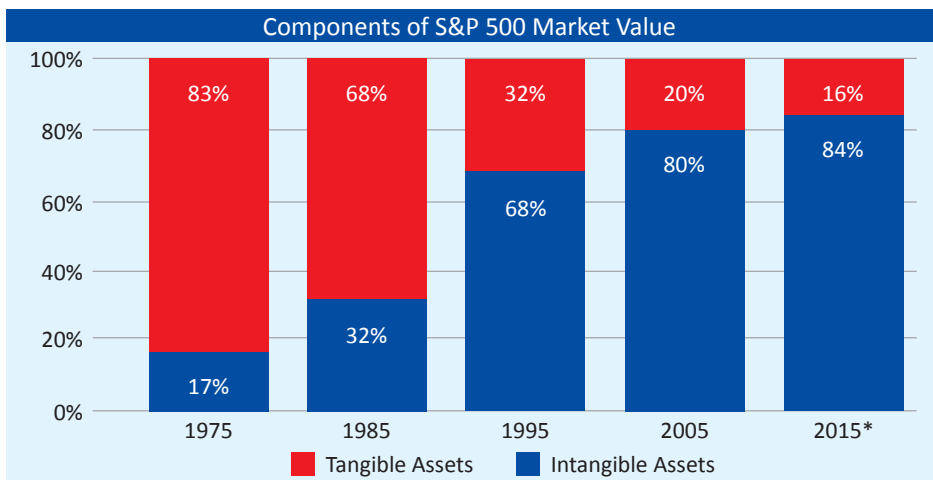
IPR is an Important Asset

The ever changing structure of doing business in a global environment and the need for strengthening the competitiveness of their company have led SMEs and entrepreneurs to reconsider their **“assets”** and increased the weight of **“intangible assets”** (not physical) in the company structure.

The term **“asset”** is defined as **“any item of economic value owned by an individual or corporation, especially that which could be converted to cash.”**³ In general, when we mention assets, we mean cash, securities, accounts receivable, inventory, office equipment, real estate, cars, and other type of properties. Tangible assets are stated in the financial documents i.e. balance sheet of the company and shows the assets that are physical properties.

However, in recent years, besides tangible assets, patents, trademarks and other type of intellectual assets of the company have increased their importance in the company' portfolio. These types of intellectual assets are called **“intangible assets”**. Not limited to IP rights, intangible assets may comprise of nonphysical properties; such as client lists, trade secrets, goodwill etc. that are exchangeable for financial benefits. IP rights are intangible assets and distinctly IP rights can be registered and protected.

Intangible assets are crucial for strengthening the competitiveness of a company. According to a study implemented among S&P 500 companies⁴, intangible assets double their value every decade. These transformations affected all industries and even SMEs and entrepreneurs.



³<http://www.investorwords.com/273/asset.html>

⁴<http://www.oceantomo.com/2015/03/04/2015-intangible-asset-market-value-study/>

IPR as an Innovation Catalyst

Many well-known business leaders or CEOs of the most competitive companies state that having “*unique*” products or services is one of the best strategies to overcome the competitive pressure and sustain a “value creation mechanism”. Thus, companies need to innovate to create these unique products and services.

Innovation is described as ***“the transformation of an idea into a tradable product or a service, a new manufacturing or distribution process, or a new way of providing a service”***.

There are many classifications for innovation that range from product-process innovation, business model innovation or incremental-disruptive innovation etc. All the variations unite under these themes:

- **Being inventive:** innovation is very linked to being novel, inventive. However, it should not be considered that every invention leads to a successful innovation. Many inventions had neither commercialized at all nor received market success.
- **Providing a solution:** This is the basic component of any successful product or service. Innovation should present a solution or solutions, which are attractive for the customer and still be affordable.
- **Being tradable:** innovation is about commercialization. Innovation should present a certain level of economic success.

Many interpret innovation as “research”, which is a mistake. **Research can be defined as the activity that leads to the discovery of inventions or innovations.** There are many



cases where innovation is pushed by state of the art technology or expensive R&D activities and receives attention and market success. However, we should keep in mind that there are countless other cases where innovative products or services have been introduced without any long or expensive R&D processes. Another wrong assumption for innovation is that innovation is creativity. This assumption is also wrong. Innovation is very relevant to creativity but creativity doesn't have to lead to a successful product in the market. There are steps to be taken towards a successful market implementation, such as testing the idea, feasibility studies, prototyping etc. Therefore, **creativity is important for innovation but is not enough for a successful innovation project.**

Innovation is closely related to human resources: who will bring the idea to the system, manage the whole process and also sustain the system in the company by adopting an innovation culture which may be the most



important competitive advantage of the company.

Anyway we approach it, in order to bring an innovative idea to market, IPR involvement is required:

- by protecting the novelties, commercial trademarks, designs and concepts created or
- by obtaining competitive information from the IPR databases; such as sector trends, latest projects of the leading companies, technical information or inspiration. As public information, IPR information can be exploited by anyone: public or private entities.

Innovation has become of the most favoured

strategy in competitiveness development. Not only companies, even the governments have acknowledged the importance of innovation and introduced policies and strategies to help SMEs or entrepreneurs to better manage innovation and integrate it into their business strategies.

The most recent policies in Europe promote the importance of innovation to strengthen the competitiveness of EU companies and introduce several mechanisms to nourish the innovative ecosystem in Europe. Among these initiatives, we should mention H2020, the newest EU Research and Innovation program. In the latest part of this booklet, we'll provide information on H2020.

Effective Use of IPR is the Best Innovation Catalyst

As in Europe, Turkey is also investing a lot to enhance the innovation system in the country and introducing many instruments to support innovation in SMEs, inventors, entrepreneurs, institutions etc. Among these instruments entrepreneurship supports, IPR supports for SMEs, techno-entrepreneurship programs, R&D supports, clustering and internationalization supports can be listed as the most common tools.

Innovation process and IPR Relations

The patent system contributes to the innovation process by providing protection and information. The protection provided by the patent system giving the inventors the monopoly right for a specific period of time can be the biggest obstacle to competitors imitating the innovation. The main feature of the patent system which contributes to the innovation process, although not commonly known or used, is information. The patent database which we can define as the information pool made up of the patent applications and granted patents is the biggest source of technical information in the world.

The figure represents the most basic model of an innovation system. There, you can see that, innovation is a process which lasts until the creative ideas enter the market as a product following the completion of a number of intricate procedures. We can examine the innovation process by dividing it into five parts:

- **Idea:** To start the whole process the most important input is innovative ideas. Creative ideas are essential to the innovation process. Innovation ideas may come from anywhere; management, production department, the marketing/sales department, other workers, customers, competitors and consultants. It must not be forgotten that every person may come up with dozens of innovative ideas. The important thing is to choose the right ones to proceed.
- **Concept:** This stage is the most important part of the process. For the completion of the process, the work to be done at the concept stage is of vital importance. In this phase, innovation ideas are shifted and eliminated until the most promising ones are left. Technical and financial feasibility studies are also carried out in this phase.

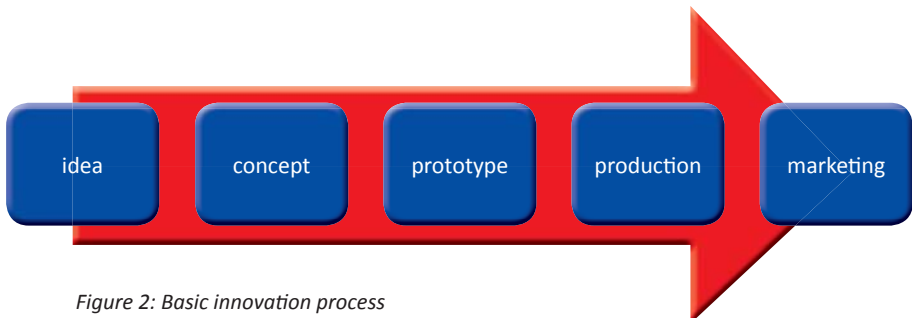


Figure 2: Basic innovation process

Additionally, projects based on the chosen ideas are setup taking into account the skills and potentials of the company.

- **Prototype:** The easier it is to make a prototype of a product, the easier the production stage will be. At this stage, the proposed projects, upon being realized, are brought to life. The strengths and weaknesses of a product can be discovered only when the prototype is being constructed and tested. Furthermore, details of the production plans are formulated at this stage.
- **Production:** It should not be forgotten that the prototype and the production are 2 distinct phases. Just because you make a prototype does not mean you can technically and economically mass produce it. Many innovative ideas are lost without ever entering the market, although a prototype is successfully produced, either because mass production is not technically

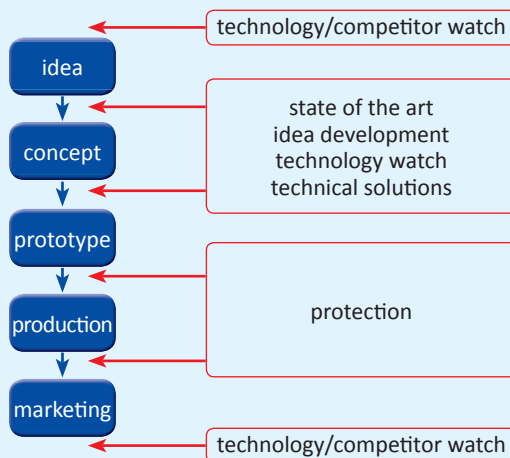
sound or the cost of production is too high.

- **Marketing:** To market the product, one needs to develop a strategy and a plan. Whether or not the innovation process is successful can only be seen at this stage. The product needs to be marketed at the right time and in the right manner.

The use of patent databases may contribute to the process in the following ways:

- Specifying the current state of the technology to avoid duplicate work.
- Monitoring the market, sector and new trends
- Inspiring for creative ideas
- Developing new ideas by adding new elements
- Identifying solutions to the technical problems encountered
- Monitoring work done by rivals

IPR in the Innovation Process



IPR & Horizon 2020



What is Horizon 2020

According to the EC (European Commission) Horizon 2020 is *“the biggest EU Research and Innovation programme ever with nearly €80 billions of funding available over 7 years (2014 to 2020) – in addition to the private investment that this money will attract. It promises more breakthroughs, discoveries and world-firsts by taking great ideas from the lab to the market. Horizon 2020 is the financial instrument implementing the Innovation Union, a Europe 2020 flagship initiative aimed at securing Europe’s global competitiveness.”*

Horizon 2020 is an excellent tool for all kinds of organisations (public and private) and especially SMEs to realise their research and innovation ideas and access grants otherwise unreachable by them.

What’s new in Horizon 2020 with regard to IPR?

Compared to the previous EU R&D Framework

Programme (FP7) a number of new rules were integrated to Horizon 2020 aiming to simplify the regulations and streamline the process. Horizon 2020 acknowledges the importance of IPR and makes it an integral part of a project implementation.

Visit the EU helpdesk to learn more about Intellectual Property in Horizon 2020:

<https://www.iprhelpdesk.eu>

Managing IPR in H2020. What do you need to know?

The first thing you should keep in mind, from the very first moment you considering participating in a H2020 project is that you must effectively manage intellectual property within your project, especially in collaborative projects (with a lot of partners). By developing a solid IPR strategy from the beginning you will avoid or at least you will be able to mitigate disagreements in terms of results ownership, use and even misappropriation of the IPR that is created during the project.

Understand the terms	Background IPR	Foreground (new IPR)
	<i>This knowledge exists before the project and is the property of each participant that contributes it.</i>	<i>This is knowledge created during the project by the partners.</i>
	Ownership does not change (what I owned before the collaboration I own after the collaboration).	Individual ownership (Partner owns the foreground they create) Joint ownership (Partners jointly share foreground created in the consortium)
	Access Rights: Every participant can license and or offer user rights to another participant’s results or background thus allowing beneficiaries to benefit from each other’s resources, and taking full advantage of the collaboration.	

See our IPR Helpdesk for a full training session on Managing IP at the proposal Level:



Exploitation of Results

The importance of the dissemination, exploitation and potential commercialization of Horizon 2020 results is strongly increased. EC wants to “*maximise the value added and impact of Horizon 2020, ensuring effective use and dissemination of project results*”.

Exploitation, dissemination (including via open access publication), ownership and access rights as well as protection and licensing of IP are vital parts of a successful H2020 project and proposal.

It should be noted here that **dissemination and exploitation are not the same**. To put it simply: In your dissemination plan you must explain how you intend to create awareness of your project results towards potential users and be specific about it. In exploitation you should present what are you going to do with the project’s results. What will you, as partner or as consortium in its whole, make out of the knowledge you have created throughout the EU-funded project.

Therefore, effectively exploiting research results **is always subject to agreement and** depends on the management of IPR, which should be part of the overall management of knowledge in the project*.

In other words, Intellectual Property is the cornerstone of H2020 projects, due to its capacity to give its holders a competitive advantage in the market.

* Access rights to project results shall be granted under fair and reasonable conditions (which can be royalty-free).

Open Innovation

The use of external as well as internal ideas, and internal and external paths to market.

Open Science

The practice of making research findings available free of charge for readers.

Open to the World

“striving to ensure that EU research and innovation can work at a global level”

Open Access

“to scientific publications (peer-reviewed scientific research articles) is expected to be taken into account as part of IPR management, where relevant.”

Better and more **effectively exploiting project results, an efficient and strategic knowledge management** including the safeguarding and protection of your intangible assets through **Intellectual Property Rights (IPR)** and confidentiality becomes more pressing than ever.

- Visit: EC’s Open Science Site



- Read: “Open innovation, open science, open to the world: A vision for Europe”



IP in H2020 Proposal Stage

Before you start

Before you start writing your project proposal you should take the time to carefully go through all the official documents, and become familiar with the specific IPR-related rules applicable to your call:

- the applicable work programme,
- the general Rules for Participation in Horizon 2020,
- the **Model Grant Agreement** applicable for your specific call (available in the participant portal)
- The **Model Consortium Agreement** (DESCA Model is suggested for most Horizon 2020 projects)

Define your own IPR background

Consider **existing knowledge, know-how, IPR** that you will bring to the project, and bear in mind potential rights of third parties that may be needed for the project.

You should **identify the tangible and intangible assets** likely to be needed for the implementation of your project and/or for the use of the expected results.

You should therefore **consider identifying the components** you are likely to bring to the project. i.e. scientific studies, methods, materials, and potential Intellectual Property Rights attached to them (i.e. patent, copyright).

Verify who owns them, ask for authorisation

to use them in case there are third party rights and depending on the type of Intellectual Property, consider their registration before the project starts.

Confidentiality Issues

Think about confidentiality issues when drafting, discussing and negotiating your ideas and project contribution with others.

To avoid any misappropriation and use of such information it is best practice to conclude a Non-Disclosure Agreement (NDA) or Include confidentiality obligations in a Memorandum of Understanding where you:

- identify relevant information
- define the use of information as well as restrictions
- include possible sanction

Find out more on these legal documents in our Helpdesk IPR Trainings:



Assess the State-of-the-Art (SOTA)

This is a crucial point for a positive evaluation of your project proposal

State-of-the-art analyses should include the following actions:

- Screen the already existing project landscape
- Examine existing scientific literature

Search in patent databases e.g. by using the openly accessible database Espacenet provided by the European Patent Office.



Clear Exploitation and Dissemination Plan

Have a clear plan concerning the **dissemination and exploitation** of project results. This should go into as much detail as possible and prove a commitment on the dissemination and exploitation of the project's results.

26

A good Exploitation and Dissemination plan *“contains a clear vision on the objectives of the project and a well-planned strategy for protection, exploitation and dissemination of results.”*

Define communication measures for promoting the project and its findings tailored to the needs of various audiences, including groups beyond the project's own community, and public/societal engagement. The dissemination should start during and not after the project.

A very good starting point on preparing your plan is the following Fact Sheet by the European IPR Helpdesk: “The Plan for the Exploitation and Dissemination of Results in Horizon 2020:



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“Turkey in Horizon 2020” is a project aimed to strengthen the capacity of Turkey in Science, Technology and Innovation and facilitate the integration of Turkish Research Area to European Research Area. TUBITAK is the beneficiary of the Project which targets to increase the participation of Turkish organizations in the EU Framework Programme for the Research and Innovation: Horizon 2020. The project is co-financed by the EU and Republic of Turkey. The Contracting Authority of the project is Central Finance and Contracts Unit.

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