



Session 3: IPR issues at the proposal stage

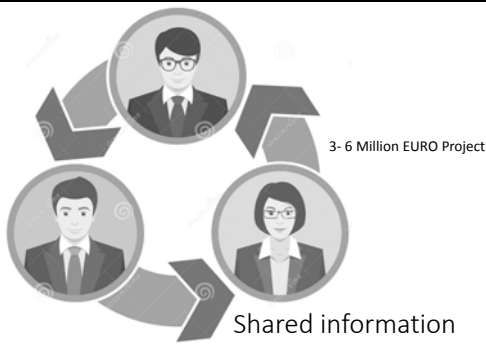


Outline of session

1. (Safe) Concept development
2. Proposal: “Designing measures to maximise impact”
3. Case Study IP at the proposal development stage
4. Discussion




Concept development




3-6 Million EURO Project

Shared information



Use of an NDA



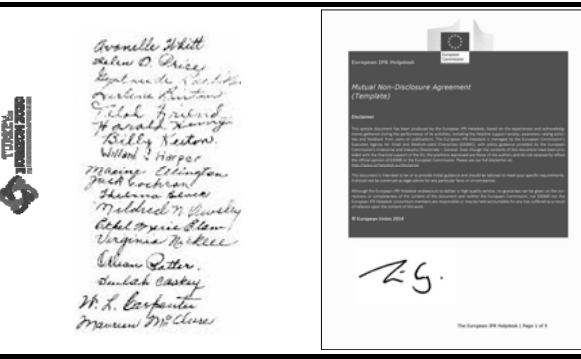
Non Disclosure Agreement (NDA or CA)

- One way
- 2 way
- N way! (n partners in a consortium)

Identify:

- ✓ The confidential information;
- ✓ Who has access to it;
- ✓ What they may do with it;
- ✓ how it will be kept confidential;
- ✓ how long it will be kept confidential;
- ✓ (penalties for breaking the agreement)

Use of a (signed!) 'n' party NDA



Use of a MoU (Memorandum of Understanding)


- agreement that defines the framework of the negotiations among the partners of a consortium
- generally concluded in the very beginning of the negotiations on the involvement in a project, even before submitting a proposal.

Helps to explain:

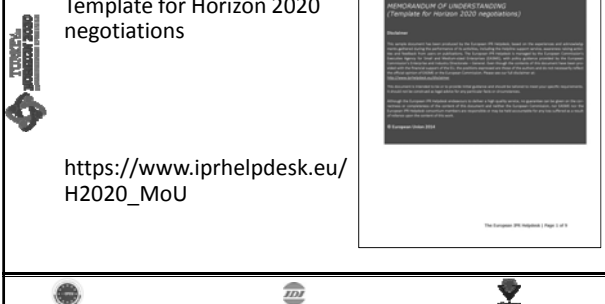
- ✓ protocols for communication;
- ✓ information exchange;
- ✓ Reporting;
- ✓ confidentiality issues, and
- ✓ modifications and conditions for terminating the agreement.

Useful Resource MoU

MEMORANDUM OF UNDERSTANDING
Template for Horizon 2020 negotiations





https://www.iprhelpdesk.eu/H2020_MoU



Assessing ‘Excellence’

Proposal should demonstrate: ‘ambition, innovation potential and results beyond State-of-the-Art’.

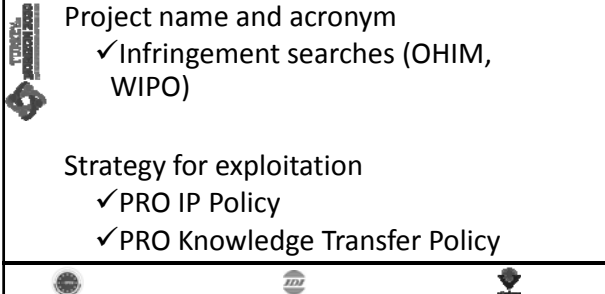


Other IP related issues

Eligible costs
✓ patent drafting, filing, licensing fees

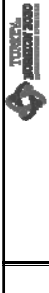
Project name and acronym
✓ Infringement searches (OHIM, WIPO)

Strategy for exploitation
✓ PRO IP Policy
✓ PRO Knowledge Transfer Policy



Evaluators Checklist (Proposal cheat sheet!)

1. How will Results be protected?
2. How will background and Results be organised and managed?
3. How will joint ownership be treated?
4. How will the results be exploited?
5. Which confidentiality measures have been and will be put in place?
6. How appropriate is the management structure in terms of exploitation and protection of results?



Assessing Impact: PEDR


Knowledge management and protection strategy
Dissemination and exploitation of results

- Open access including Green/ Gold model of publication

PEDR Plan for Exploitation and Dissemination of Results

Practical measures to:

- ✓ Identify
- ✓ Protect
- ✓ Exploit and
- ✓ Disseminate.

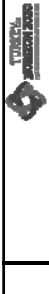


PEDR: Plan for Exploitation and Dissemination of Results

Address as a minimum:

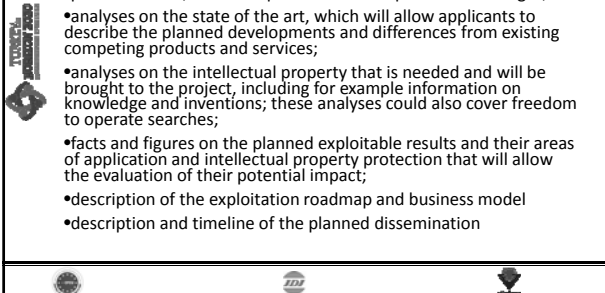
- What kind of needs does the project respond to?
- What kind of problem the proposed solution will solve and why this solution will be better than existing ones and in which areas?
- What new knowledge (results) the project will generate (assessment of the state of the art)?
- Who will use these results?
- What benefits will be delivered and how much benefit?
- How will end users be informed about the generated results?


PEDR will form part of Annex 1 to grant Agreement if project is funded.



Example aspects to be analysed

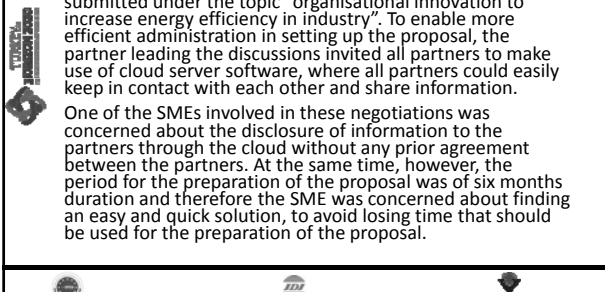
- potential geographical coverage and economic size of the target markets where project results will be exploited and disseminated;
- potential users, main competitors and competitive advantages;
- analyses on the state of the art, which will allow applicants to describe the planned developments and differences from existing competing products and services;
- analyses on the intellectual property that is needed and will be brought to the project, including for example information on knowledge and inventions; these analyses could also cover freedom to operate searches;
- facts and figures on the planned exploitable results and their areas of application and intellectual property protection that will allow the evaluation of their potential impact;
- description of the exploitation roadmap and business model
- description and timeline of the planned dissemination



Case Study: IP at the proposal development stage 

Within the framework of the Horizon 2020, a group of nine partner organisations from eight different countries, including SMEs and research organisations, has initiated discussions for the joint preparation of a proposal to be submitted under the topic “organisational innovation to increase energy efficiency in industry”. To enable more efficient administration in setting up the proposal, the partner leading the discussions invited all partners to make use of cloud server software, where all partners could easily keep in contact with each other and share information.

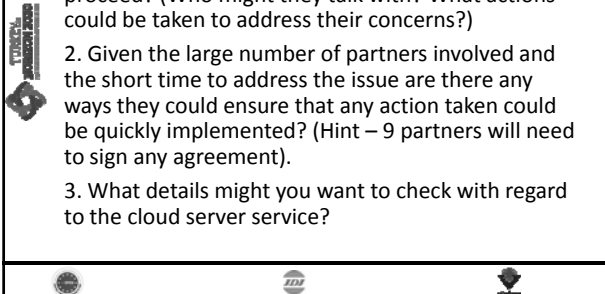
One of the SMEs involved in these negotiations was concerned about the disclosure of information to the partners through the cloud without any prior agreement between the partners. At the same time, however, the period for the preparation of the proposal was of six months duration and therefore the SME was concerned about finding an easy and quick solution, to avoid losing time that should be used for the preparation of the proposal.




Case Study: IP at the proposal development stage

Discussion questions:

1. How might you advise the SME partner to proceed? (Who might they talk with? What actions could be taken to address their concerns?)
2. Given the large number of partners involved and the short time to address the issue are there any ways they could ensure that any action taken could be quickly implemented? (Hint – 9 partners will need to sign any agreement).
3. What details might you want to check with regard to the cloud server service?



Useful resources



European IPR Helpdesk Fact Sheet s

1. IP Management in Horizon 2020: proposal stage
2. The Plan for the Exploitation and Dissemination of Results in Horizon 2020

<https://www.iprhelpdesk.eu>

