

Intellectual Property Rights in EU Projects

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Terms:

Intellectual Property (IP) and **Intellectual Property Rights (IPR)** are understood to be crucial for innovation and competitiveness. The rules governing participation in Horizon 2020 ("Rules for Participation") describe basic rules for the use and dissemination of Intellectual Property developed in EU projects.

You should know several basic terms:

Background: any data, knowledge and / or information as well as any intellectual property rights held by a project participant prior to joining the project and described by the participant in accordance with Article 42 GA.

Horizon 2020 project participants are required to provide written information on the Background they bring to a project (for example, in a Consortium Agreement or in another document).

› Contact your EU office (https://www.euhochschulnetz-sachsen-anhalt.de/eu_hsnetz/en/About+us.html) for inquiries about background in EU projects

Results: any data, knowledge and / or information, whether legally protected or not, created within a project or related rights, including intellectual property rights (Results were termed "Foreground" in FP7).

Ownership: Project participants who have created the Results also own them. Possibly. Results are in **Joint Ownership**, namely when their parts are inseparable.

Exploitation: Participants are obliged to use their Results. Forms of Exploitation include: commercial use, research use, licensing and transfer to others. Use outside Europe is only possible with the agreement of the Commission! (Exploitation was called "Use" in FP7)

Dissemination: Refers to the dissemination strategies for the project. How are the Results or the project communicated? This involves both communication with the scientific community and the public, relevant political and administrative stakeholders and other stakeholders, companies, associations and others.

Access Rights: Rules for access conditions to Background or to the Results of a project. The access conditions to Background or Results of other project participants differ depending on whether they are indispensable for the execution of the project's tasks or for the Exploitation of their own Results.

Basic scheme / default setting for Access Rights in Horizon 2020 projects*:

ACCESS RIGHTS	BACKGROUND	RESULTS

Indispensable for the Implementation of the project	Free of charge (unless determined differently, for instant in Background lists)	Free of charge
For the Exploitation of the participant's own Results	Fair, non-discriminatory conditions	Fair, non-discriminatory conditions

* Deviations from general regulations:

The EU and its member bodies always receive access rights free of charge for non-commercial and non-competitive use because of its obligations in the fields of Development, Implementation and monitoring of EU policies and programmes.

In Consortium Agreements and background lists, diverging conditions can be negotiated among the project partners.

Programmes affiliated with Horizon 2020 (e.g. Joint Programming Initiatives, Public Private Partnerships, Joint Technology Initiatives (e.g., imi2)) may have different default settings!

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IP in Different Project Stages:

› IP Management in Horizon 2020: Project Proposal(https://www.euhochschulnetz-sachsen-anhalt.de/eu_hsnetz_media/Service/Antragstellung/IP/Horizon+2020/FS_IP+Management+in+Horizon+2020_project_proposal_0.pdf)

› IP-Management in Horizon 2020: Grant Preparation(https://www.euhochschulnetz-sachsen-anhalt.de/eu_hsnetz_media/Service/Antragstellung/IP/Horizon+2020/FS_How_to_manage_IP_in_H2020_grant_preparation.pdf)

› IP-Management in Horizon 2020: Project Implementation and Conclusion(https://www.euhochschulnetz-sachsen-anhalt.de/eu_hsnetz_media/Service/Antragstellung/IP/Horizon+2020/FS_IP_Management_h2020_implementation_0.pdf)

› FAQs

(<http://www.iprhelpdesk.eu/faq-page>)

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Open Access and IP:

› Your Guide to IP in Horizon 2020(<https://www.kowi.de/Portaldata/2/Resources/horizon2020/EU-IPR-Guide-to-IP-H2020.pdf>) (esp. pp. 26-27)

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Advice on IP

EU IP Helpdesk:

› https://intellectual-property-helpdesk.ec.europa.eu/services_en

National Contact Point Law and Finances:

› <http://www.eubuero.de/ruf.htm>

MLU:

› <http://transfer.uni-halle.de/>

OvGU - Technology Transfer:

› <https://www.ovgu.de/en/Research/Technology+Transfer.html>

Patent Agency Saxony-Anhalt:

› <http://www.esa-pva.de/>

IP-Guidelines EU Commission and IPR Helpdesk

› Your guide to IP in Horizon 2020

› Universities and Intellectual Property (WIPO: World Intellectual Property Organization)