

Agreements in R&D and Technology Transfer: Best Practices and Model Agreements

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<http://ec.europa.eu/dgs/jrc>

JRC Mission

... is to provide customer-driven scientific and technical support for the conception, development, implementation and monitoring of EU policies.

As a service of the European Commission, the JRC functions as a reference centre of science and technology for the Union.

Close to the policy-making process, it serves the common interest of the Member States, while being independent of special interests, whether private or national.



Supporting nuclear safety, citizen's security, health and environmental protection, safety of food and chemicals, alternative energies, econometrics, prospective technologies...

Our Structure: 7 Institutes in 5 Member States

IRMM - Geel, Belgium

Institute for Reference Materials and Measurements

ITU - Karlsruhe, Germany

Institute for Transuranium Elements

IE - Petten, The Netherlands

Institute for Energy

IPSC - Ispra, Italy

Institute for the Protection and Security of the Citizen

IES - Ispra, Italy

Institute for Environment and Sustainability

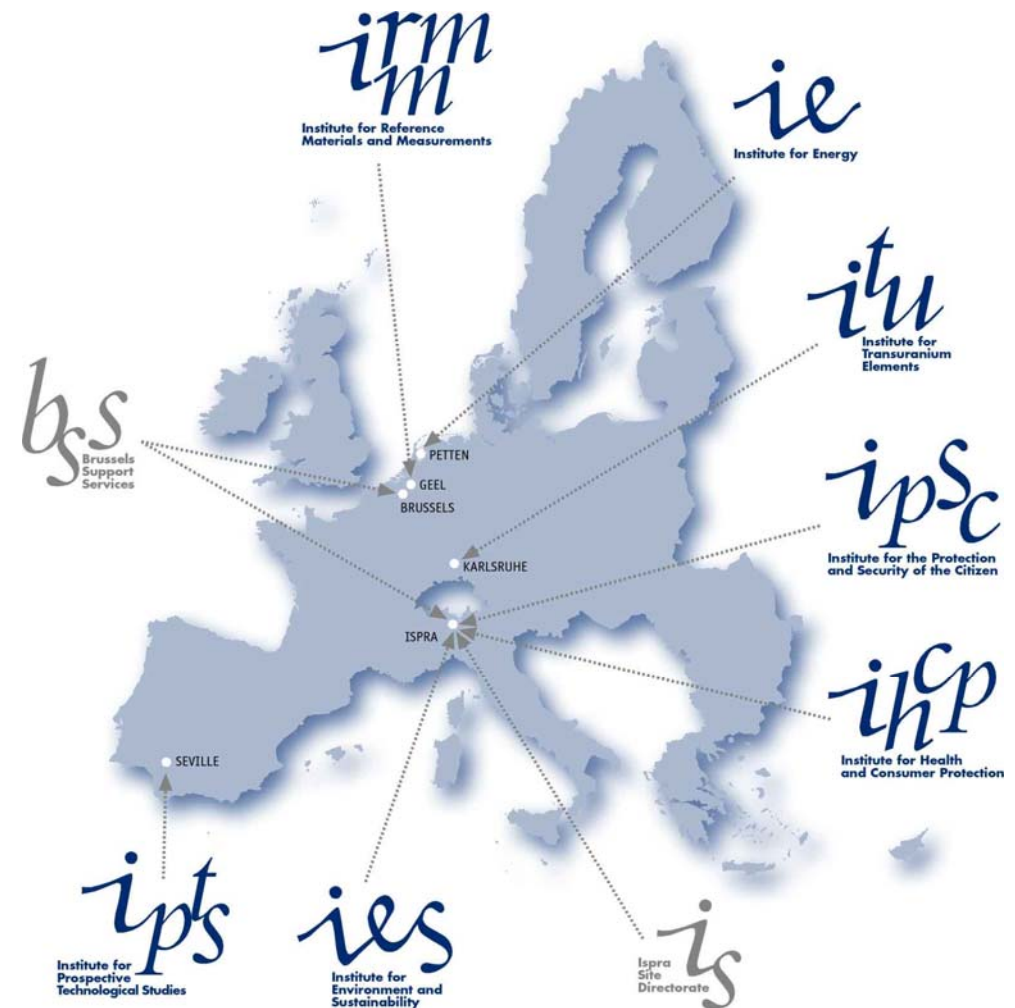
IHCP - Ispra, Italy

Institute for Health and Consumer Protection

IPTS - Seville, Spain

Institute for Prospective Technological Studies

≅ 2750 staff, ≅ 300 M€/y budget
(+ 40 M€/y competitive income)



☑ IPRs play a key role in underpinning the Europe 2020 Strategy:

• Smart Growth

- IPRs stimulate and reward creativity and innovation
- IPRs help to transfer technologies and knowledge to the market place and thus to generate employment
- IPRs generate income that can be re-invested
- IPRs created by public bodies, if transferred to the market, demonstrate a return on investment for tax payer's money



• Sustainable Growth

- IPRs protect the creator against others copying work and help to prevent fraud
- IPRs create reputation and contribute to branding an organisation

• Inclusive Growth

- IPRs are a means to promote and disseminate an idea
- IPRs enable people to benefit from an idea or invention

The Council conclusions of the summit on 4 Feb. 2011
emphasized the importance of valorizing IPRs!

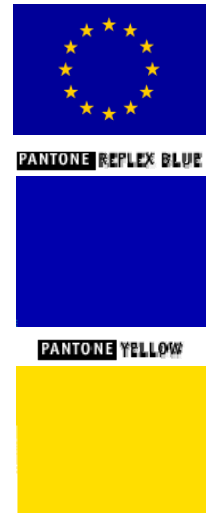
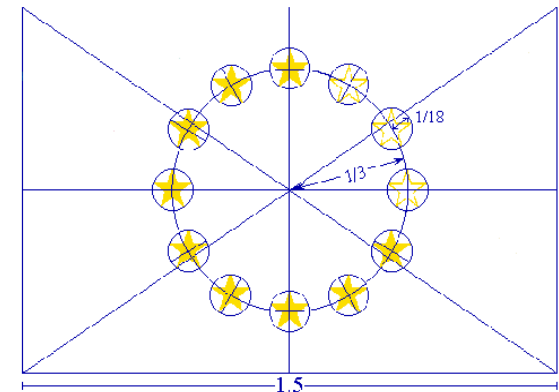
✓ The Commission's IP portfolio:

Industrial Property:

- Patents: 850 active patent files (22 new applications 2010) and 2 designs
- Trademarks: 458 trademark files (13 new applications in 2010)

Intellectual Property:

- approx. 200 software products (estimate)
- Databases
- 6671 publications published by the OP in 2010
- 1400 publications/year by JRC, most of these in peer-reviewed journals



- > Protection of IPRs is sound financial management!
- > Art.18 of the Staff Regulations: Any industrial & intellectual property created by staff in performance of their duties are property of the EU

Guiding principle: Reduce risks, protect our IP assets and facilitate exploitation and transfer of these assets

IPR management in the Commission consists of:

- **Legal support:**
Worldwide IPR registrations/supervision/enforcement, legal IPR advice to staff
- **Administrative support:**
Preparation of license and exploitation agreements, transfer of IP via negotiations, project name creations
- **Awareness raising and training**
- **IP policy support**

Strongly inspired by Commission Communication and Recommendation:

- http://ec.europa.eu/invest-in-research/pdf/download_en/knowledge_transfe_07.pdf
- http://ec.europa.eu/invest-in-research/pdf/download_en/ip_recommendation.pdf

JRC aims at

- stimulating innovation through procurement
- treating equally all interested licensees. Model agreements form basis for negotiations.
- maintaining transparency and reaching mutual understanding
- providing technical support to the licensees
- stimulating the new developments and improvements by setting beneficial terms

NOTE that an appropriate design of the R&D consortium and its activities is required, foreseeing a clear definition of each participant's role and task and safeguards concerning the protection of sensitive information

Criteria for transfer of resulting rights:

- 1) intellectual input
- 2) capacity to exploit
- 3) financial and human input of each partner

JRC experience shows that ADR allows gains in:

- Time
- Relationships: trust, dialogue, understanding
- Money
- Continuation of activity
- Motivation
- Image

- Solvit = on-line problem-solving network between MS on single market related problems
- Citizens' Signpost Service (CSS) = advice on citizens' questions on free movement
- FIN-NET = gathers existing national ADR-schemes to resolve cross-boarder disputes in the area of financial services
- Commission provides co-funding for training of legal practitioners in mediation techniques
- ECC-NET = European Consumer Centres Network helps consumers to reach an agreement with traders via different ADR-mechanisms
- European e-Justice portal: first release will provide information also on mediation



Thank you for you attention!

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