



# European IP Helpdesk

Stay ahead of the innovation game.

Facing challenges: Knowledge Valorisation of  
intellectual assets

Jakob Haardt, EUIPH

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# 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





### WHAT'S NEW? STRATEGIC NOVELTIES IN HORIZON EUROPE WITH REGARD TO EXPLOITATION

With Horizon Europe the European Commission has stepped up its efforts to monitor and follow up on an annual exploitation strategy. This information will be available to you through the IP Helpdesk. We have been able to support the exploitation of key technologies, address cultural and political barriers and ensure the capacity of beneficiaries in the exploitation of results beyond the project's end.

**Public Emergency Provision**  
Horizon Europe has introduced additional exploitation obligations in case of a public emergency. The granting authority may take the beneficiary's grant exploitation strategy into account in the award process and may be required to address the public emergency. Public emergency may mean serious health or safety risks, natural disasters, humanitarian, economic, financial, or other risks. The Commission may extend the time for the beneficiary to exploit the results of the project in order to address the public emergency. The Commission may also extend the time for the beneficiary to exploit the results of the project in order to address the public emergency.

**Minimum Period for the Dissemination & Exploitation of Project Results, Inc. Communication Activities**  
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**Key Updates to Keep in Mind**

**Value Added**  
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### IP VALUATION

**WHY YOU SHOULD CARE ABOUT INTELLECTUAL PROPERTY VALUATION**

The valuation of intellectual property rights is part of the good management of intellectual property within an organisation.

**HOW IS VALUATION PERFORMED?**

Different approaches of intellectual property valuation are used by organisations. Generally, these approaches are divided in two categories: the quantitative and qualitative valuation.

**QUANTITATIVE APPROACH**

**COST-BASED METHOD**

This method is based on the assumption that there is a direct relation between the costs expended in the development of the intellectual property and its economic value.

### Commercialising Intellectual Property: Assignment Agreements

**FACT SHEET**

www.ec.europa.eu/ip-helpdesk

### Intellectual Property Fact Sheets

**FACT SHEET**

www.ec.europa.eu/ip-helpdesk

### SlideWheel: How a Swiss Engineer Made His Son's Dream of a Next-Generation Water Slide Come True – With the Help of a Strong Partner and IP

**CASE STUDY**

www.ec.europa.eu/ip-helpdesk

### Case Studies

**Dual Licensing in Academic Open-Source Software**  
Synergistic effects between Open Source, freemium and commercial software development & exploitation. The case of INESC-TEC and MAMOWORLD.

www.ec.europa.eu/ip-helpdesk

### IP Helpdesk

Home | Services | Regional helpdesks | IP management and resources | News & Events | About

Ambassadors - December 2022: James Walsh

Each month we introduce you to a member of our Ambassador team. This month, James Walsh from Ireland who has a broad range of experience in research and knowledge transfer commercialization.

Could you briefly describe your core expertise and field of activity within the Enterprise Europe Network? What are key services you offer to your clients?

My clients range from entrepreneurs, start-ups and more established small and medium enterprises (SMEs). Many of them need support on patent protection and increasingly on trademark advice as part of a broader intellectual property (IP) strategy. My own background is quite broad: research, knowledge transfer, commercialization and have international experience in UK, Ireland and USA. Part of the background: I've worked in various client support roles for the Innovation Health Check (IHC) assessment tool, in-house IP strategy of a company's IP strategy. It is a core part of the IHC, and a real value add to the EEN client community.

What does it mean for you to be a European IP Helpdesk Ambassador? And what do you see the EEN doing in 2023?

Without doubt, the range of entrepreneurial companies that support – one day!

**James Walsh**  
James Walsh from Ireland who has a broad range of experience in research and knowledge transfer commercialization.

### Interviews

**Merit Finberg-Espuch**  
Each month we introduce you to a member of our Ambassador team. This month, Merit Finberg-Espuch, who works as Project Manager in Corporate Director of Commerce and Industry.

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**Merit Finberg-Espuch**  
Merit Finberg-Espuch from Spain who has a broad range of experience in research and knowledge transfer commercialization.

## Infographics

## Fact Sheets

## Interviews

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Ambassadors - October 2022: Merit Finberg-Espuch

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## IP Specials

### Your Guide to Intellectual Property Management in Horizon Europe

**TARGETS**  
**CREATIVITY**  
**RESEARCH**  
**CHALLENGE**

**INNOVATION**

With a Focus on Collaborative Research and Innovation Projects

## Guides

### The EPO podcast

**Adéla Dvořáková**  
A proprietary platform to fight cancer: a technology transfer case study.

**TALK INNOVATION**  
Unlocking technology

## Podcast

### Role of technology transfer

**JÖRG SCHERER**  
COORDINATOR OF THE EUROPEAN IP HELPDESK

IP and exploitation strategies for SMEs

### Audio-visual Material

**Dr. Markus Rury**  
Chief Operations Officer  
Cubicure GmbH, Vienna/Austria

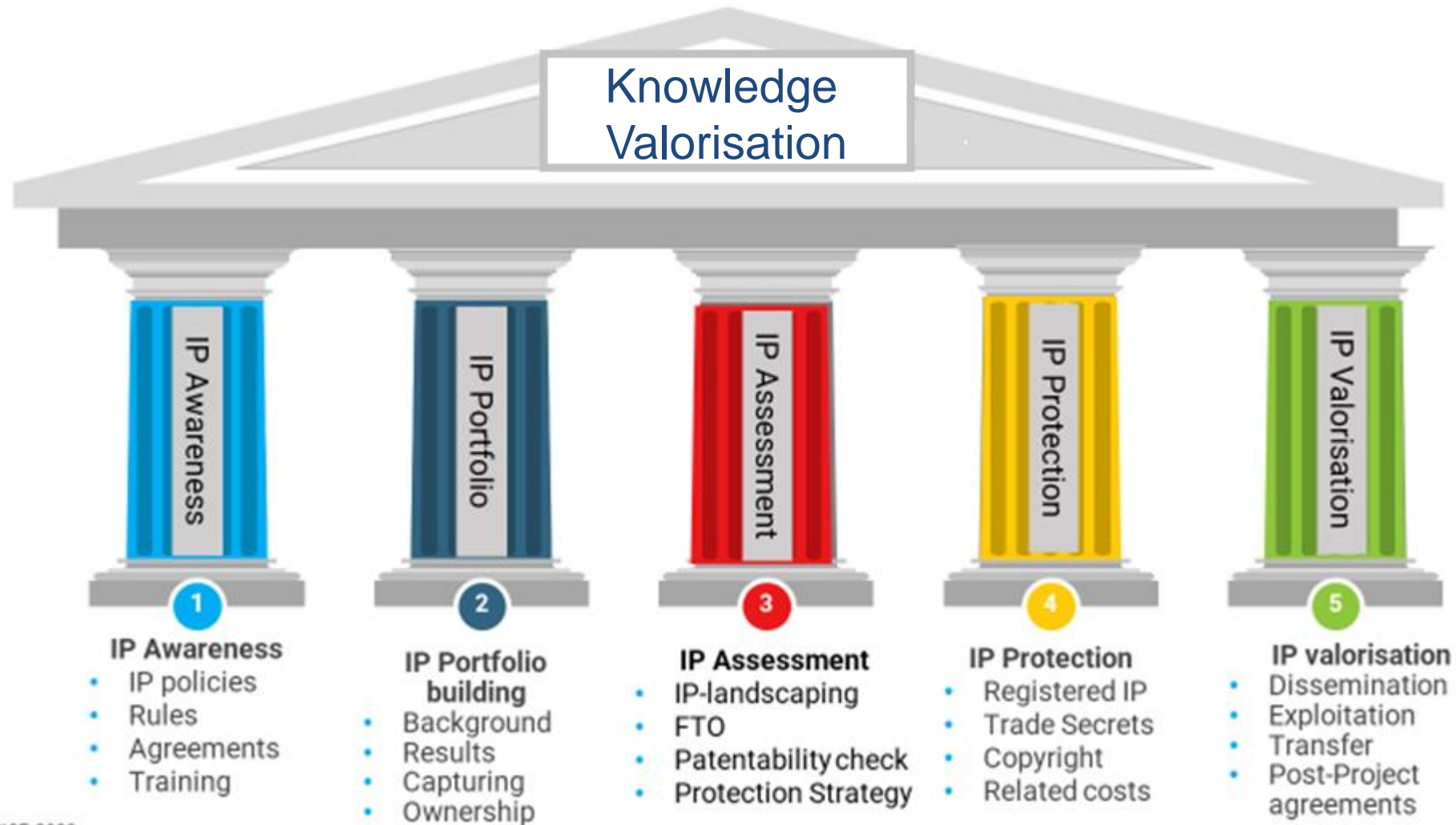
### Intellectual Property Rights on social media

**IP**



## Agenda for today

- **Knowledge Valorisation – Three key areas of the Code of practice:**
  1. Establishing a strategy for the efficient management of intellectual assets
  2. Managing intellectual assets
  3. From Intellectual asset creation to the market







1.

# Establishing a strategy for the efficient management of intellectual assets





## Knowledge Valorisation – Establishing a strategy for the efficient management of intellectual assets

- Establishing a **strategy** for all intellectual assets generated in research (collaborations) is crucial
  - particularly those results which are developed collaboratively and jointly owned
- A proper IP strategy is essential to support exploitation of key results
  - Establish a systematic approach to capture and manage intangible assets, e.g. for technology upscaling, licensing, transfer, access to finance, etc.
- Define appropriate measures to a) give access to existing IP, b) to define ownership, c) to protect, d) to share and e) to exploit newly created IP



# Intellectual Property needs action!

Intellectual Property Rights allow your organisation to prevent competitors from using your intellectual assets.

BUT Intellectual Property Rights require **action**: ownership  $\neq$  protection!

Therefore it is vital that your **Intellectual Property asset** be:

- ✓ *Protected*
- ✓ *Managed*
- ✓ *Enforced*







# IP protection is a strategic Commercial decision



**Assessment, protection and exploitation must be considered together**



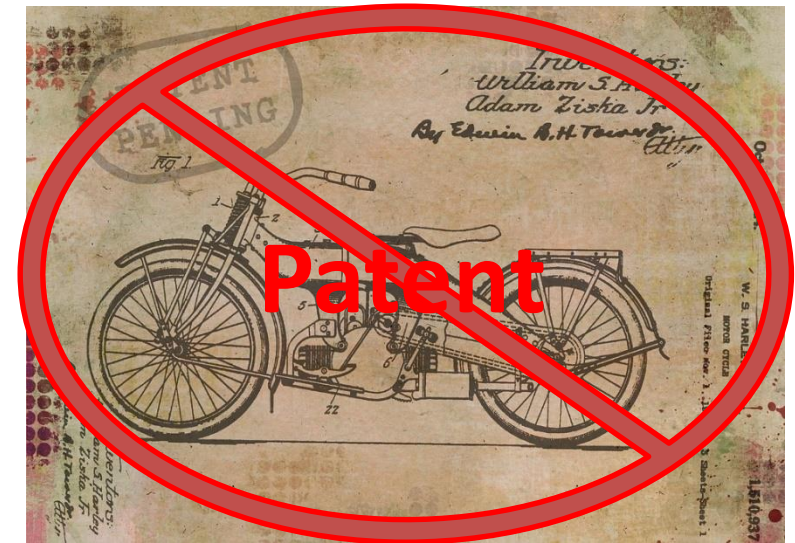
## Beware of early disclosures:

- If protection is a strategic commercial decision, you should avoid early disclosures.
- No dissemination of results should take place before decision is made regarding their possible protection, and should follow a **dissemination check-list**:
  - Take a decision about the **protection** of results and all required steps
  - Beware not to infringe third parties' intellectual property rights
  - Open access as a general principle of scientific dissemination



## Or use early disclosure for your strategy:

- **DEFENSIVE PUBLICATIONS**
- By publishing all information regarding Intellectual Property Produced, the inventor ensures that neither he nor anybody else may be granted a patent on the subject or in connected fields to the information published



**Objective: Ensure technology is part of the state of the art:**

**NO NOVELTY = NO PATENT(s)**



# Scientific publications and copyright protection







# Copyright

- Does not protect the ideas themselves but only the concrete form of expression of ideas
- The creativity protected is the originality of the authored work!
- No formal registration process is required
- Copyright protection arises automatically upon creation of the work, provided that it is original

→ Generally, protection lasts for 70 years after the death of the creator.





# Copyright

- **What are copyright and related rights?**
  - **Copyright protects literary and artistic works**, such as poems, novels, music and paintings, but also cinematographic works, architectural works and many others. Related rights are related to the protection of works of authorship under copyright. Their purpose is to **protect the legal interests of certain persons and legal entities who contribute to making works available to the public** such as performing artists, producers of phonograms, broadcasters, etc.
- **What are the rights granted?**
  - Copyright owners can prohibit or authorise that their works be:
    - copied or reproduced (e.g. printed publications or sound recordings)
    - distributed to the public
    - performed in public
    - translated into other languages
    - adapted, such as novel into screenplay...



# Open Access Vs Copyright

Copyright and Open Access may co-exist.

However, by applying the Open Access scheme the copyright owner waives his **economic** rights, namely:

- copied or reproduced (e.g. printed publications or sound recordings)
- distributed to the public
- performed in public
- translated into other languages
- adapted, such as novel into screenplay...



# Open Science

## Open Access

**Not** an obligation to disseminate (publish) or ignore IP rights

The dissemination of results **can be postponed** to allow the appropriate protection of results beforehand

**If/when** a scientific article, research data, is published, it **will have to be in open access**

At the **latest upon publication:** **deposit** in a **trusted repository**, and **ensure open access** via the repository **under CC BY licence**, or equivalent

Owners of the copyright must: **retain sufficient intellectual property rights (copyright) to comply with the OA requirements**





## Open Data:

Regarding the digital research data generated, openness is often encouraged by the funder. To comply, you have to:

- (a) deposit data in a research data repository and take measures to make it possible for third parties to access, mine, exploit, reproduce and disseminate — free of charge for any user — the following:
  - (i) the data, including associated metadata, needed to validate the results presented in scientific publications as soon as possible;
  - (ii) other data, including associated metadata
- (b) provide information — via the repository — about tools and instruments at the disposal of the beneficiaries and necessary for validating the results (and — where possible — provide the tools and instruments themselves)



## Open ≠ unprotected or no IPR

**Copyright** protects the scientific publication

**Copyright** protects (creative) data

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

**Other protection** for other aspects of the creation/invention (IP Rights, secrecy, NDA, contracts, etc)

As open as possible

As closed as necessary

Its NOT about making results free for commercial use



Works in **open access** are usually protected by **copyright**, other IP rights may protect the underlying content

e.g. a publication **made available as open access**, may also have the method described protected by a **patent** and/or **design rights**, and software code protected by **copyright**



## 2.

# Managing intellectual assets







## Knowledge Valorisation – Managing intellectual assets

- Efficient intellectual assets *management* is key to **accelerate the uptake of innovative solutions** and to develop new technologies, products, and services to address the most pressing societal challenges such as ensuring fair green and digital transitions
- The objective of an intellectual assets management strategy is to **build a portfolio of valuable intellectual assets** that can be strategically managed for use across multiple value creation paths



## Identification of Key Exploitable Results

- A Key Exploitable Result (KER) is an identified main interesting result, which has been selected and prioritized due to its **high potential to be “exploited”** – meaning to make use and derive benefits- downstream the value chain of a product, process or solution, or act as an important input to policy, further research or education.



# Ownership

Clarify **ownership of intellectual assets** as early as possible including access and use rights (for example, for research, education, or commercial exploitation purposes), background, results and relevant third-party intellectual assets (for example, to facilitate investments and other financial arrangements).

Before the start of the project, prepare a list identifying all **background results**, including IP, and relevant sideground information belonging to each of the partners and expected to be used during the project and update the list if necessary.

During the project's lifetime, keeping track of the results generated and their envisaged owner. At the end of the project, preparing a **'Results Ownership List'** identifying all results generated and define their exploitation path.

Ensure that a **Joint Ownership and Management Agreement** is established where IP is jointly owned.



# Ownership of Results

- Given the collaborative nature of most projects, some results can be jointly developed by several participants. Hence, situations of joint ownership might arise.
- **Joint Ownership Agreements** (i.e. defining specific conditions for granting licenses or issues related to costs of protection and sharing of potential revenues); Default rule in Consortium Agreement





**3.**

# **From Intellectual asset creation to the market**





## Knowledge Valorisation – From Intellectual asset creation to the market

- Establish a clear **collaboration agreement** defining in particular the scope of collaboration, the valorisation strategy, the dissemination and exploitation of results (such as licensing or transfer of results, spin-off creation), and the intellectual assets management strategy covering the project's lifecycle and beyond.
- Prepare a thorough **intellectual assets risk analysis**, including freedom-to-operate analysis to identify the critical components in cases where a technology is to be developed, validated, and brought to the market.



## Knowledge Valorisation – From Intellectual asset creation to the market

- Identify potential **complementary patents** and negotiating **cross-licensing agreements** to increase the value of the developed technology for potential investors and third-party licensees.
- Considering engaging in collaborative license mechanisms such as patent pools and clearing houses; e.g. for impact licensing.



# Understand the intellectual asset landscape

Strategic intelligence – components for a sound knowledge valorisation strategy

Research and  
Market  
competitors

Market  
needs/trends

Valorisation  
Pathways/  
Business Models

Regulatory  
Affairs

Completing or  
complementary  
technologies or  
solutions

Standards &  
Norms

Existing  
knowledge and  
State of the Art –  
including IPR

Maturity Levels  
(TRL, BRL, IRL)

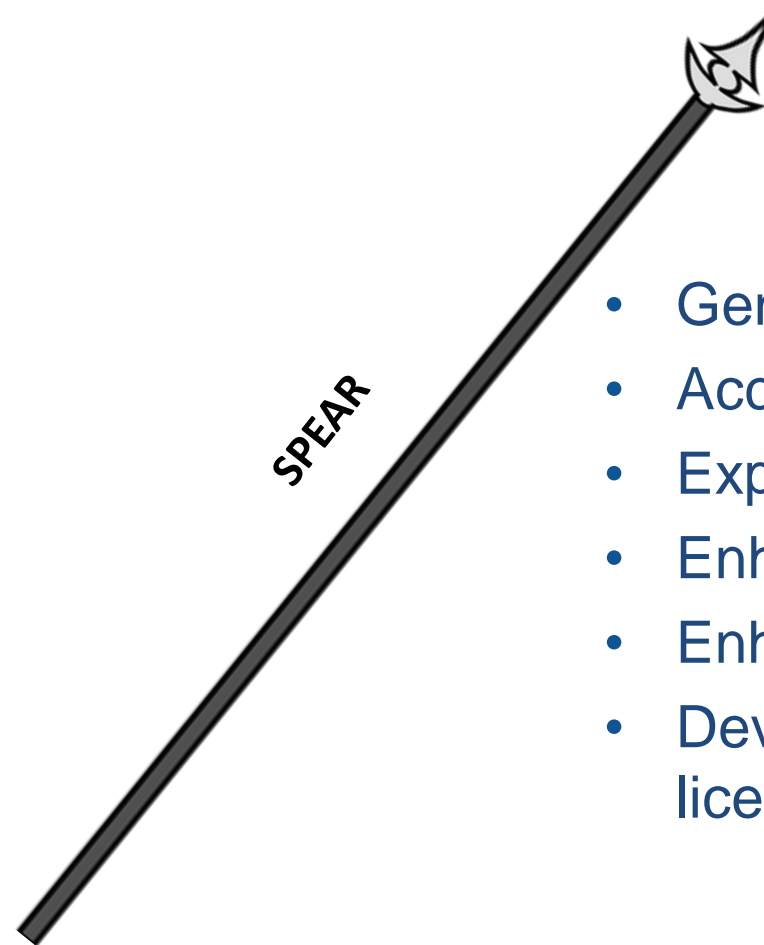
Research projects/  
clusters

Value of  
sharing/OI



# Protection (Shield) and Management (Spear)

- Defend position
- Secure Market Share
- Protect Products or services
- Create barriers to entry
- Enhance competitiveness
- Avoid litigation



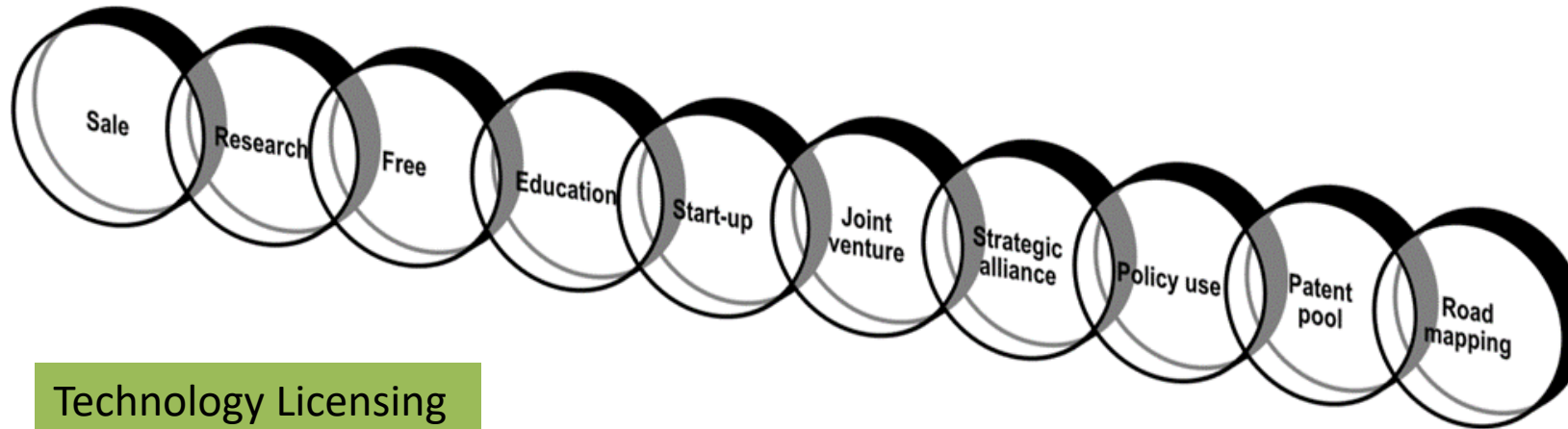
- Generate New Revenues
- Access new technology
- Exploit new Markets
- Enhance Corporate Value
- Enhance competitiveness
- Develop Partnerships and licensing relationships





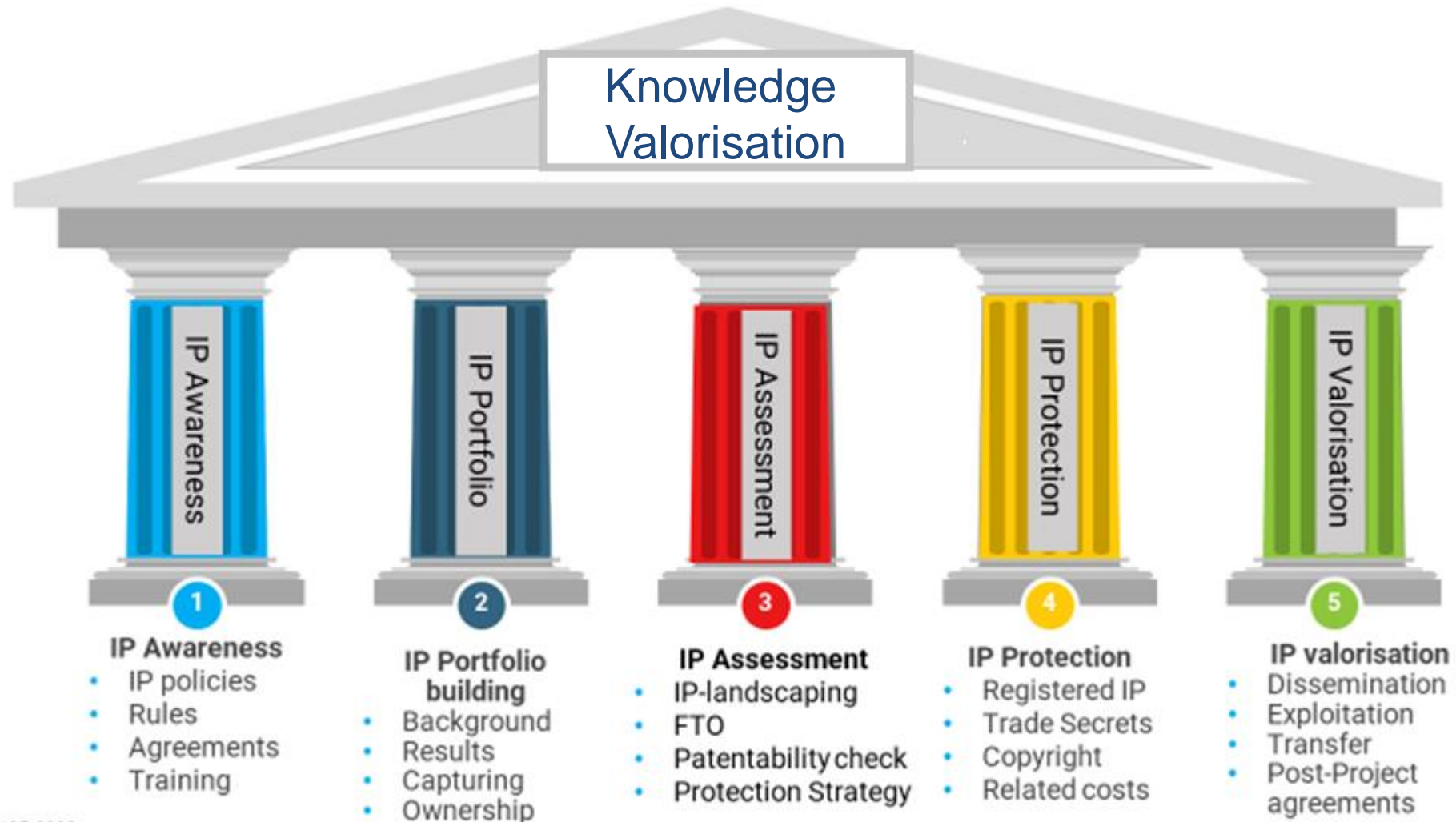
Like physical property, intellectual property is a valuable asset which can be traded – bought, sold or leased, given away free, used in JV's, as collateral, etc...

But, many more ways of extracting value...



Technology Licensing

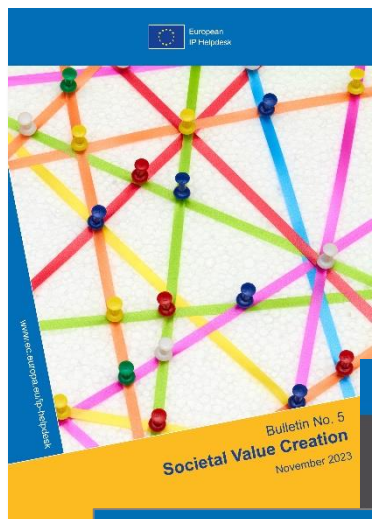




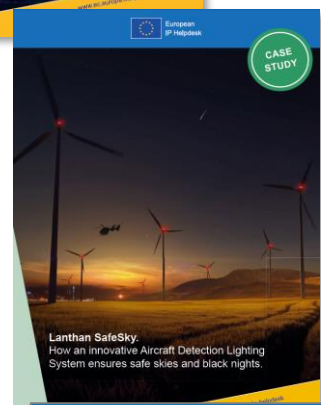
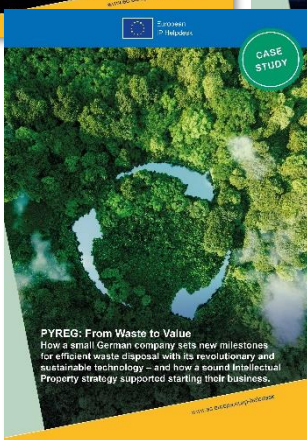
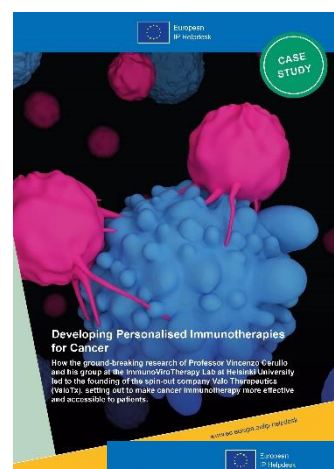
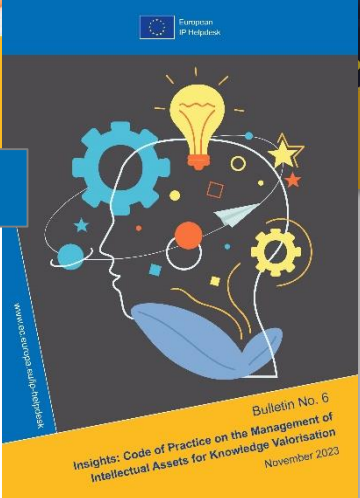




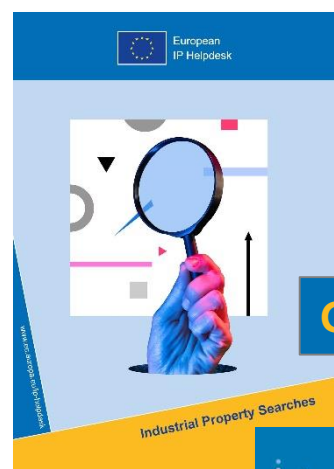
# Upcoming Publications



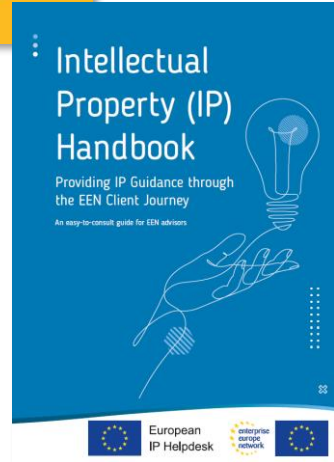
**Bulletins**



**Case Studies**



**Guides**





## Contact:

- Website: [ec.europa.eu/ip-helpdesk](https://ec.europa.eu/ip-helpdesk)
- [training@iprhelphelpdesk.eu](mailto:training@iprhelphelpdesk.eu)
- X (Twitter) [@iprhelphelpdesk](https://twitter.com/iprhelphelpdesk)
- LinkedIn [/european-ipr-helpdesk](https://www.linkedin.com/company/european-ipr-helpdesk)





# Thank You !





## 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 European Innovation Council and SMEs Executive Agency (EISMEA), with policy guidance provided by the European Commission's Directorate-General for Research and Innovation (DG RTD).

The information provided by the European 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 EISMEA or the European Commission. Neither EISMEA nor the European Commission nor any person acting on behalf of EISMEA or of the European Commission is responsible for the use which might be made of this information.

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