

FP7 IPR system

How could this work for INTERACT?

Lotte Jaspers

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My Background in FP5, FP6, FP7

- 20 years experience in advising researchers with their applications and negotiations in successive EU Framework Programmes
- expert for the EU and representative of the Dutch government with regard to the Rules for Participation and model grant agreement consultation group
- drafted and reviewed in FP7 numerous consortium agreements for universities.
- extensive training experience on the broad range of FP7 topics
- In other word I'm at a loss when discussing the cohesion Policy funds

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Treaty EU Funding

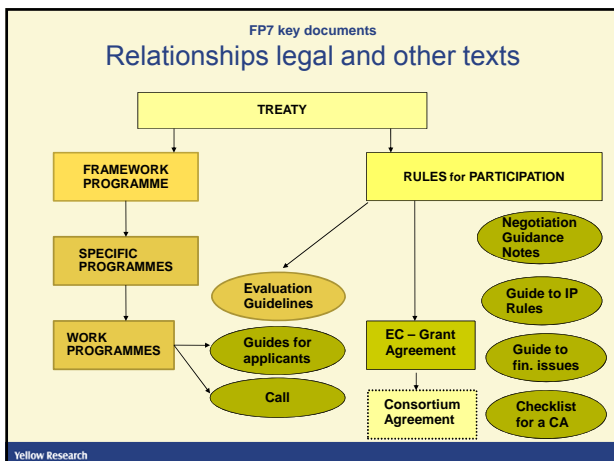
TREATY

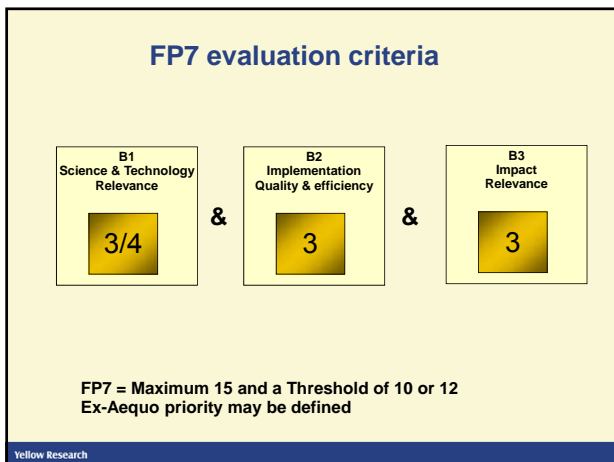
Cohesion Policy		180: The European Research Area				
174-178 Cohesion Policy	182 (166) Multi-annual FPs	184 (168) Inter – gov. Cooperation	185 (169) Open meth'd coordinat'n	186 (170) Third country cooperation	187 (171) Joint Undertaking	
ER Regional Dev. F	FP 7 (53 b€)					
ESocial F	CIP (3,4 b€)					
Agr. Fund	EIT (0,3 b€)					
Cohesion F						

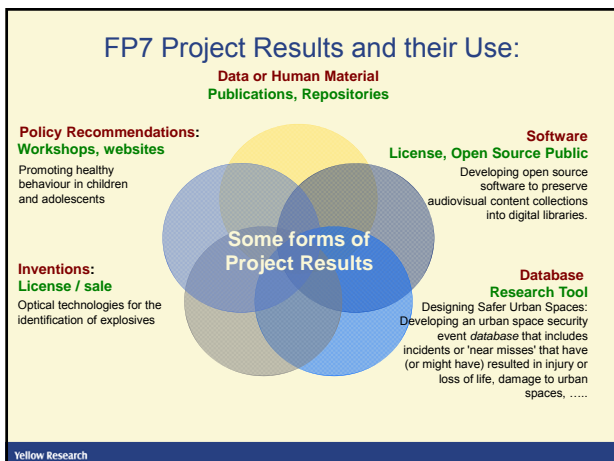
Common Strategic Framework: The perfect sandwich for 2014-2020

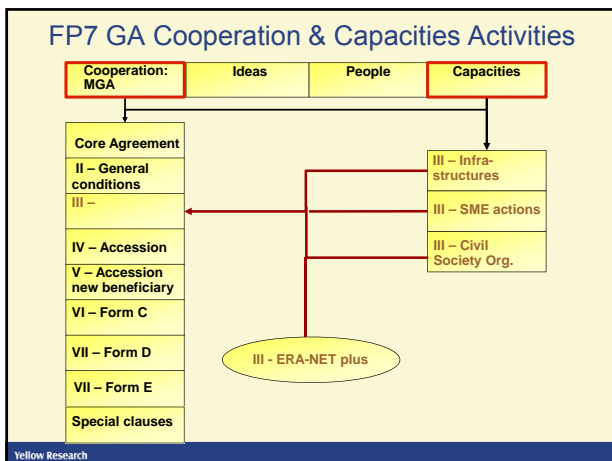
Cooperation	Ideas	People	Capacities
Top-down Consortia in: Health; KBBE; ICT; NMP; Energy; Environment; SSH; Transport; Space; Security	Individual: Starting & Advanced	Individual actions Consortium driven	Consortia: Research Infrastructures; Research for benefit of SMEs.....

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GA Definition: Use

GA: II-1.8 , II-29, II-32, II-34

- **Use** means the direct or indirect utilisation of Foreground *in further research activities* other than those covered by the project,

or

- *for developing creating and marketing a product or process or for creating and providing a service.*

FP7 IPR Regime

Contractual logic	Contractual Freedom
• Ownership – one who generated	• Ownership – dominant principle
• Protection – owner’s discretion	• Protection – cost is sometimes issue
• Access Rights for Use as Further Research	• Access Rights – From restricted for the owner to open to all
• Access Rights for Use as in Exploitation	• Access Rights – A broad variety of exploitation measures are possible
• Publication	• Swift dissemination is the rule

GA - Access rights

GA: II-33, II-34


	Foreground	Background
For the Project	If Needed to carry out the project	
	Royalty Free	Royalty Free, unless otherwise agreed
For Use	If a participant needs the Foreground or Background to use <i>its own</i> Foreground	
	On f(F)air and r(R)easonable conditions or royalty free – to be agreed	

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- ### Possible exploitation strategies
- Public domain
 - Open source
 - License model (exclusive license)
 - Open innovation
- Yellow Research

B3 - Public Domain Model

- Free for everyone to be used for further research and/or exploitation
- No IP protection
 - 'No market'
 - No tool to detect breach of patent right
 - For specific sector
- Examples: material, research tools etc




Herengracht 495, City Archive Amsterdam

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B3 - Open Source Model

- License is obtained at no charge, provided improvements are made available to all.
- Several models for software exists GNU licenses.
- Comes from the software industry but is used now also for biological materials and hardware.



*Towards a Self-Differentiated Bacterial Assembly Line,
University of California-Berkely*


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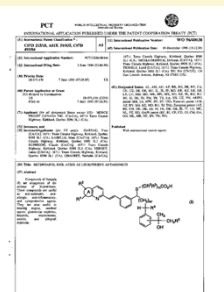
B3 - License Model

Each result represents a potential value for the organisation.

Costs of development of one drug is currently 800 million US dollars (2003)

- ▶ Access is based upon remuneration and control on the Use of Foreground is very important






Income 4,3 billion US dollars in 2008

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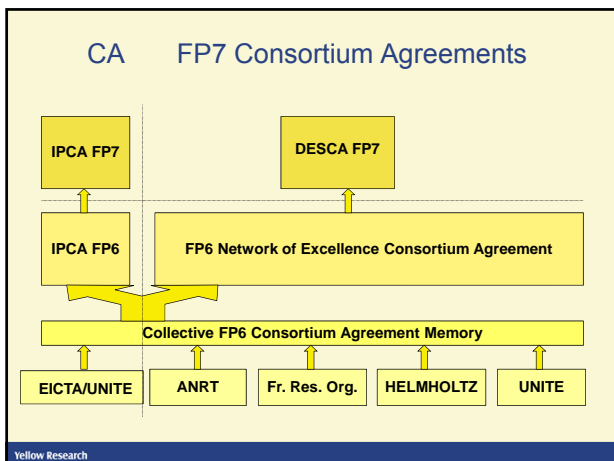
B3 - Open Innovation

Multiple results are necessary to create desired standard/breakthrough/solution

- ▶ Access is open and free for the consortium members to all Foreground. No remuneration for single results because the value is difficult to establish.



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