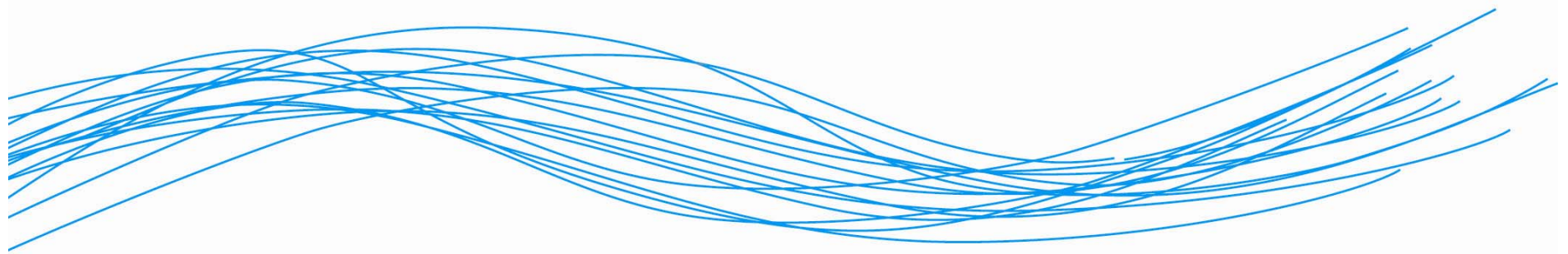




Federal Ministry
of Education
and Research



European Research Area



United Nations Economic Commission for Europe (UNECE)

Team of Specialists on Intellectual Property

MinR Klaus Uckel

Chair of EU-CREST/ERAC Group “Knowledge Transfer”



Facts & Figures

The EU is the world's largest producer of scientific output ...

	US	EU
World share of scientific articles	33%	38%

.. but has problems in exploiting it through e.g. patents, licenses and spin-offs

	US (AUTM)	EU (ProTon)
Survey respondents (universities)	228	392
No. of invention disclosures	27382	4570
Priority patent applications	10272	2310
No. of options and licenses	4932	731
No. of spin-offs	628	434

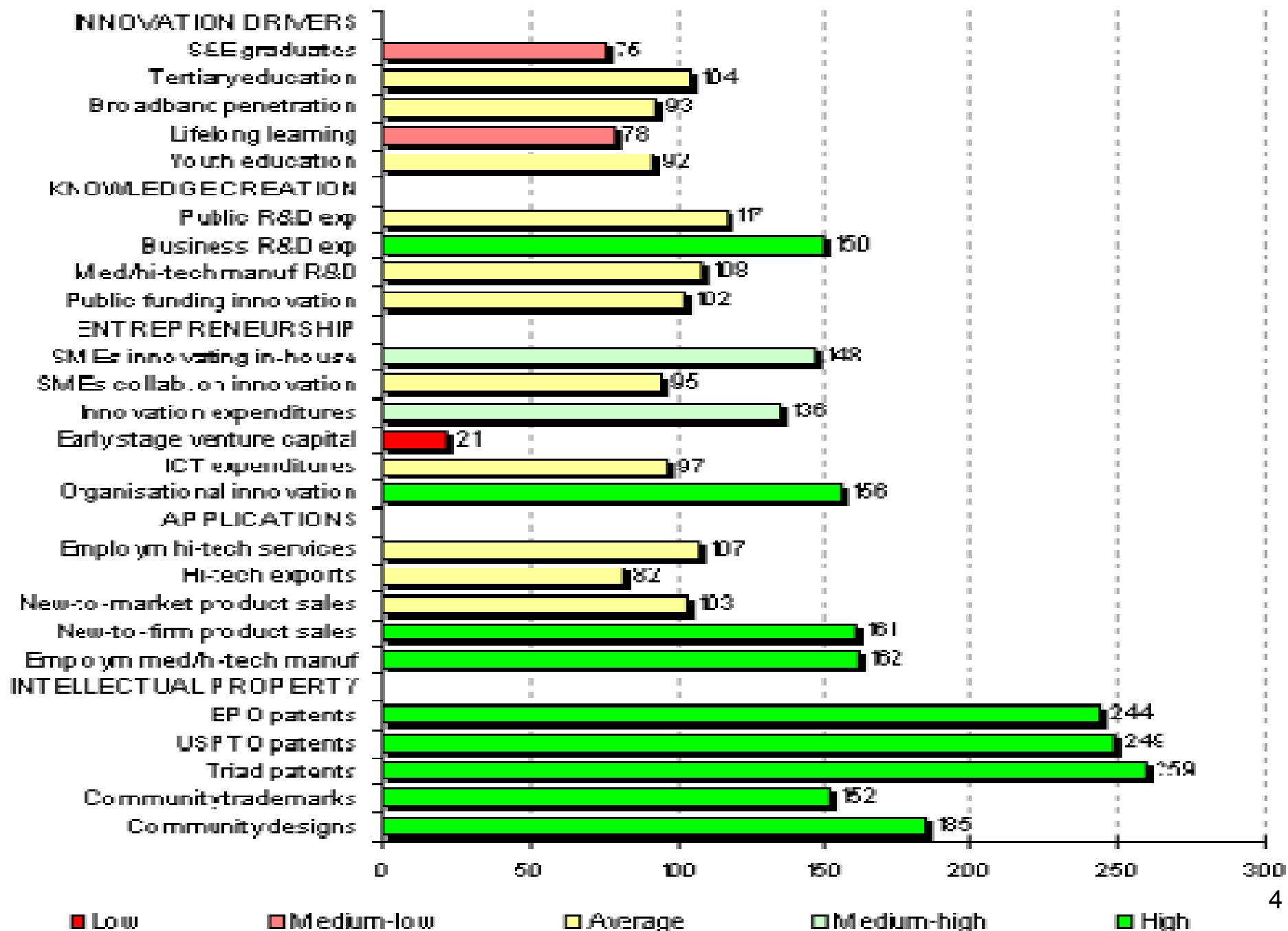


Cross-border Knowledge Transfer



- KT and international co-operation of **increasing relevance for all stakeholders**: universities, public research organisations, industry, SMEs and **public authorities**: EUREKA (e.g. South Korea), FP 7, EIT, ERA
- SMEs and entrepreneurs as well as industry benefit from improved access to latest research developments to speed up innovation and commercialisation
- Professional IP management is necessary to be **reliable partner** in international co-operation
- **Balance IPR and KT** to ensure they offer incentives to invest in research and innovation, while at the same time diffusion and further development of research results are not stifled
- Effective KT constitutes a **key mechanism of the European Research Area** and ensures that publicly-funded research exerts an effective impact on EU competitiveness

EIS 2007 Innovation performance (relative to EU25)



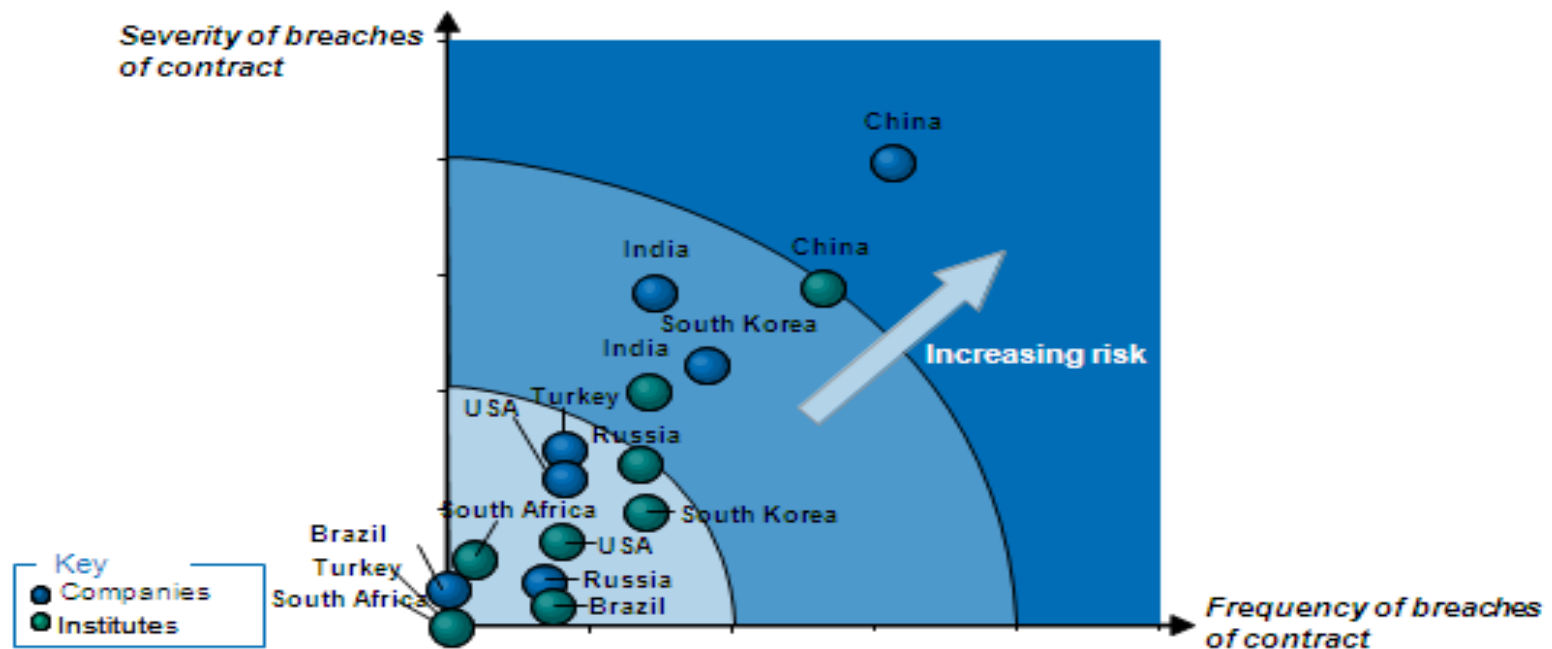


Challenges at European and International Level

- **Broad range of regulations** and different levels of harmonisation for IP categories (despite improvements, e. g. enhanced European Patent System)
- **Lack of commonly defined core values** and principles (in a single European document) lead to a **weak negotiating position** in international co-operation
- **Lack of awareness for IP issues** and insufficient knowledge of relevant regulations
- Uncontrolled **drain of know-how**
- Scarce integration of inventions in value chain
- Insufficient exploitation of innovation potential
 - **Obstruction to competitiveness** of industry and research institutions



Figure 1: Frequency and severity of contractual breaches in international R&D collaborations





KT Initiatives in Europe (I)



- Several **national initiatives** in recent years to enhance KT:
 - **Legislation changes** (e.g. abolition of “professor’s privilege” in Germany, Denmark, Finland etc.)
 - **Guidelines** (in France, Denmark, Ireland etc.)
 - **Model contracts** (e.g. UK’s “Lambert Agreements”)
 - **Networks of technology/knowledge transfer offices** (e.g. Germany patent exploitation agencies, *PVAs*)
 - **Professionalisation of knowledge transfer**, improve skills and competencies of those working in the sector (e.g. UK’s “Institute of Knowledge Transfer”)



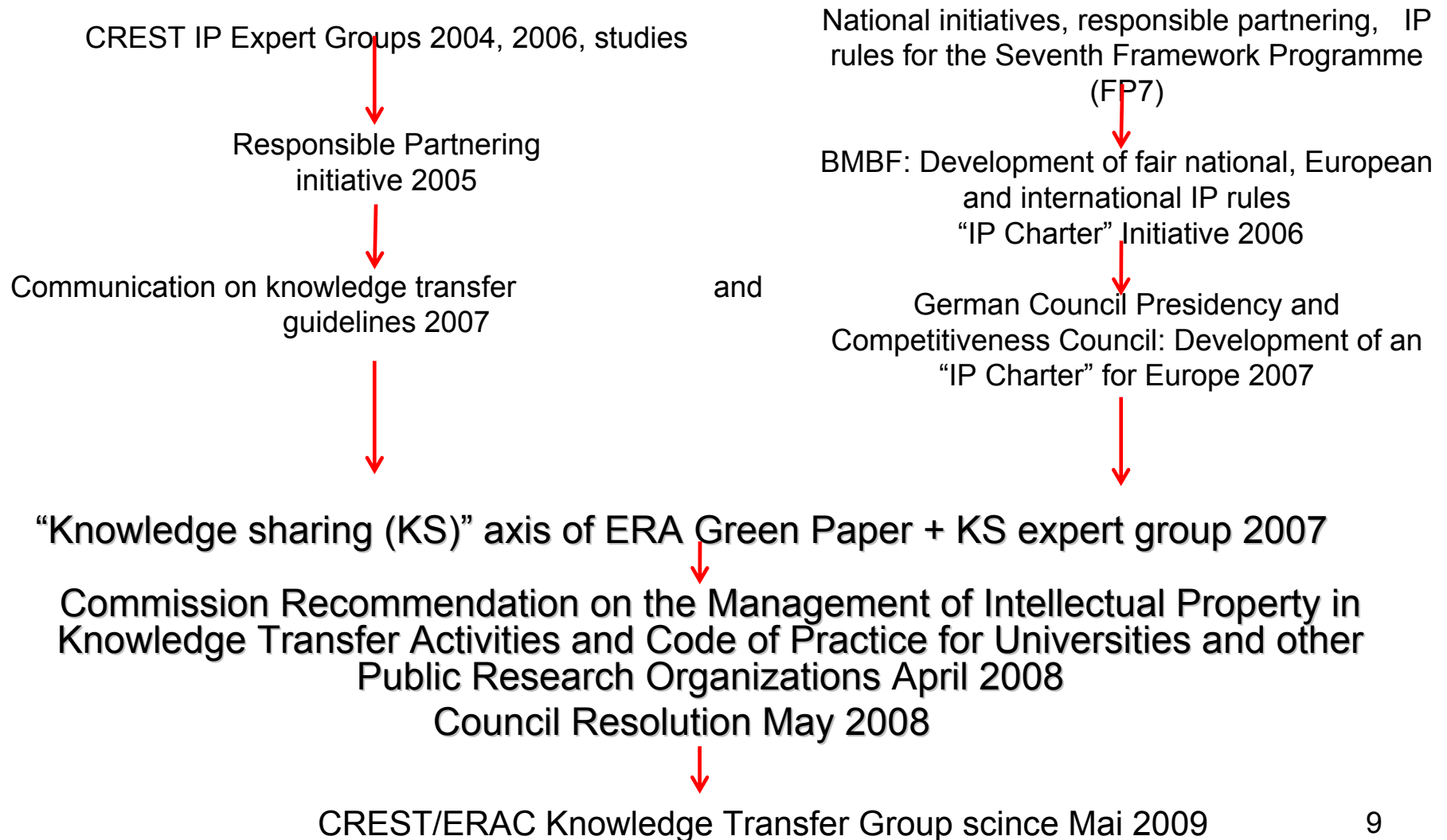
KT Initiatives in Europe (II)



- ... usually with a **purely national perspective**
 - ➔ little coherence across Europe
 - ➔ hampers trans-national KT
 - ➔ weakens Europe's position to take united actions at European level and its competitiveness
- **But** deficiencies are addressed:
 - European-wide stakeholder associations & valuable initiatives (e.g. ProTon, ASTP, Responsible Partnering, CREST work)
 - Further development of a European Research Area by improving mobility of researchers and intellectual property (e.g. European Institute of Innovation & Technology (EIT), Marie Curie actions)



Measures taken to date at European Level





Initiatives on KT at European level



- “European Research Area” Green Paper (COM(2007)161)
http://ec.europa.eu/research/era/pdf/era-greenpaper_en.pdf
- German Presidency “IP Charter” initiative (2007)
[http://www.bmbf.de/pub/Eckpunkte_IP_eng\(2\).pdf](http://www.bmbf.de/pub/Eckpunkte_IP_eng(2).pdf)
- Commission Communication on Knowledge Transfer (COM(2007)182 + SEC(2007)449)
http://www.eua.be/fileadmin/user_upload/files/newsletter/Commission_communication_knowledge_transfer.pdf
- Related Council Resolution (30.5.2008): welcomed the Recommendation and invited MS to implement it. Political decision
http://ec.europa.eu/invest-in-research/pdf/download_en/st10323_en08.pdf



-
- Commission Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations (C(2008)1329 of 10.4.2008)

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



Recommendation on IP Management and Code of Practice



- 1. Key recommendations to Member States (MS)** for establishing or adapting cross border intellectual property/ knowledge transfer policies
- 2. Code of Practice for universities and PROs** with operational principles for setting up institutional policies and knowledge transfer systems (Annex I) but which are useful for SMEs as well
- 3. List of best practice examples for Member States** to support implementation of the recommendations (Annex II)
 - Any country is invited and welcome to take up the voluntary Recommendations and Code of Practice



Key Recommendations to Member States

- **Ensure** that PROs define **KT as strategic priority** and develop and publicise respective policies and procedures
- **Support** the **development of KT capacities** and skills, also among students
- **Promote broad dissemination of research results** while enabling protection of IP
- **Cooperate** and take steps to ensure coherence of ownership regimes and **to facilitate cross-border collaborations and KT**
- Take steps to ensure the widest possible **implementation of the Code of Practice**



Commission Recommendation covered by the Council Resolution (excerpts)

<http://www.consilium.europa.eu/showPage.aspx?id=1422&lang=en>



- Ensure **equitable and fair** treatment of participants from Member States and third countries in **international research projects** regarding the ownership of and access to intellectual property rights, to the **mutual benefit** of all partners involved;
- When signing **international research cooperation** agreements, the terms and conditions relating to projects funded under both countries' schemes provide all participants with **similar rights**, especially as regards access to intellectual property rights and related use restrictions.
- Leads to a common European approach which strengthens individual Member States and stakeholders by using same set of principles and recommendations



Code of Practice for Universities and PROs



- **Set up principles for:**
 - **Intellectual Property Policy** for effective IP management (policy, rules, procedures, incentives, awareness, training, ...)
 - **Knowledge Transfer Policy** focusing on active transfer and exploitation of IP (exploitation strategies and policies, licensing and spin-offs, access to professional KT services, sharing of financial returns, monitoring of KT activities)
 - **Collaborative and contract research** (basic principles for IP ownership and access rights)
- Develop policy in line with education and research mission regarding identification, possible exploitation, protection of IP, open access policies etc.
- Training to raise IP awareness and basic skills in IP and KT



CREST/ERAC Working Group on Knowledge Transfer (I)



Mandate:

- CREST decision in January 2009 to set up a Working Group. Consists of 33 representatives out of 39 CREST Member States and associated countries.

Tasks:

- **Exchange information on status and progress** of national and Commission policies to promote and enhance KT
- **Identify/disseminate good practices** relating to policies/ programmes for improving KT and IP management - at a national level and across borders
- **Engage in forward-looking activities (foresight)** to identify long-term policy needs and actions in KT within Europe and the world
- **Define and use common indicators** to monitor the implementation and impact of the Recommendation & Code of Practice
- **Provide report in 2010** (every two years afterwards) on measures taken to follow up the Resolution and implement Recommendation & Code of Practice
- **Liase** with other groups established under the governance of the five ERA initiatives and other DGs of the Commission as well as WIPO, EPO, OECD
- **Report to CREST** annually



CREST/ERAC Working Group on Knowledge Transfer (II)



Priorities for the first two years:

- **Identify indicators for measuring progress** in implementing Recommendation & Code of Practice
- **Review and report on:**
 - Initiatives taken at national level to implement the Recommendation & Code of Practice
 - Promotion of Recommendation & Code of Practice in relevant EU initiatives (e.g. European Institute of Innovation and Technology (EIT), Seventh Framework Programme for Research and Technological Development (FP7), Competitiveness and Innovation Framework Programme (CIP), **EUREKA**)
- **Identify specific issues related to international KT** (i.e. beyond the EU) including the development of practical guidelines, useful for SMEs
- **Submit a report** by July 2010 on issues covered by its list of priorities
- **Discuss** international co-operation and develop guidelines on specific issues or problems of common interest - where appropriate



CREST/ERAC Working Group on KT



List of priorities for the first two years

- Identify indicators for measuring progress in implementing the Recommendation and Code of Practice;
- Review and report on initiatives taken at national levels to implement the Recommendation and Code of Practice;
- **Identify specific issues related to international knowledge transfer (i.e. beyond the EU) including the development of practical guidelines where appropriate** which will be useful for SMEs
- Reviewing how the Recommendation and Code of Practice are promoted in relevant EU initiatives (e.g. the European Institute of Innovation and Technology (EIT), the Seventh Framework Programme for Research and Technological Development (FP7), the Competitiveness and Innovation Framework Programme (CIP) etc.), **EUREKA**, etc,



Guidelines for International Co-operation

Structure:

- Introduction
- Definitions
- **Specific guidelines** for negotiation of international co-operation
 - **For Member States, Associated Countries and the Commission** for bi- or multilateral agreements with recommendations on IP/ KT provisions
 - to guarantee a minimum standard for IP / KT regulations in international co-operation agreements with non-members
 - **For stakeholders** when negotiating co-operation agreements with third parties with recommendations on IP/ KT provisions including a checklist with questions
- Specific policy recommendations to promote the Recommendation & the Code of Practice
- Links and further information



Guidelines for International Co-operation

- The guidelines will be supported:
 - By general recommendations, examples and an IT tool to support its practical applicability
 - By a helpdesk, e.g. National Contact Point or IPR Helpdesk

- Thoughts to be taken into account:
 - IT Tool has to be updated and maintained
 - It should be effective and interlinked with existing tools
 - The IPR-Helpdesk is financed by DG ENTR and not DG Research, overlap and double spending needs to be avoided therefore: centralized solution favoured



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http://www.ttt-manager.eu/index.php?option=com_content&view=article&id=74&Itemid=28

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Startseite

CERTIFIED TTT MANAGER
a framework of certification for transnational technology transfer managers in europe
FP6 Project 2007-2009

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- What is CERT-TTT-M
- Initial Position
- Objectives
- Activities
- Partners

Dissemination Material

- Training Provider
- Policy-Maker
- TT-Stakeholder

Results in detail

GET YOUR ACCESS NOW!

Welcome to CERT-TTT-M, an initiative towards an European Certification & Training Framework for Technology Transfer Management

We are pleased to inform you about a project funded by the European Commission, named "Certified Trans-national TT Manager - Building up a framework to qualify TT - Managers on a trans-national level with mutual recognition".

The aim of this project is:

- to create a training framework for technology transfer managers in order to professionalise their role,
- to help to create a more defined career structure for them and to assist with mobility of managers within the European Union,
- to provide a legal and organisational framework for the mutual recognition aiming at an accreditation of the course on a Europe-wide basis.

A training framework has been elaborated based on the results of surveys conducted within the project on training needs and opinions expressed by professionals and experts and on the analysis of training programmes available in technology transfer throughout Europe.

Get more information about the CERT-TTT-M project!

Events & News

- 3.12.08 Rotterdam Conference on TT profession
- 29.9.08 Amsterdam Know-How Exchange with LES/CLP, 29/30
- 14.8.08 Paris - L'Oréal Joint Workshop at LES FRANCE
- 10.7.08 Course Patent & License Management
- 17.6.08 Stockholm Joint Workshop at VINNOVA
- 3.4.08 Vienna Mid-Term Meeting
- 29.3.08 München Joint Workshop at European Patent Office

21

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Investing in European Research - Crest Cross-border Collaboration Decision Guide - Microsoft Internet Explorer

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Towards 3% of GDP

European Commission > Investing in European Research > Intellectual property and technology transfer > CREST Cross-border Collaboration Decision Guide

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Human resources in S&T
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Intellectual property and technology transfer
Tax incentives for research
State aid for research
Public procurement
Philanthropy for research
Better regulation
Intellectual capital reporting
European Technology Platforms
European Funding Schemes
National and regional policies
Coordination of Policies
Monitoring and analyses

First Step: Deciding On What Should Be In The Collaboration Agreement?

Section 1: Deciding ownership of the intellectual property rights

PLEASE TICK THE BOXES THAT APPLY YES

1. Is the Industry partner paying all the costs⁴¹ plus some element of profit to the public research organisation?
2. Has the Project been proposed by the Industry partner?
3. Is the Project critical to the Industry partner's technology acquisition and/or development strategy?
4. Does the Project rely substantially on the Industry partner's own materials and/or Background IP from the Industry partner?
5. Would the Project be easy to carry out without privileged access to the PRO's own materials or Background IP?
6. Is the focus of the Project the testing or analysis of the Industry partner's own materials, or research based around the Industry partner's own materials or Background IP?
7. Has the Industry partner taken the lead in designing the work for the Project?
8. Is the Industry partner managing the project e.g. setting deliverables, targets...

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Slide 20 of 24 Office Theme English (U.K.)

start Microsoft Off... hotel.de: Hôtels... ResponsiblePart... Investing in Euro... IP-Rec_Dubronik... EN 19:27



TT Study – Compare Tool

<http://eutechnologytransfer.eu/compare.php>



The screenshot shows a web browser window with the URL <http://www.eutechnologytransfer.eu/compare.php>. The page features logos for the European Commission, DLA PIPER, and Mason Hayes+Curran. The main heading is "Monitoring and analysis of technology transfer and intellectual property regimes and their use". Below this is a navigation menu with links: Home, Context, Background information, Downloads, Compare tool, Contact, Feedback, and Links. The "Compare tool" section is active, showing two columns of checkboxes:

Select countries to compare	Select topics
<input type="checkbox"/> Austria	<input type="checkbox"/> patents
<input type="checkbox"/> Belgium	<input type="checkbox"/> utility models
<input type="checkbox"/> Cyprus	<input type="checkbox"/> industrial designs
<input type="checkbox"/> Czech Republic	<input type="checkbox"/> copyright
<input type="checkbox"/> Denmark	<input type="checkbox"/> databases
<input type="checkbox"/> England	<input type="checkbox"/> trademarks
<input type="checkbox"/> Estonia	<input type="checkbox"/> know-how
<input type="checkbox"/> Finland	<input type="checkbox"/> professor's privilege
<input type="checkbox"/> France	
<input type="checkbox"/> Germany	
<input type="checkbox"/> Greece	
<input type="checkbox"/> Hungary	
<input type="checkbox"/> Ireland	
<input type="checkbox"/> Italy	
<input type="checkbox"/> Japan	
<input type="checkbox"/> Latvia	
<input type="checkbox"/> Lithuania	
<input type="checkbox"/> Luxembourg	
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<input type="checkbox"/> Poland	
<input type="checkbox"/> Portugal	
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<input type="checkbox"/> Spain	
<input type="checkbox"/> Sweden	
<input type="checkbox"/> The Netherlands	
<input type="checkbox"/> United States	

Below the checkboxes is a "Submit" button. An important notice states: "IMPORTANT NOTICE: This summary is a guide only for information purposes and does not constitute legal or other advice. Please consult your legal advisor for specific legal advice, if required." At the bottom, there is a copyright notice: "©DLA Piper UK LLP - Mason Hayes+Curran 2006-2007 - All rights reserved".



Next Steps (I)

- **Implementation of the Council Resolution**
 - IP Recommendation
 - Code of Practice on national and international level
- Commission and stakeholders: **Thematic Forum on Knowledge Transfer** to discuss the implementation of the Code of Practice and exchange best practice (supported through studies on various subjects, e.g. international knowledge transfer, model contracts)
- **National stakeholder events** to discuss the national implementation of the Recommendation & Code of Practice and develop national measures and guidelines



Next Steps (II)

- **Stakeholder events on European level**
 - to disseminate and promote the Code of Practice
- **Report to Commission** on measures taken on the basis of the Recommendation as well as about their impact (15 July 2010)
- **EUREKA** International Cooperation Strategy Working Group:
 - Elaborate IP guidelines based on Recommendation and Code of Practice
- **CREST** Working Group on Knowledge Transfer:
 - Internationalisation
 - Implementation



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