

IPR Guidelines

The IPR guidelines are intended to contribute to the EIT's objective of reinforcing the innovation capacity of the Member States and the Community, creating an entrepreneurship friendly environment which encourages the creation of spin-offs and start-ups. A suitably structured open innovation environment can help reaching this goal and speed-up translation in the business context and commercial application.

These guidelines are primarily intended to serve for the drafting of a future KIC agreement on the management and use of intellectual property ('IP plan'), as required by Article 10.2 of the EIT Regulation. They also give indications on the preliminary description to be provided at the proposal stage of the 'planning for the management and use of intellectual property'.

1. Each KIC will establish a motivating IP policy, defining principles for the ownership of IP and access right respecting EU rules.
2. Each KIC will define an appropriate internal policy governing the rights (e.g. assignment) and obligations of researchers and students involved in mobility.
3. Each KIC will negotiate in good faith to licence IP to interested EU and non EU parties and to optimise the exploitation and uptake of KIC knowledge and technologies, bearing in mind the business goals of the KIC parties and the EIT goal of boosting EU competitiveness and innovation.
4. Each KIC must set up a suitably-empowered IP Board responsible for managing knowledge transfer and IP issues, notably:
 - A policy covering protection, ownership of and access rights to IP, based on principles of fairness and promotion of innovation;
 - A method for identification and valuation of background prior to starting activities which should be sufficiently flexible to enable updating of background as necessary throughout a KIC's lifetime;
 - A strategy for direct and indirect exploitation of IP results;
 - A formal policy to disclose all R&D results generated among partners which should not conflict with protection and use of the results;
 - A methodology to assess financial and non-financial contribution from all parties, including contributions from later-entering members;
 - Provisions for newly-entering parties to maximise collaboration among KIC members and to protect the interests of parties involved in KICs, as well as rules for departure of partners to minimise disruption to KIC activities;
 - An appropriate procedure for notification and approval (or otherwise) for publication and dissemination activities, considering also the "open access" option for promoting results;
 - Appropriate measures to ensure that all KIC members are treated with fairness when negotiations on the assignment of IP right take place.
5. To respond to the 'Planning for the management and use of intellectual property'-selection criteria, KIC proposals must include an IP-plan describing:
 - The composition of the IP-board
 - Mechanisms for decision making
 - First elements and direction for further IP policy development