



Project: Support to Enforcement of Intellectual Property Rights
(EuropeAid/137467/DH/SER/MD)

AGPI AGENTIA DE STAT
PENTRU PROPRIETATEA
INTELECTUALA
A REPUBLICII MOLDOVA

**Main features and experience
of implementation of Code of Practice for universities and
public research organisations concerning the
management of intellectual property in knowledge transfer
activities in the EU**

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International seminar

“Intellectual property objects commercialisation at
the universities and research institutions in the EU and
Moldova”

Chisinau, 12 October 2018





Content

1. The reasons of adoption of the Code of Practice on IPR management and knowledge transfer in the EU.
2. The practice and results of implementation of the Code of Practice.
3. Approaches in implementation of the Code of Practice in Associated countries

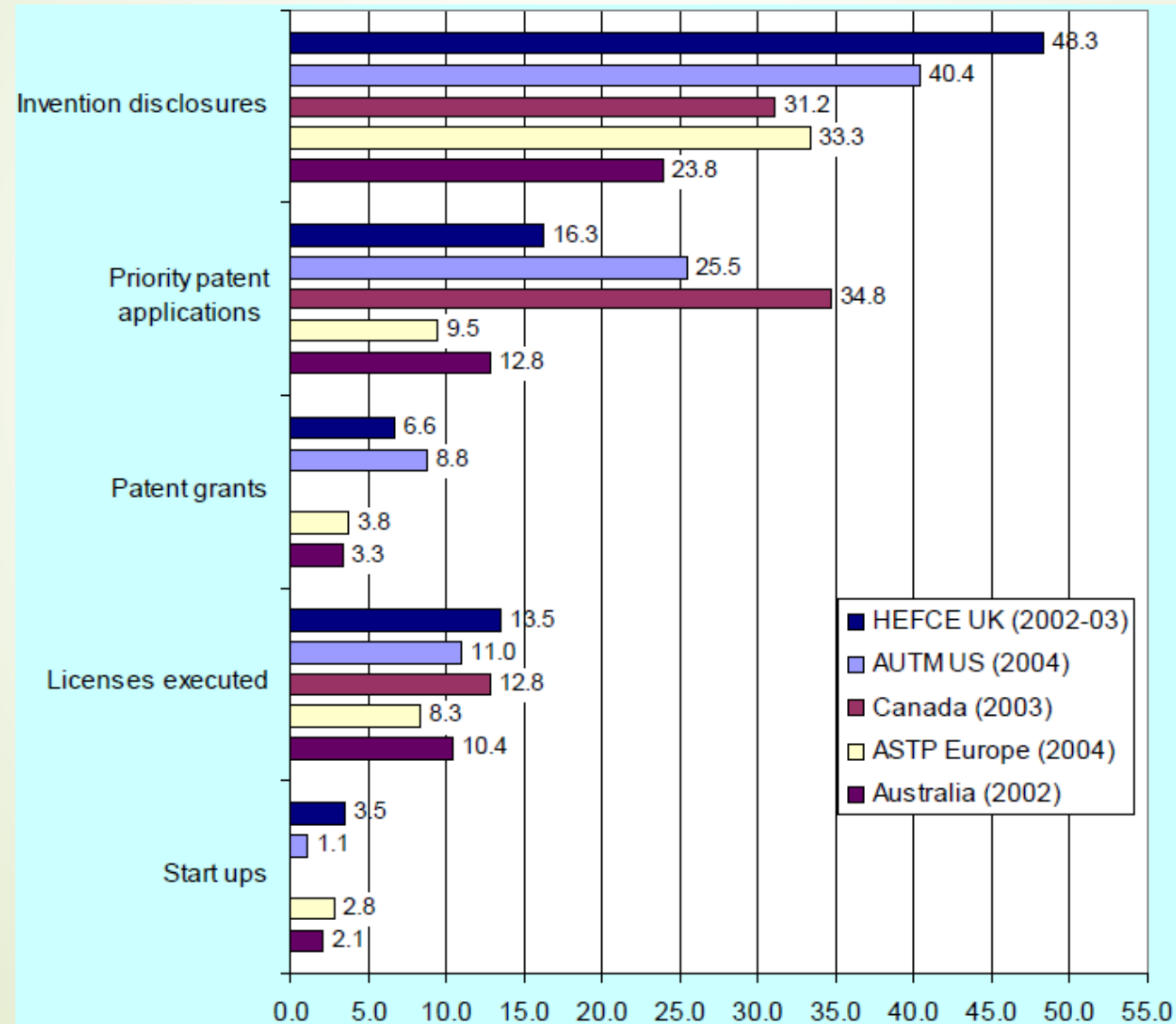


Why – the Code of Practice

- For the competitiveness of Europe essential to turn the results of research into more successful innovation,
- To prevent the unwanted outflow of knowhow in the advancing globalisation,
- The need for a common European understanding on the knowledge transfer to improve:
 - the exploitation of publicly funded research results and
 - R&D collaborations between research institutions and industry,

Council of the EU conclusions, meeting, 25 June 2007

The EU and US comparison in commercialisation activity of the universities per 100 million US\$ research expenditures



Arundel, Anthony and Bordoy, Catalina, 2008.



Main features of the Commission Recommendations on the Code of Practice

- Member-states tasks.
- Code of practice:
 - principles for an internal IP policy.
 - principles for a knowledge transfer policy,
 - principles for collaborative and contract research.
- Practices of public authorities that facilitate the management of intellectual property in knowledge

IPR policy

- IP policy should be developed as a special document of the university/research organisation with:
 - rules for the staff and students regarding the disclosure of new ideas;
 - the ownership of research results
 - the IPR issues in engagement with third parties
- Incentives provided to ensure that all relevant staff play an active role in the implementation of the IP policy. Not only be of a financial nature but should also promote career progression.
- Creation of portfolios of intellectual property by the universities.
- Raise awareness and basic skills regarding IP and KT through training for the research staff and students.

Ensure that the staff responsible for the management of IP/KT have the required skills and receive adequate training.

Knowledge transfer policy

- Consider all types of possible exploitation mechanisms: such as licensing or spin-off creation.
 - Consider all possible exploitation partners – KT companies, investors, funds.
- Access or possesses professional knowledge transfer services including legal, financial, commercial as well as intellectual property protection advisors.
- Develop and publicize a licensing policy:
 - terms on transfers of IPR, granting of licences, including exclusive licences;
 - terms on adequate compensation.
- Develop policy for the creation of spin-offs.
- Clear principles regarding the sharing of financial returns from KT between the public research organisation, the department and the inventors.

IPR provisions in the contracts between universities, research organisations with industry

- To work out principles which:
 - take into account the level of private funding and from other side
 - to support the university to maintain an intellectual property position that allows further academic and collaborative research, and avoid impeding the dissemination of the R&D results.
- before the research project starts to clarify:
 - allocation of the ownership of IP which is generated in the framework of the project (hereinafter foreground),
 - identification of the intellectual property which is possessed by the parties before starting the project (hereinafter background)
 - access rights to foreground and background
 - sharing of revenues.



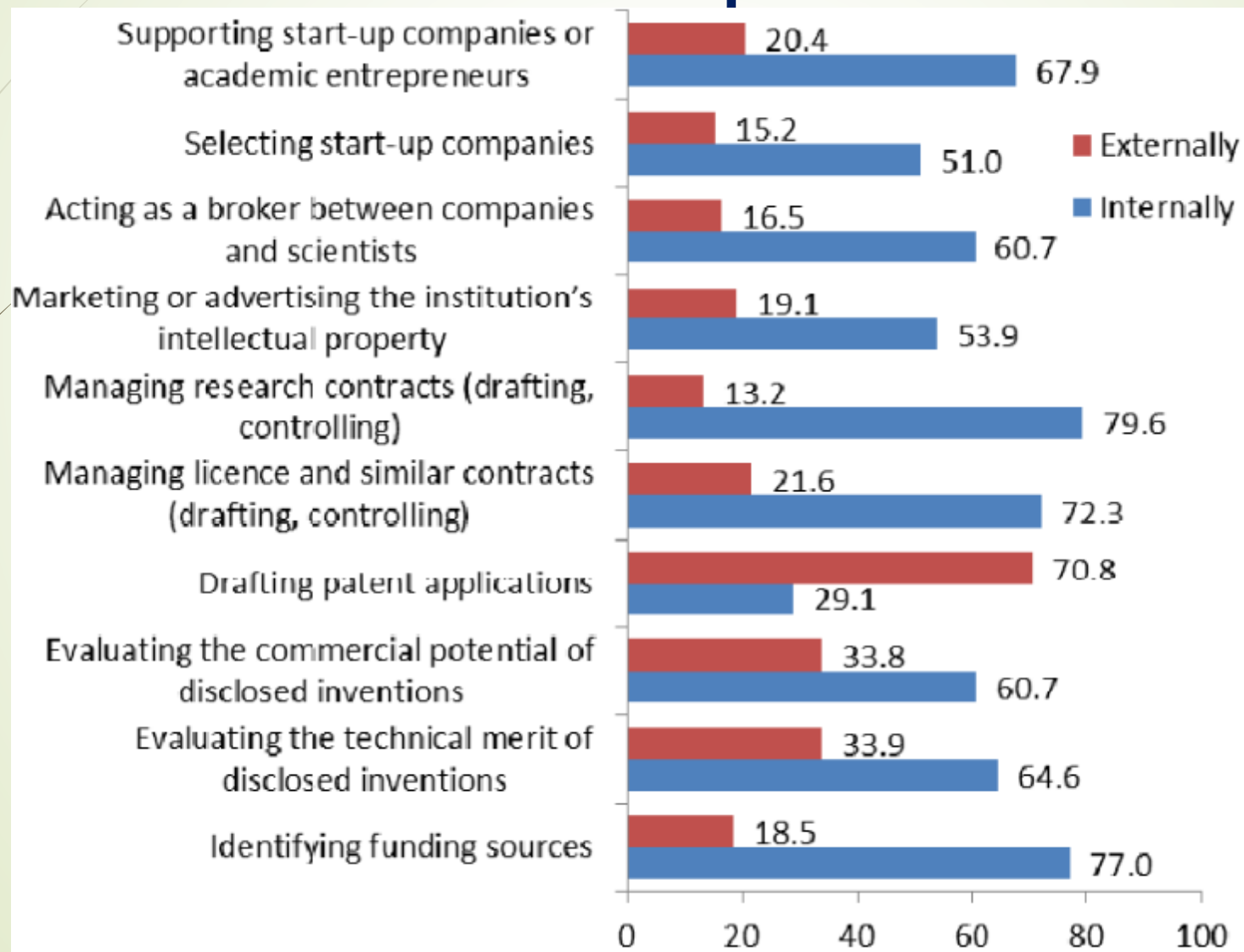
IPR provisions in the contracts between universities, research organisations with industry

- ▶ In the case of contract research the foreground generated by the public research organisation usually is owned by the private sector party. The ownership of background should not be affected by the project.

Results of implementation of the Code of practice

- ▶ National governments support the development of KT capacity and skills in universities;
- ▶ > 50% European Knowledge Transfer Offices (KTO) are young, established after 2000;
- ▶ KTO with 2-5 persons - 30%, with > 5 person – 50%.
- ▶ qualification of staff: degree in engineering or natural science (80% of KTO), in management or business administration (65%), with a formal law training (58%).

Services provided internally by the KTO or by external service providers





Incentives to work with IPR and Knowledge Transfer

- To offer inventors a percentage of the revenues - 81% of PRO.
- Social rewards (e.g. awards, publicity, internal or external recognition) - 53% of PRO,
- Additional funds for R&D - 34%,
- The inclusion in promotion and career decisions - 29%
- Lump sum payments (e.g. inventor's bonus) - 26%.

Principles for the sharing of knowledge transfer revenues among the organisation and inventors

% of the total revenue

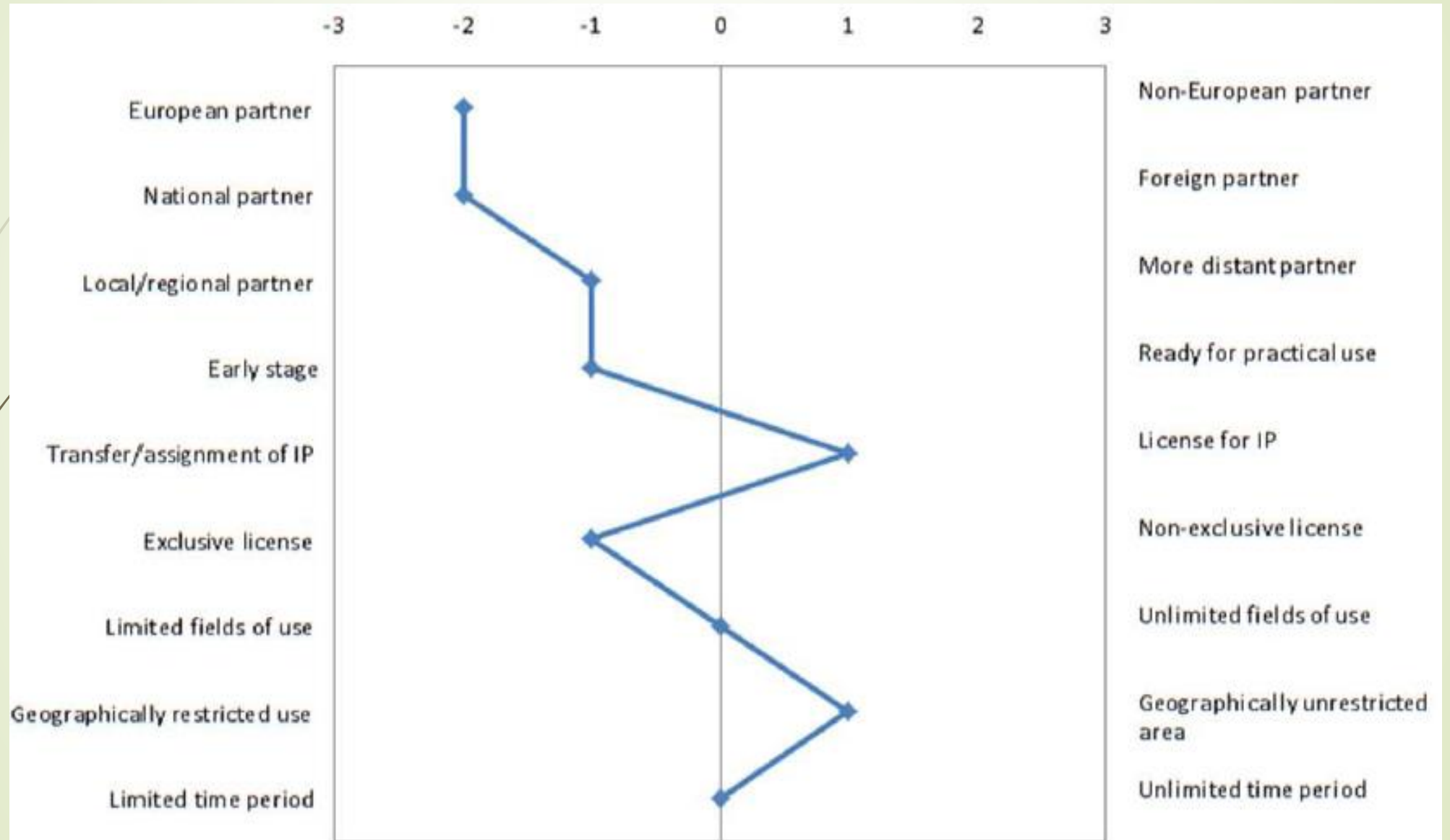
	Inventors	Department(s), institute(s) or other inst. units	Institution ^a	KTO ^{ab}	Other beneficiaries ^a
Mean	40.7	18.8	31.6	7.6	2.3
S.E. of Mean	1.3	1.2	1.6	1.0	0.6
Median	33.7	20.0	33.2	0.0	0.0



Exploitation and commercialisation practice

- Licensing of the IP to existing companies - considered as most important for 44% of PROs,
- Joint ventures, development collaborations - most important for 21% of PRO,
- Formation of a new company (e.g. spin-off, start-up) – most important for 15% of PROs,
- Sale and transfer of the IP to existing companies (assignments) – most important for 12 % of PROs.

Licensing policy



Start-up policy of PRO

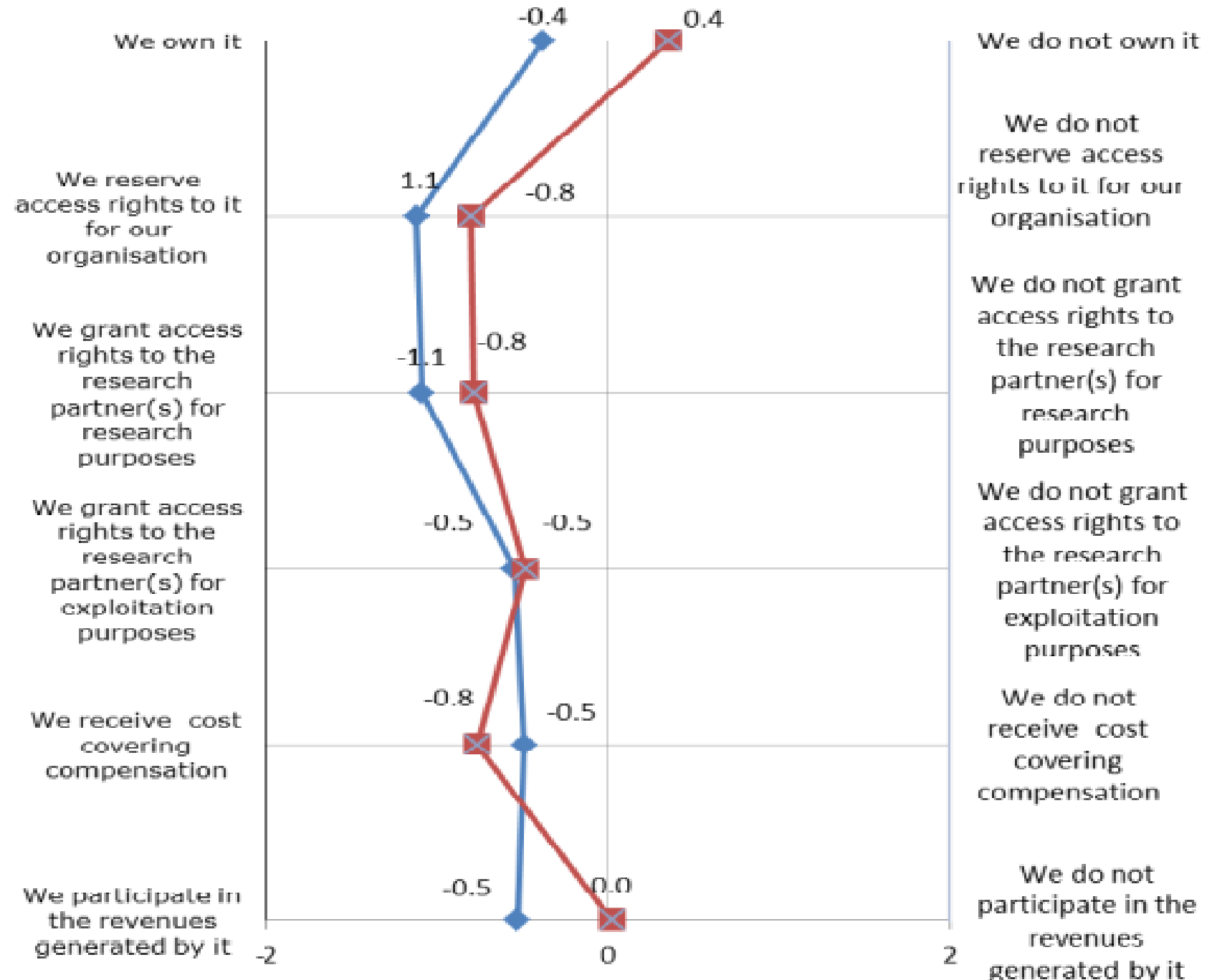
► Granting to start ups:

- scientific and technological support (e.g. research agreement),
- infrastructure support (e.g. rental of working space, access to equipment),
- special access rights to IP, and consulting or coaching offers (e.g. on commercial or financial matters).

► Receive:

- License or services fee in return for the IP and/or services – 67% of PRO,
- Take a share of the equity - 49% of PRO,
- Share of revenues or profits - 47% of PRO.

Rules and practices in regard to collaborative and contract research activities



WIPO Model intellectual property policy for universities and research institutions

- IPR provisions in the contracts between employees, students, visiting researches and the university.
- IPR provisions in the contracts between universities and industry:
 - IP rights already existing at the Institute prior to entering into the agreement;
 - IP rights arising **from** research activities set out in the agreement, after entering into it and division of that rights;
 - Confidentiality requirements;
 - Terms of public disclosure;
- Ownership of Intellectual Property (university – researcher).
- Procedures on identification, disclosure and commercialization of Intellectual Property.
- Distribution of revenues, motivation of researchers. www.wipo.int

WIPO Database on Intellectual Property Policies for Universities and research organisations

Database of policies

What better way to learn than from others? Search IP policies, manuals and model agreements from universities and research institutions worldwide. If you would like to request that examples of your policies, manuals or agreements are added to the database, please [contact us](#).

Type of institution

*** Any ***

- Public Research Institution
- Public Research Support Agency
- Public University
- Private Research Institution
- Private University

Focus

*** Any ***

- Collaboration
- Commercialization
- Confidentiality
- Conflict of Interest
- Contract Research

Accompanying documents

*** Any ***

- Guidelines and other resources
- IP policy
- Template forms and agreements

Country / Territory

*** Any ***

- Argentina
- Australia
- Belgium
- Botswana
- Brazil

Language

*** Any ***

- Arabic
- Catalan
- Croatian
- Czech
- Denish

Search

http://www.wipo.int/about-ip/en/universities_research/ip_policies/

Development of the Code of Practice

- Study to support the development and implementation of Innovation Union commitment 21 on knowledge transfer (R&D national and the EU model agreements), 2014.
- European Knowledge Transfer Report, 2013.
- European Research Area Guidelines on intellectual property management in international research collaboration agreements between European and Non-European Partners, 2012
- E-learning course on Knowledge Transfer for the researchers from universities and research centers
<https://ec.europa.eu/jrc/en/training/knowledge-transfer>

Issues of Code of Practice implementation in the third countries

- Adoption of national model provisions for the activity of departments for intellectual property protection;
- Adoption of a recommendations (by competent agency, ministries) on creation, protection of intellectual property objects and technology transfer at the universities and research organisations (IPR policy).
- Adaptation of above mentioned documents by universities and R&D organisations and adoption them as internal regulations.
- Working out by competent agency (pool of experts) recommendations on model contracts between universities and R&D organisations and industry for the different types of IPR relation between parties.

Issues of Code of Practice implementation in the third countries

- Formation of a competent pool of specialists (lawyers, patent specialists, IPR valuers, marketing specialists) or a department at some institution or a special center which under special government finance or for feasible payment) could assist universities and R&D organisations in complex R&D and technology transfer contracts and start-ups creation.
- Taking into account the available resources – to introduce national mechanisms and programs for facilitating R&D commercialisation in Moldova.

Issues of Code of Practice implementation in the third countries

- To create at one place WEB information resource on IPR protection and technology transfer for universities and R&D organisation.

Examples:

- IPR Help desk (EU)
 - Intellectual property protection and technology transfer at the research organisations, National Academy of Sciences of Ukraine www.ipr.nas.gov.ua.
- To take into consideration – the importance of joining actions: at the national level (administrative, financial support) and at the level of universities and R&D organisations.

Example of the Section of Web-site of research institution devoted to IPR and technology transfer policy

www.ipr.nas.gov.ua

ОХОРОНА ПРАВ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ ТА ТРАНСФЕР ТЕХНОЛОГІЙ В НАУКОВИХ УСТАНОВАХ

НОВИНИ | КОНТАКТ

Нормативні акти НАН України | Нормативні акти органів державної влади | Центр досліджень інтелектуальної власності та... | Запитання та відповіді

- Охорона прав інтелектуальної власності
- Результати конкурсів інноваційної діяльності
- Винахідники року НАН України
- Підрозділи з питань трансферу технологій...
- Трансфер технологій. Угода про доробок
- Маркетинг
- Наукові публікації та авторське право
- Оцінка майнових прав інтелектуальності...
- Облік. Звітність
- Кридитні, патентні, оціночні послуги
- Методичні матеріали
- Література
- Корисні посилання

Кількість зареєстрованих користувачів: 844

Вхід

Логін

Пароль

Заломнити мене

[Заблили пароль?](#)

[Регістрація](#)

Кристали оптичного германію нового типу різної форми та розмірів

Розроблено високочистотний та енергозберігаючий кристал оптичного германію до 800 нм, який входить до складу спеціалізованих пристроїв, що використовують в оптичній техніці.

Пластина оптичного германію та виготовлені з неї кристалічні елементи: пластини 100 мм, смт та товщиною 2 мм для виготовлення та предбукварної тарілки Т-04 «Опелет».

Тех. Т-04 «Опелет». З'ясований ефект виготовлений з пластини Германію

НТК «Інститут монокристалів» НАН України

Технологія вирощування оптичного германію для захисних екранів і елементів тепловійних систем спеціального призначення та космічної техніки

- Для винахідників та авторів
- Для підприємств
- Інформаційні джерела
- Для підрозділів з питань трансферу технологій, інноваційної діяльності та інтелектуальної власності
- Охорона інтелектуальної власності у РП ЕС з досліджень та інновацій «Горизонт»
- Для редакцій наукових журналів

Новини



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Thank you

