IP Management and Technology Transfer

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AGENDA

1. Welcome & Introduction (Galane Peyre, CNRS)
Setting the scene: Key insights from previous ENVRINNOV trainings
Tour de Table with Slido questions

2. Overview of IP Rights in RIs (Ariane Dubost, CNRS)

3. IP Management in Publicly Funded Research (Ariane Dubost, CNRS)

4. The Technology Transfer Process (Ariane Dubost, CNRS)

5. Interactive Discussion (all participants)

6. Presentation of the ENVRIHub

7. Closing and next steps

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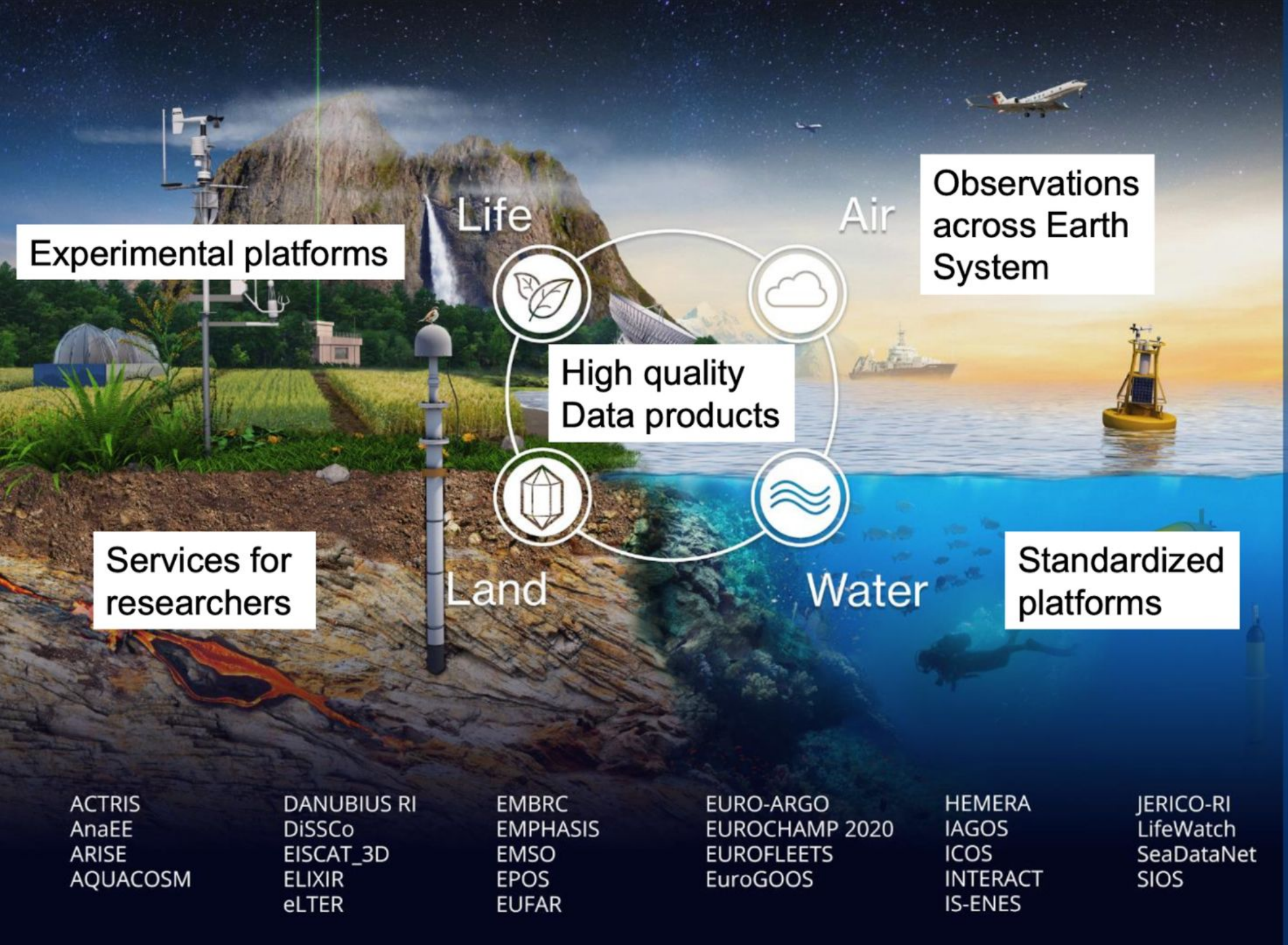

ACTRIS
AnaEE
ARISE
AQUACOSM
DANUBIUS RI
DiSSCo
EISCAT_3D
ELIXIR
eLTER
EMBRC
EMPHASIS
EMSO
EPOS
EUFAR
EURO-ARGO
EUROCHAMP 2020
EUROFLEETS
EuroGOOS
HEMERA
IAGOS
ICOS
INTERACT
IS-ENES
JERICO-RI
LifeWatch
SeaDataNet
SIOS

26 Large Environmental Research Infrastructures in Europe

Studying different aspects of the Earth system

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What kind of collaboration models between ENVRIs and industry?

Industry as providers,

Technology demand market

Downstream model

Service demand

Codesign initiatives

Industry as full partners

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Project Aims

Create a common Innovation Roadmap for the ENVRIs: co-design, test, and validate

Set the path to establish and operate an ENVRI Innovation Hub (EIH): for development of new technologies and services

Develop tools, policies, and community: necessary for the Roadmap's successful implementation.

RIs in the Consortium:

Atmosphere (ACTRIS, ICOS, IAGOS)

Hydrosphere (EMSO, ICOS)

Biosphere (eLTER, ICOS)

Geosphere (eLTER)

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Capacity Building Strategy for Innovation

Objectives:

Improving ENVRIs staff skills

Fostering collaboration, capacity building and networking

Enabling uptake of the tools developed in ENVRINNOV

Trainings :

1st training at EGU25

2nd training webinar

3rd training at EGU26

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FIRST TRAINING SESSION KEY INSIGHTS

- ENVRI and Industry : how can we better collaborate for innovation ?
- Supporting Innovation in ENVRIs
- What made collaborations successful ?

  Success stories of collaboration between RIs & industry though access
-
- Challenges and key enablers

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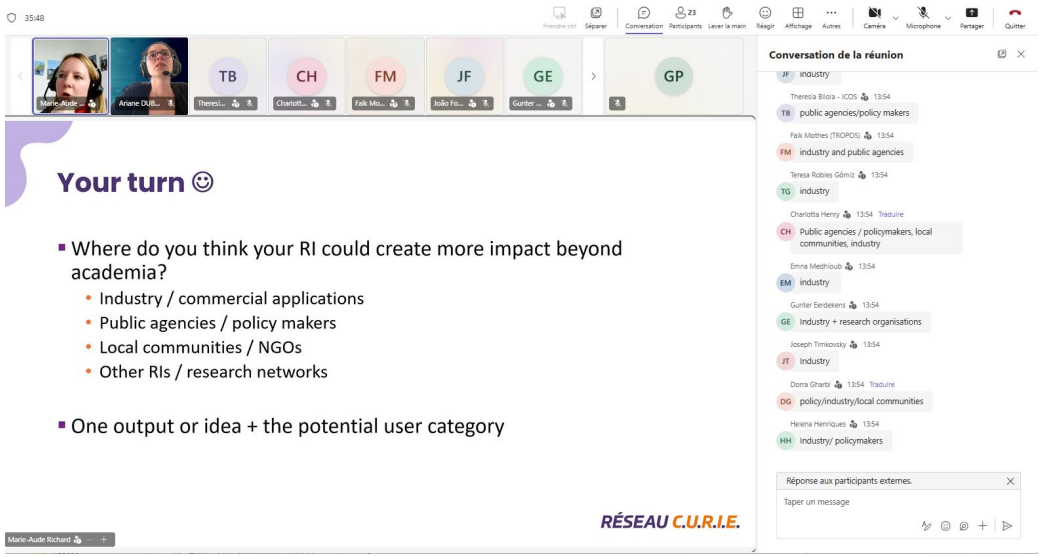
SECOND TRAINING SESSION KEY INSIGHTS



Innovation Management in Research Infrastructures, and mapping innovation potential - led by Réseau C.U.R.I.E

Key aspects of innovation management within research infrastructures

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Overview of IP Rights in RIs

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Intellectual Property (IP)

WIPO Definition: Intellectual property (IP) refers to creations of the mind, such as inventions, literary and artistic works, designs, symbols, names and images used in commerce.

Intellectual property right is a suite of legal rights to protect investment in innovation and creativity.

It can relate to:

Technical field

Artistic field

Commercial field

Aesthetic field

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Why IP Matters in Environmental Research

Environmental challenges require innovation (climate, biodiversity, water, energy)

Public funding → obligation for societal impact

IP helps:

- Protect innovations
- Enable collaboration
- Facilitate commercialization

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How many types of IPR?

Trademarks

Patents

Copyrights

Utility models

Plant Varieties

Trade secrets

IP World

Geographical Indications

Industrial designs

Semiconductor Topography Rights

Databases

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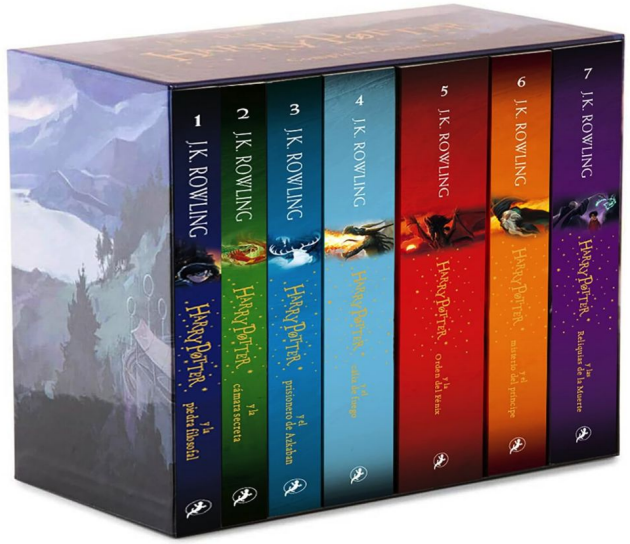
Examples of valuable IP

Coca-Cola®



Harry Potter books

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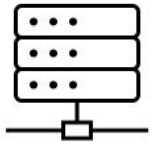
Valuable IP in ENVRIs





- Monitoring technologies (e.g., sensors, drones)
- Data platforms & software
- Environmental models
- Calibration methods
- Standardized datasets

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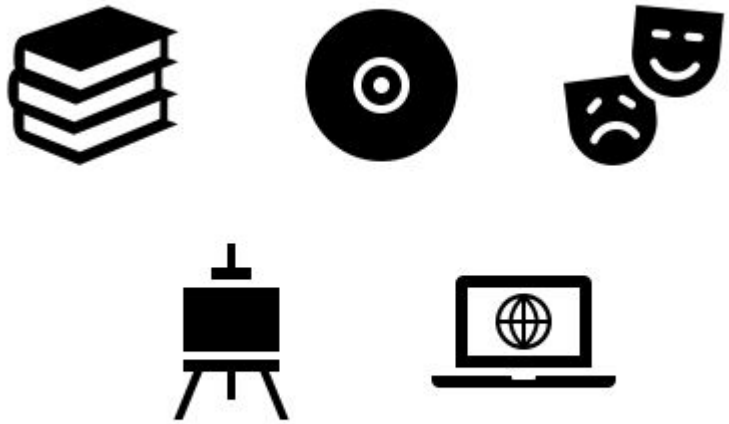
Copyrights



Protects any production of the human mind such as literary and artisitc work including software (both source code and object code)

It must satisfy 2 conditions to be copyright protected:

- It must be original
- The production must be an expression precise and not a mere idea

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© Copyrights : scope of protection

Copyright creates a special legal relationship between authors and their work

In EU countries, copyright protects your intellectual property until 70 years after your death or 70 years after the death of the last surviving author in the case of a joint work.

It grants:

Economic rights

- related to the economic exploitation of the work
- are freely transferable or licensable

Moral rights

- related to a moral interest of the author
- are always retained by the author

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Software & ENVRIs
Practical Considerations

- Protection is automatic upon creation (no formal registration required)
- Applies to:
  a. Research software
  b. Data processing pipelines
  c. Models and algorithms (code expression, not ideas)

- Copyright notice must be included in all distributed software

Example: © [Year] [Institution/Consortium Name]

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Database protection

Database: a collection of independent works, data or other material arranged in asystematic or a methodical way and individually accessible by electronic or other means.

 In the EU, databases are protected under the Directive 96/6/EC on the legal protection of databases.

The Directive introduced two forms of protection:

Copyright protection

- Structure
- Originality
- Authorship
- Limited protection (only specific structure and not the content)

Sui generis protection

- Content
- Investment
- Maker

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What is a patent?

(19) (11) EP 1 535 121 B1

(12) EUROPEAN PATENT SPECIFICATION

(45) Date of publication and mention of the grant of the patent: 25.08.2010 Bulletin 2010/34

(51) Int Cl.: G05B 19/02 (2006.01) G05B 19/00 (2006.01)

(21) Application number: 03728962.6

(86) International application number: PCT/US2003/015459

(22) Date of filing: 16.05.2003

(87) International publication number: WO 2003/100553 (04.12.2003 Gazette 2003/49)

(54) SYSTEM AND METHOD FOR AUTOMATICALLY SETTING UP A UNIVERSAL REMOTE CONTROL

SYSTEM UND VERFAHREN ZUM AUTOMATISCHEN EINRICHTEN EINER UNIVERSELLEN FERNBEDIENUNG

SYSTEME ET PROCEDE PERMETTANT DE REGLER AUTOMATIQUEMENT UNE TELECOMMANDE UNIVERSELLE

(84) Designated Contracting States: AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LU MC NL PT RO SE SI SK TR

(30) Priority: 20.05.2002 US 151635

(43) Date of publication of application: 01.06.2005 Bulletin 2005/22

(73) Proprietor: UNIVERSAL ELECTRONICS, INC. Cypress, CA 90630-4841 (US)

(72) Inventors:
- HAYES, Patrick, H. Mission Viejo, CA 92691 (US)
- CONWAY, JR., James, N. Laguna Beach, CA 92651 (US)
- LILLENESS, Robert, P. Cypress, California 90630-4841 (US)
- ARLING, Paul, D. Irvine, CA 92620 (US)

(74) Representative: Stephen, Robert John Olswang LLP 90 High Holborn London WC1V 6XX (GB)

(56) References cited:
EP-A- 1 198 069 EP-A2- 0 780 990
WO-A-00/17738 WO-A-01/39150
WO-A-01/69567 US-A- 5 410 326
US-A- 5 646 608 US-A- 5 742 730
US-A- 6 104 334

EP 1 535 121 B1

Note: Within nine months of the publication of the mention of the grant of the European patent in the European Patent Bulletin, any person may give notice to the European Patent Office of opposition to that patent, in accordance with the Implementing Regulations. Notice of opposition shall not be deemed to have been filed until the opposition fee has been paid. (Art. 99(1) European Patent Convention).

A legal title that grants the patent holder:

- An exclusive right to prevent others from making, using or offering for sale, selling or importing a product that infringes his patent without his autorisation

- This right in countries where the patent is granted and/or applies

•- For a limited time (up to 20 years)

In return of these rights the patent holder has to disclose the invention to the public

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What can be patented?

- Chemical substances, pharmaceuticals
- Processes, methods, uses
- Products, devices, systems

For an invention to be patented it must usually be:

New to the world (ie: not available to the public anywhere in the world)

Inventive (ie: with a not obvious solution)

Susceptible of industrial application

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Strategic Patenting

Cost Consideration: Patent filing, prosecution, and maintenance can be expensive.

Strategic Decision: Not all innovations justify the investment in patent protection.

ROI Assessment: Evaluate the expected return on investment before proceeding.

Commercialization Alignment: Patent decisions should support the broader commercialization plan.

Alternative Approaches: In some cases, trade secrets or rapid market entry may offer better value.

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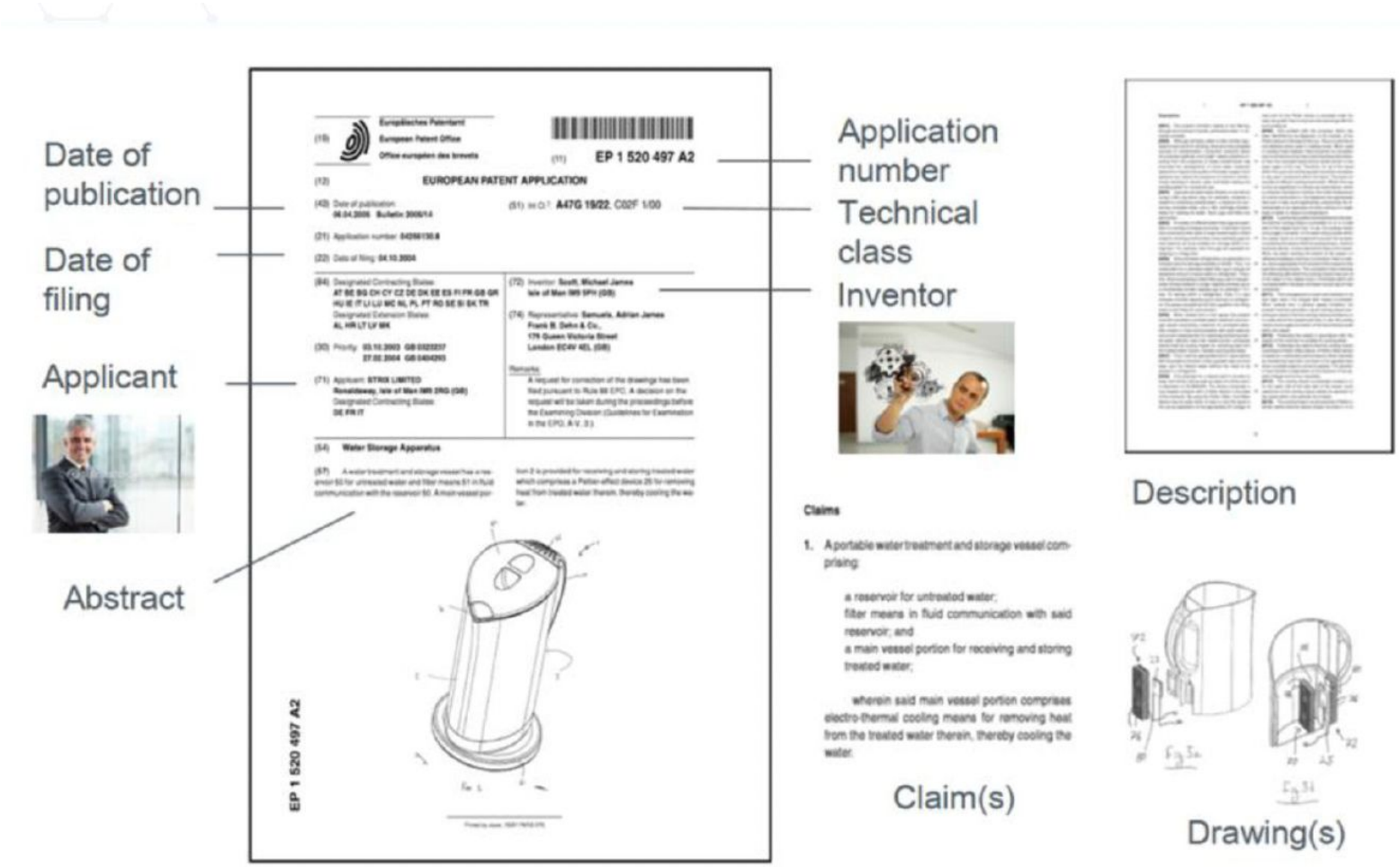
What does a patent look like?



- ✔ Bibliographic information (INID Codes): Title, Patent Number, Priority Date, Applicants, Designed States
- ✔ Abstract
- ✔ Description (Field of invention, Background/prior art, detailed description of the invention and of at least one way carrying out the invention - embodiment of the invention)
- ✔ Claims (define the scope of the invention and the protection sought
- ✔ Drawings (if any)

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Trademarks. ®

A trademark is any sign, capable of being represented graphically, which distinguishes the goods and services of one undertaking (company or organisation) from those of another

Route of registration: National, International: WIPO, European: EUPIO

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Trademarks : scope of protection

Core Principles

- **Exclusive right** to use the mark (and prevent confusingly similar uses)
- **Principle of speciality**

→ Protection only for *specific goods & services* registered

- **Principle of territoriality**

→ Protection limited to the territory of registration (e.g. EU via European Union Intellectual Property Office)

- Registration (EU level): ~€850 via EUPIO

Duration & Maintenance

- Potentially **perpetual** → Renewable every **10 years**
- **Use it or lose it** → Can be revoked if not used for **5 years**
- Can also be lost if:
  - Found **invalid**
  - Becomes **generic** (e.g., Aspirin in the U.S.)

Limits to Protection

- Not absolute — some uses allowed:
  - Private/non-commercial use
  - Descriptive or fair use

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Domain name

A domain name is a human-readable address used to locate websites on the internet.

Registration is key

Domain names are not protected by copyright or other intellectual property rights as such, therefore, protecting the domain name is vital.

Registration of a domain name alone does not confer trade mark protection.

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Designs

•Protects the appearance of a product (shape, lines, colors, texture)
•Applies to industrial or handcrafted items

•MUST be new and distinct

Types of Protection

Registered design (EU via European Union Intellectual Property Office):

- **Up to 25 years (5-year periods, renewable)**
- **Strong protection (no need to prove copying)**

Unregistered design (EU):

- **Up to 3 years**
- **Only protects against copying**

Scope of Protection

Exclusive right, but:

Territorial (limited to where registered)

- Some uses allowed (e.g. private use)

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Trade secrets

- Information not generally known or easily discovered
- Has business, commercial or economic value due to its secrecy
- Subject to reasonable efforts to maintain secrecy

Scope of Protection:

Practical:

- Limited access to information
- "Need to know" policies
- Data encryption
- Monitored entry to installations

Contractual:

- Restrictive covenants in employment contracts
- Non-disclosure agreements (NDA)

Examples:

Composition formulas (e.g. Coca-Cola)

Chemical or manufacturing processes (e.g. Gore-Tex)

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Plant Variety rights

Exclusive exploitation rights for new plant varieties

Requirements for protection:
- Novelty
- Distinctness
- Uniformity
- Stability

Protection and Registration:
- Rights are obtained through registration with:
  - National authorities (UPOV Convention)
  - Community Plant Variety Office (CPVO) for EU-wide protection
- The "breeder" (individual or employer) holds the exclusive rights

Scope of Protection:
- Duration:
  - At least 20 years
  - At least 25 years for vine and tree species
- Subject matter:
  - Propagating material
  - Harvested material
- Acts requiring authorization:
  - Production, reproduction, conditioning, sale, export, import, and stocking
- Exceptions:
  - Private and non-commercial purposes
  - Experimental purposes
  - Breeding other varieties and farm-saved seeds

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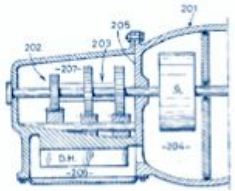
Overview of intellectual property rights

Legal right	What for?	How?
Patents	New inventions	Application and examination of the application
Copyright	Original creative or artistic forms	Exists automatically
Trade marks	Distinctive identification of products or services	Use and/or registration
Registered designs	External appearance	Registration*
Trade secrets	Valuable information not known to the public	Reasonable efforts to keep secret



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Useful links

[European Patent Office]

[European Union Intellectual Property Office]

[European IP Helpdesk]

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IP Management in Publicly Funded Research

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Specificities of Publicly Funded Research

- Funded by taxpayers → accountability
- Open science expectations
- Multi-partner collaborations
- Long-term infrastructures (data continuity)

Tension:

- Openness vs protection
- Publication vs patenting

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IP Ownership in Public Research

Key principles:

- ❑ Usually owned by employer (university/research organisation)
- ❑ Joint ownership common in collaborations
- ❑ Governed by:
  - National laws
  - Institutional policies
  - Grant agreements

Risk:
→ unclear ownership

Best practice:
→ Define rules early (who can license? under what conditions?)

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IP in Collaborative Projects

Key tools:
Consortium Agreement
Grant Agreement (e.g., EU funding frameworks)
Data Management Plan (DMP)

Must define:
Background IP
Foreground/results
Access rights
Exploitation rights

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When to Protect vs When to Share

Protect if:

- Commercial potential
- Industrial application
- Competitive advantage

Share if:

- Public good priority
- Standardization needed
- Low commercial interest

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Key role Role of Technology Transfer Offices

TTO helps to:

Identify IP

Manage protection (patents, licenses)

Negotiate agreements

Support commercialization

In RIs context:

often decentralised and complex (linked to RPO)

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Common Challenges

- Fragmented ownership / Joint ownership across countries wtih different IP rules
- Lack of IP awareness among researchers
- Conflicts between partners
- Timing issues (publish vs patent)
- Data governance complexity

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Recommendations

- Address IP early (project design phase)
- Train RI staff on IP basics
- Use clear agreements
- Align IP strategy with impact goals
- Flexible approach

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ENVRIs play a central coordination role

By providing:

- Data standards
- Access policies
- Visibility/platform

But doesn't centralise all IP ownership

Result: Federated IP model

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The Technology Transfer Process

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Technology transfer process

- Set of measures to valorize and commercialize research results
- Mission of universities (socio-economic impact)

Tools:

Patent/Licencing

R&D collaborative projects

R&D cooperation

Start up

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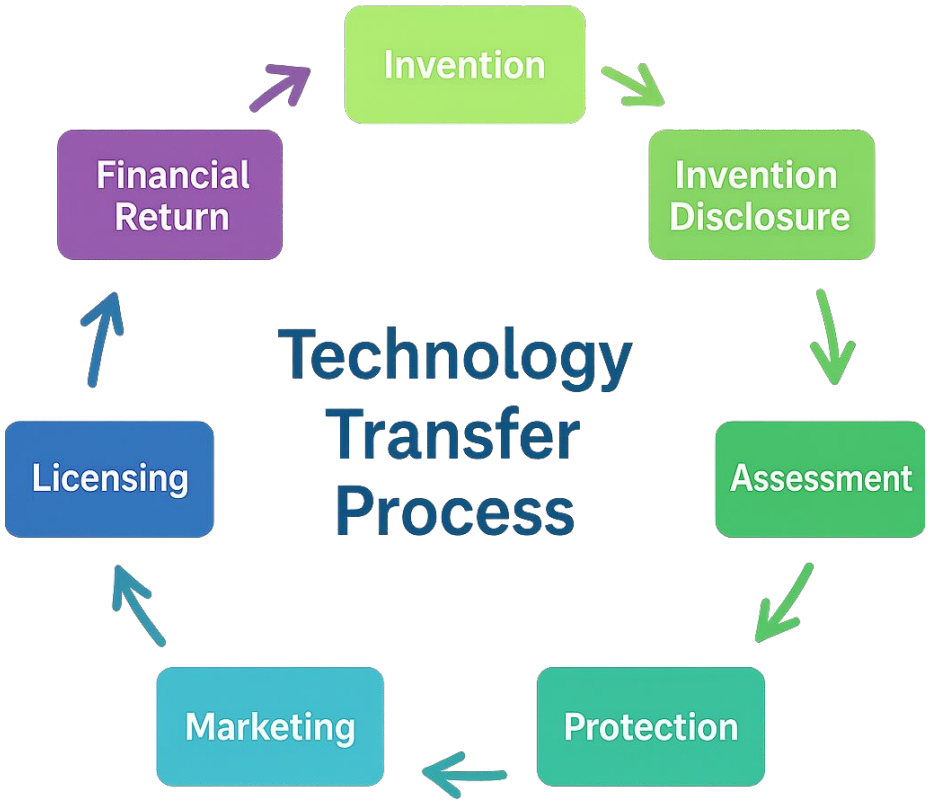

Phase 1: IP protection

Scouting of IP

Disclosure of invention

Patenting

Phase 2: IP Valorization

Marketing

Commercialization

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A skill that has become essential :

- Increasing complexity of innovations
- Diversification of commercialisation approaches
- Market competition and acceleration
- Growth in the number of stakeholders and areas of expertise
- A proactive and strategic approach

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What is it for ?

- Identify research findings with potential for commercialisation
- Avoid missing out on opportunities
- Prioritise projects for commercialisation
- Develop a strategy and prepare for implementation
- Envision practical applications and anticipate the needs of partners

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How do we go about it?

- **Regular contact with laboratories**
  Engage with the scientific community, make the value proposition visible and accessible, and create opportunities for early identification.
- **Scientific and technological monitoring**
  Identify emerging trends and initiate action
- **Developing your network**
  Internal and external
- **Attending events, trade fairs, challenges, etc.**
  Identifying unspoken needs, potential partners or licensees, benchmarking, inspiration for new projects, etc.

→ Detection activities to be formalised!

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Formalise detection procedures

- Create a tracking table for all identified project(project/technology name + researcher(s) + maturity + IP + potential applications/markets+ commercialisation pathway + actions to be taken and deadlines)
- Draft project fact sheets
- Quantitative and qualitative monitoring: establish KPIs
- Regular reporting

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Initiating a process

- Acknowledgement of receipt and registration

- Administrative checks
  → Agent and case manager, inventors and share of inventorship, contracts and obligations

- Preliminary analysis

- Prior art search

- Meeting with the researcher

- Decision to file and selection of service provider

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Appointment of a sole representative

- Implementing Decree No. 2020-24 of 13 January 2020 of the Pacte Act
- All public institutions are affected
- The sole representative is responsible for the management and exploitation of all the results of the research unit
- Without the co-owners' consent, financial income is distributed equally
- The sole representative has two months to inform the co-owners of decisions regarding protection and exploitation. They have four months for waivers.

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Selection of the Valorization Strategy

Criteria:

- Level of technical maturity
- Economic potential
- Legal and regulatory constraints
- Available resources
- Researchers' involvement
- Institution's strategy

- **Option A: Licensing to an existing industry partner**
  - Fast revenue and limited commercial risk
  - Less control and flexibility
- **Option B: Creation of a start-up**
  - Greater control and high upside potential
  - High financial and commercial risk
- **Option C: Co-development with an industry partner**
  - Access to partner's resources and expertise
  - Contractual complexity and IP sharing
- **Option D: Service contract (know-how–based)**
  - Fast and secure revenue
  - Less long-term value creation

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Valorization strategy

Valorisation pathways	Pro	Cons
Licensing to an industry partner	- Development funded by the industrial partner - Early financial returns: upfront payment + milestones	- Loss of control over development - Complex valuation negotiations
Start-up creation	- Maximum capture of potential value - Scientific control retained - Ability to raise funds	- High financial and operational risk - Need for an entrepreneurial team - Dependence on the venture capital market
Co-development with an industry partner	- Access to industrial expertise - Partial retention of scientific control	- Complex governance - IP management and revenue sharing - Dependence on the partner - Lengthy negotiations
Service contract	- Short-term funding for targeted work - Simple framework - mmediate monetization of know-how	- No technology transfer - No long-term strategic value creation
Academic research (No-go)	- Full scientific freedom - Unconstrained publications - Full control of the project	- Potential impact limited to the academic sphere

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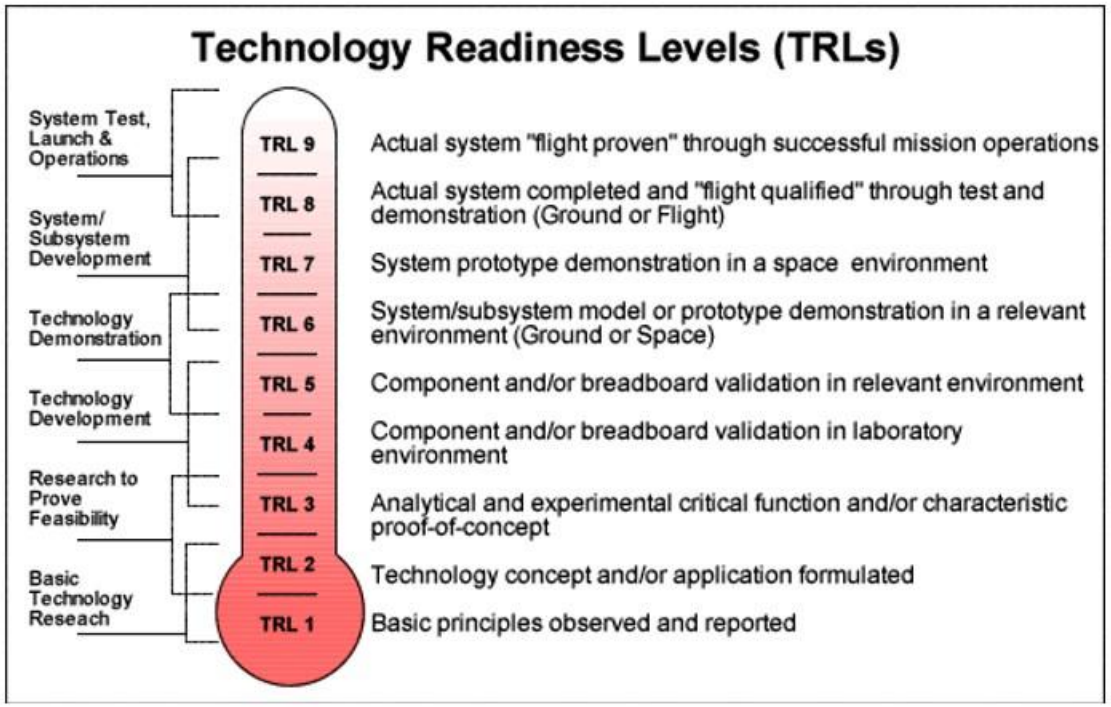
TRL Scale



Incubation / Commercialization

Maturation

Pre - Maturation

Early-stage research

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Some typologies of contracts/agreements in TT

Cooperation/research agreement

A cooperation agreement defines the rights and responsibilities of the companies that are cooperating. These rights and responsibilities include payment, confidentiality, intellectual property, and warranties and indemnifications.

Research service agreement

Legally binding agreements that govern research service undertaken with third parties (i.e. service providers)

License agreements

legal contract between two parties, known as the licensor and the licensee. In a typical licensing agreement, the licensor grants the licensee the right to produce and sell goods, apply a brand name or trademark, or use patentedtechnology owned by the licensor.

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Contracts in TT to manage risk

Type of risk	Agreement
Technological Risk	R&D contract Joint venture MTA Guarantee clauses (in license agreements)
Commercial risk	License Agreement
Legal risk	NDA Litigation Clauses of non-contestation

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Building an IP Strategy: Core Protection Steps

- **Check trademarks early**
  Ensure availability, consider international markets, avoid negative meanings

- **Identify and protect patentable inventions**
  Conduct prior art searches and file patents early

- **Avoid premature disclosure**
  Do not publish or share before filing (use **NDAs**)

- **Protect trade secrets**
  Keep confidential internally and secure exchanges with partners

- **Secure IP internationally**
  Protect IP in target export markets (e.g. 12-month window for patents)

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Access and their IP implications

TNA scheme of Free transnational access

- No fee for using the infrastructure
- Conditions:
  - Results should benefit the wider community
  - some level of dissemination required
- IP still belongs to the company, but:

no exclusive secrecy forevermust ensure some knowledge sharing

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Collaborative conversation

Any relevant examples you can share ?

Did you already use pattern ?

…

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ENVRI Innovation Assets

Developing the necessary innovation Tools, Training, Policy Frameworks, Community & Culture to support Innovation for and by ENVRIs after the project

Being Developed by project

ENVRI Innovation Services Catalogue (on ENVRI-HUB)

Needs & Gaps Analysis – White Paper

Innovation Training & Innovation Resources Toolbox (On ENVRI-HUB)

Private Sector Engagement (web presence, events, networks)

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Innovation Resources on ENVRI-HUB

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ENVRI Hub

Welcome to the ENVRI Innovation Toolbox

An essential guide to innovation for and by the ENVRI community

About the Toolbox

The ENVRI Innovation Toolbox is an open-access resource designed to support European Environmental Research Infrastructures in developing new technologies and services and fostering collaboration for innovation.

It contains methodologies, templates, and best practice examples that can help ENVRIs refine their innovation strategy and navigate the entire innovation process: from the identification of a need or a gap that needs to be filled by a new solution, to its development, successful implementation and market launch, or other adoption by end-users.

In more detail, the contents of the toolbox include information on setting up RI frameworks and policies for innovation, generating ideas for new technologies or services and assessing their viability, and managing the processes of technology development, technology transfer and commercialization.

The Toolbox also provides resources to help RIs build and manage collaborations for innovation with stakeholders outside the ENVRI community, including enhancing engagement with industry. Finally, it contains information on funding sources and networking opportunities that can help facilitate innovation, as well as success stories from real-world examples of successful innovation and collaboration by ENVRI community members.

Innovation Strategy
Information on RI innovation strategy models, policies and other requirements for implementing innovation

Collaboration for Innovation
Models, tools and agreement templates to facilitate various collaboration types, from multi-party joint R&D projects to services provision

Technology Development
Resources to help generate and assess the viability of new ideas, methodologies for product development, and TRL assessment tools

Technology Transfer
Guidance on different aspects of commercialization, such as licensing, and Intellectual Property Rights Management

Additional Resources

Explore essential resources designed to help you overcome challenges and seize new opportunities. Discover our funding guide, networking resources, and success stories—each crafted to inspire and support your innovation journey.

Funding Opportunities
Key funding opportunities for Innovation relevant to ENVRIs

Networking Resources
Discover best practices, platforms, and key events to expand your network and drive innovation forward

Success Stories
Explore success stories across different Innovation pathways in the ENVRI community and get inspired

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Join the test group for the ENVRI Innovation Hub

SIGN UP!

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Get Involved!

Contact us

bit.ly/contact_envrinnov

Join our ENVRI community testers group

Share innovation success stories from your RI and any innovation services ready to be featured

Working in industry or a policy role? Contact us to find out more about collaboration opportunities

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Thank you!

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