



IPR i Horisont 2020

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IPR i Horisont 2020

- Hvorfor
- Hva
- Hvordan
- Kontinuitet med syvende rammeprogram, men også nyheter:
- Krav til utvikling av IPR-policy, krav til Open Access for publikasjoner, EU har rett til tilgang til resultater

Hvorfor er det viktig med IPR i Horison 2020

- The Rules for Participant establish best efforts commitment of participants to exploit their own results.
- Results of research and development activities require further and often substantial investments to take them to market, which is appealing if the results are well protected through intellectual property.
- Public research organisations have the obligation to implement the Recommendation on management of IP in technology transfer.
- Helps participants avoiding future conflicts among the consortium.

Hva er IP – Intellectual Property

- is a term referred to types of property that result from creations of the human mind (the intellect). – immaterialrett, omfatter bl.a. åndsverk og industrielle rettigheter (patent, design, varemærke)
- Åndsverk – skapes av fysisk person (vitenskapelige publikasjoner)
- Immaterialrett:
 - In a broad sense, it comprises patents, copyright and related rights, trade marks, know how, trade secrets, industrial designs, designs, drawings, reports, methods of research and developments, documented data, and description of inventions and discoveries.
- Rettigheter knyttet til IP kalles IPR (Intellectual Property Rights)

Eks:

- Oppfinnelsen er IP
- Patentet er dokumentet som sikrer rettigheten - IPR

Deltagelsesreglene—definisjon av resultater

- 'results' means any tangible or intangible output of the action, such as
- data, knowledge or information, that is generated in the action, whatever its form or nature, whether or not it can be protected,
- as well as any rights attached to it, including intellectual property rights;

Nye plikter som følger av Horisont 2020 - H2020-forordningen article 23 a

MANAGEMENT OF INTELLECTUAL PROPERTY

- Beneficiaries that are universities or other public research organisations must take measures to implement the principles set out in Points 1 and 2 of the Code of Practice annexed to the
- Commission Recommendation on the management of intellectual property in knowledge transfer activities

Krav om **intern IPR-policy** og **policy for ekstern formidling/bruk av resultater**

Nye plikter som følger av Horisont 2020

- To increase the circulation and exploitation of knowledge, **open access to scientific publication** should be ensured.
- Furthermore, **open access to research data** resulting from publicly funded research under Horizon 2020 **should be promoted**, taking into account constraints pertaining to privacy, national security and intellectual property rights.

H 2020-forordningen – article 18

- 1. Open access to scientific publications resulting from publicly funded research under Horizon 2020 **shall be ensured**. It shall be implemented in accordance with Regulation (EU) No 1290/2013.
- 2. Open access to research data resulting from publicly funded research under Horizon 2020 **shall be promoted**. It shall be implemented in accordance with Regulation (EU) No 1290/2013.

Definisjon av Open Access

- Open access can be defined as the practice of providing on-line access to scientific information that is free of charge to the end-user and that is re-usable.

- In the context of research and innovation, 'scientific information' can refer to
 - (i) peer-reviewed scientific research articles (published in scholarly journals) or
 - (ii) research data (data underlying publications, curated data and/or raw data)

Open Access til publikasjoner

- **Grønn:**

Self-archiving (also referred to as 'green' open access) means that the published article or the final peer-reviewed manuscript **is archived** (deposited) by the author - or a representative - **in an online repository** before, alongside or after its publication. Repository software usually allows authors to delay access to the article ('embargo period').

Open Access til publikasjoner

- **Gull:**
- **Open access publishing** (also referred to as 'gold' open access) means that an article is immediately provided in open access mode as published.
- In this model, the payment of publication costs is shifted away from readers paying via subscriptions. The business model most often encountered is based on one-off payments by authors.

Open Access til publikasjoner

Model Grant Agreement Article 29.2

- Each beneficiary must ensure open access (free of charge online access for any user) to all peer-reviewed scientific publications relating to its results.
- In particular, it must:
 - **(a)** as soon as possible and at the latest on publication, deposit a machine-readable electronic copy of the published version or final peer-reviewed manuscript accepted for publication in a repository for scientific publications;
 - Moreover, the beneficiary must aim to deposit at the same time the research data needed to validate the results presented in the deposited scientific publications.
 - **(b)** ensure open access to the deposited publication — via the repository — at the latest:
 - (i) on publication, if an electronic version is available for free via the publisher, or
 - (ii) within six months of publication (twelve months for publications in the social sciences and humanities) in any other case.
 - **(c)** ensure open access — via the repository — to the bibliographic metadata that identify the deposited publication.

Open Access til forskningsdata

Model Grant Agreement Article 29.3

- **Open Research Data Pilot:**

- aims to improve and maximise access to and re-use of research data generated by projects.

Open Research Data Pilot: hvilke data?

- The Open Research Data Pilot applies to two types of data:
- 1) the data, including associated metadata, needed to validate the results presented in scientific publications as soon as possible;
- 2) other data, including associated metadata, as specified and within the deadlines laid down in the data management plan.

Open Research Data Pilot:

- Omfatter i 2014/2015:

- Future and Emerging Technologies
- Research infrastructures – part e-Infrastructures
- Leadership in enabling and industrial technologies – Information and Communication Technologies
- Societal Challenge: 'Secure, Clean and Efficient Energy' – part Smart cities and communities
- Societal Challenge: 'Climate Action, Environment, Resource Efficiency and Raw materials' – except raw materials
- Societal Challenge: 'Europe in a changing world – inclusive, innovative and reflective Societies'
- Science with and for Society

Open Research Data Pilot: opt-out og opt-in

- Mulig med opt-out (ikke delta på gitte grunner) og opt-in (delta frivillig)
- **Data management plan (DMP):**
 - A data management plan is a document outlining how the research data collected or generated will be handled during a research project, and after it is completed, describing what data will be collected / generated and following what methodology and standards, whether and how this data will be shared and/or made open, and how it will be curated and preserved

Retningslinjer for Open Access i Horisont 2020

- Guidelines on Open Access to Scientific Publications and Research Data in Horizon 2020 (utgitt 11. desember 2013)

Generelle krav for å sikre utnyttelse og bruk av resultatene

- Rules governing the exploitation and dissemination of **results** should be laid down **to ensure that** participants **protect, exploit** and **disseminate** those results as appropriate,
- and to provide for the possibility of additional exploitation conditions in the European strategic interest.

Hovedregler–eierskap til resultater, og tilgang til og bruk av andres resultater

- Results shall be owned by the participant generating them
- For å gjennomføre egen del av prosjektet
- For å utnytte egne resultater

Tilgang til og bruk av andres resultater

- Bruk til gjennomføring av egen del av prosjektet:
Royaltyfritt, hvis ikke annet er avtalt
- Bruk til egen utnyttelse: 'fair and reasonable conditions'

Bakgrunn- definisjon og plikt til å avtale

- MGA ARTICLE 24 — AGREEMENT ON BACKGROUND
- The beneficiaries must identify and agree (in writing) on the background for the action ('agreement on background').
- 'Background' means any data, know-how or information — whatever its form or nature (tangible or intangible), including any rights such as intellectual property rights — that:
 - (a) is held by the beneficiaries before they acceded to the Agreement, and
 - (b) is needed to implement the action or exploit the results.

Tilgang til og bruk av andres bakgrunn

- Bruk til gjennomføring av egen del av prosjektet:
Royaltyfritt, hvis ikke annet er avtalt
- Bruk til egen utnyttelse: 'fair and reasonable conditions'

Generelle plikter

- Generell plikt til å beskytte, formidle og utnytte resultater

Plan for formidling og bruk av resultater

- Proposals shall include a draft plan for the exploitation and dissemination of the results, unless otherwise specified in the call conditions. The draft plan is not required for proposals at the first stage of two-stage procedures

Krav om inngåelse av samarbeidsavtale mellom partene

- hva denne bør inneholde

- 3. The consortium agreement may stipulate inter alia the following:
 - (a) the internal organisation of the consortium;
 - (b) the distribution of the Union funding;
 - (c) **rules on dissemination, use and access rights, additional to those in Title III, Chapter I of this Regulation, and to the provisions in the grant agreement;**
 - (d) arrangements for settling internal disputes;
 - (e) liability, indemnification and confidentiality arrangements between the participants.
- Ferdigstilles før kontrakt skrives med EU

DESCA

- DESCA Horisont 2020
- Nettside: <http://www.desca-2020.eu/>

 Forskningsrådet

European IPR Helpdesk

- <http://www.iprhelphdesk.eu/>

 Forskningsrådet

Vi flytter til Lysaker



JUNI 2014

www.forskingsradet.no/lysaker