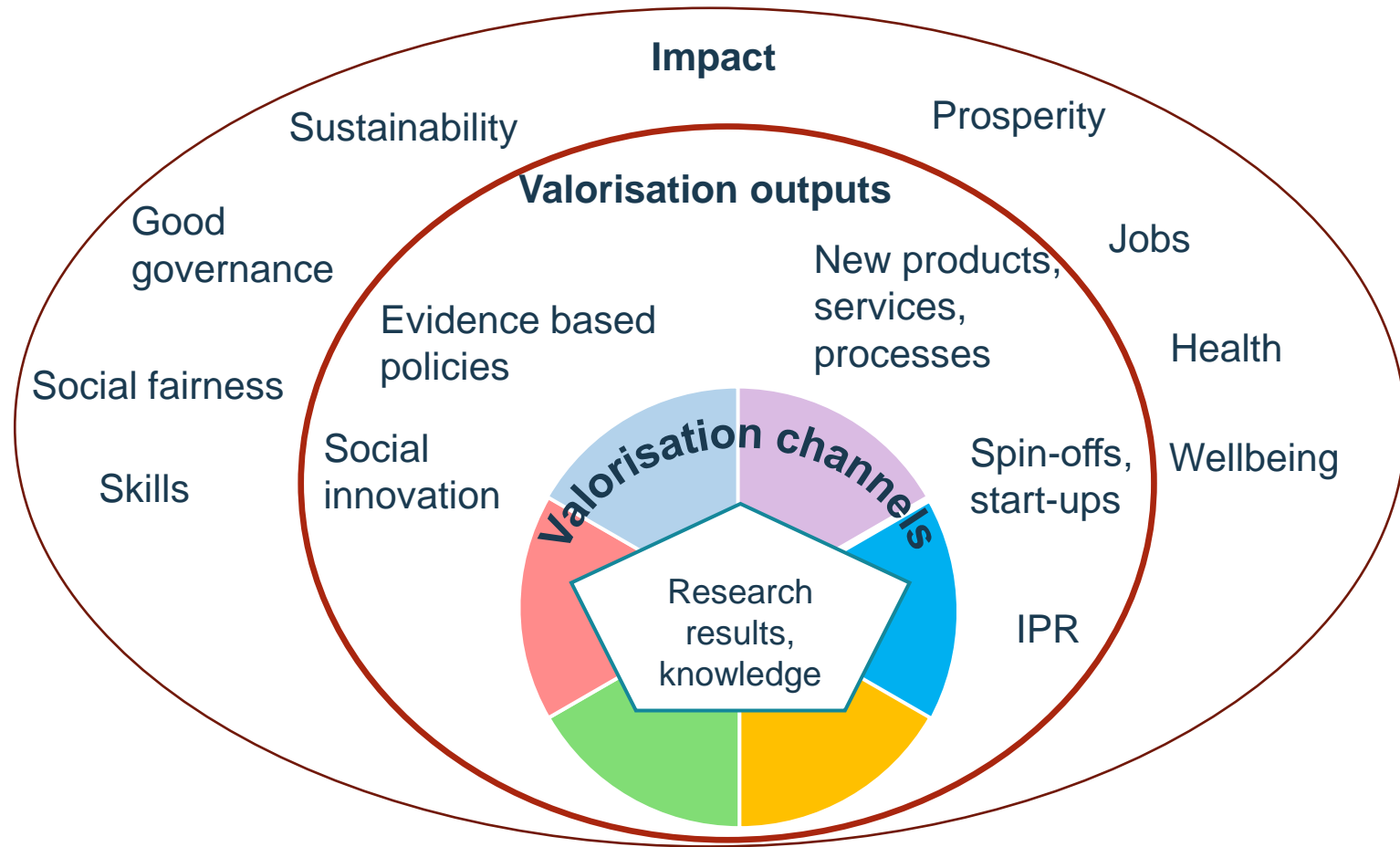# Guiding principles for knowledge valorisation & code of practice for use of intellectual assets

Ioannis Sagias
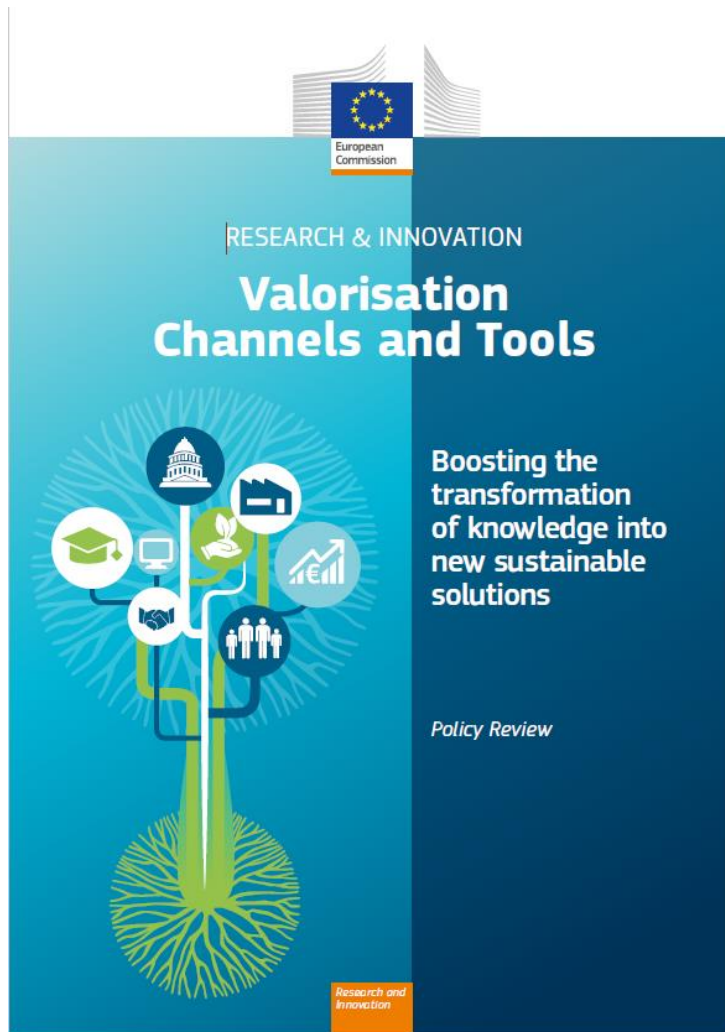*Valorisation policies and IPR, DG Research and Innovation*

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Knowledge valorisation

Knowledge valorisation is the process of creating social and economic value from knowledge by linking different areas and sectors and transforming data and research results into sustainable products and solutions that benefit society in terms of economic prosperity, environmental benefits, progress and better policymaking.

Impact: Sustainability, Prosperity, Good governance, Jobs, Social fairness, Skills, Health, Wellbeing

Valorisation outputs: Evidence based policies, New products, services, processes, Social innovation, Spin-offs, start-ups, IPR

Valorisation channels — Research results, knowledge

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Policy Review:
R&I Knowledge Valorisation Channels and Tools

RESEARCH & INNOVATION
Valorisation Channels and Tools

Boosting the transformation of knowledge into new sustainable solutions

Policy Review

This policy review provides a toolbox to promote the uptake of R&I results and data.
To enhance the diffusion of excellent national, regional and organisation-level initiatives,
it also includes references to **European and international best practices**.

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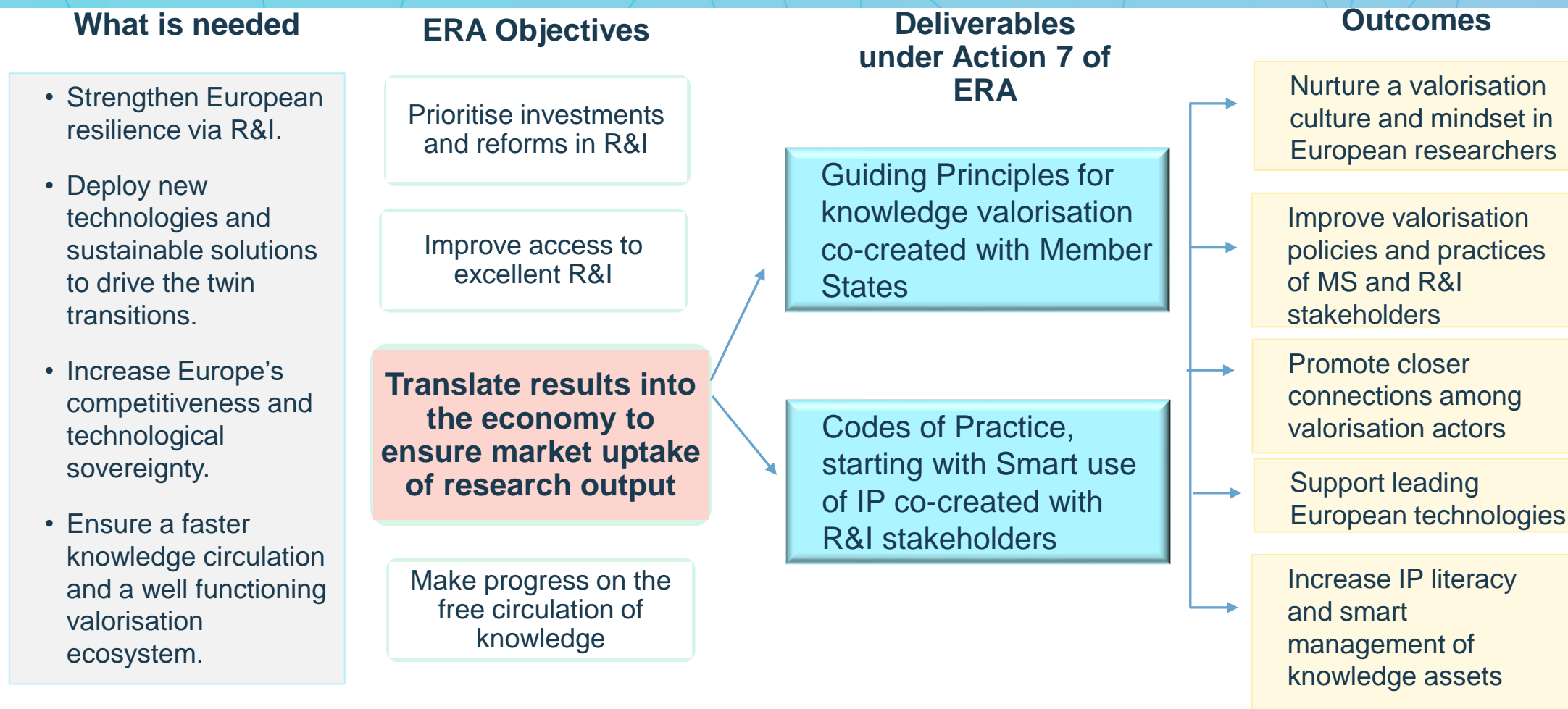# Mapping valorisation actors, channels and tools
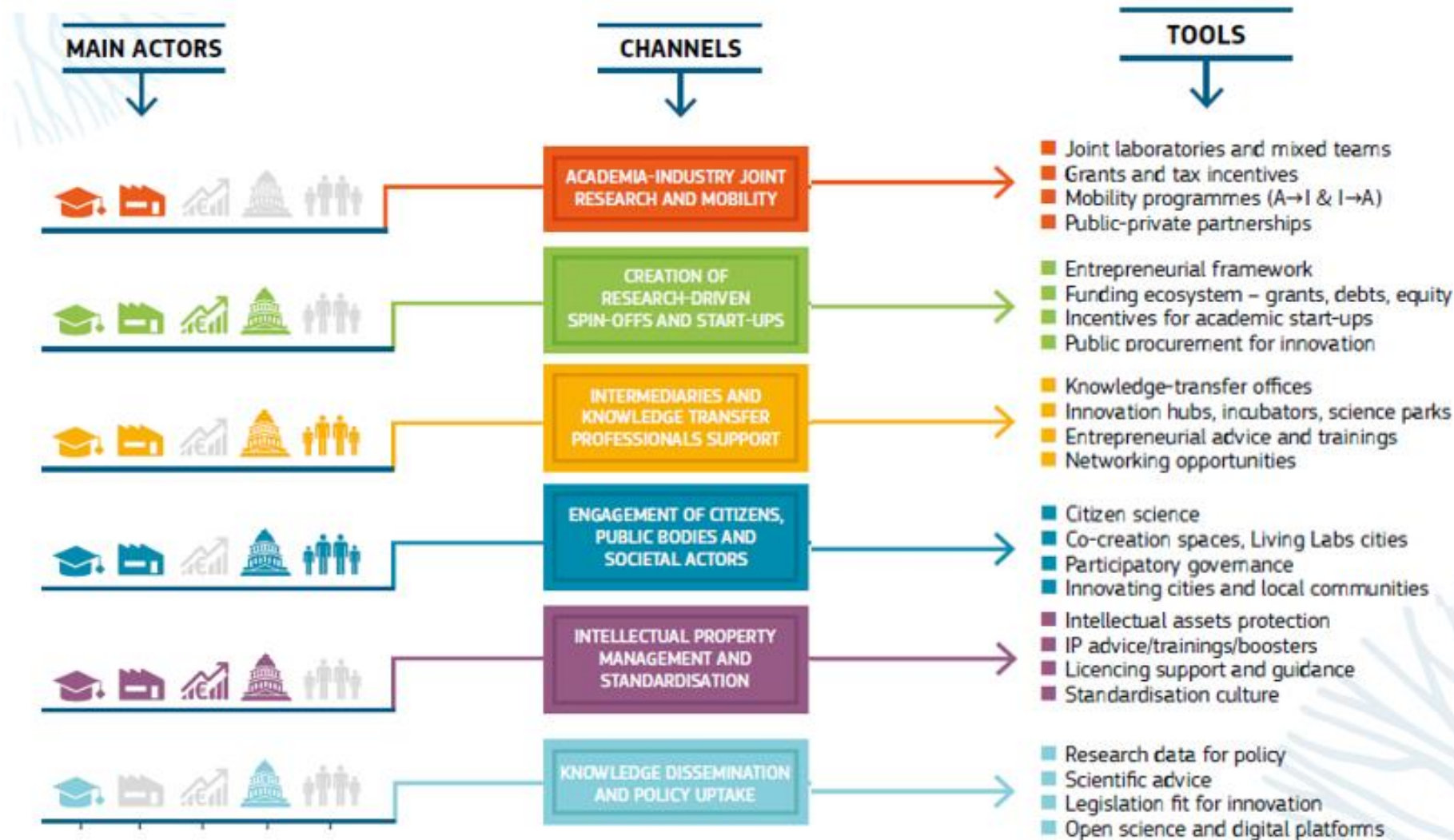
Context

- 2008 Commission Recommendation on the management of intellectual property in knowledge transfer activities and a Code of Practice for universities and other PROs.

- Since then R&I landscape has changed considerably in terms of actors, complexity of R&I ecosystems and global challenges.

- Consultations of Member States and stakeholders indicated the need to update the guidance.

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Knowledge valorisation in ERA

- 2020 Commission Communication "A New ERA for Research and Innovation" lays the foundations for developing guiding principles for knowledge valorisation and code of practice for smart use of IP.

- 2021 Council Recommendation "on a Pact for Research and Innovation" identifies knowledge valorisation as one of the priority areas for joint action in support of ERA.

- ERA Policy Agenda 2022-2024 endorsed by the Council includes "Upgrade EU guidance for better knowledge valorisation" as Action 7.

- Co-creation by ERA Forum subgroup on knowledge valorisation.

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Knowledge Valorisation in European Research Area (ERA)

European R&I leading recovery and twin transitions

What is needed

- Strengthen European resilience via R&I.

- Deploy new technologies and sustainable solutions to drive the twin transitions.

- Increase Europe's competitiveness and technological sovereignty.

- Ensure a faster knowledge circulation and a well functioning valorisation ecosystem.

ERA Objectives

Prioritise investments and reforms in R&I

Improve access to excellent R&I

Translate results into the economy to ensure market uptake of research output

Make progress on the free circulation of knowledge

Deliverables under Action 7 of ERA

Guiding Principles for knowledge valorisation co-created with Member States

Codes of Practice, starting with Smart use of IP co-created with R&I stakeholders

Outcomes

Nurture a valorisation culture and mindset in European researchers

Improve valorisation policies and practices of MS and R&I stakeholders

Promote closer connections among valorisation actors

Support leading European technologies

Increase IP literacy and smart management of knowledge assets

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ERA Action 7: Upgrade EU guidance for better knowledge valorisation

Develop and endorse Guiding Principles for knowledge valorisation

Respond to the needs and feedback of knowledge valorisation actors including policy making and provide a common reference to stimulate knowledge valorisation policy and measures in Europe.

i) Create a Code of Practice for smart use of IP

Co-create hands-on guidance with and for R&I actors on how to handle IP-related challenges in the current R&I ecosystem.

ii) Create a Code of Practice for researchers on ...ndardisation

Provide hands-on guidance based on best practices for R&I actors to valorise their projects results through standardisation.

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Extended Scope of the Guiding Principles

- Broadens the scope of actors and activities compared to the 2008 Commission Recommendation.

- Implies a focus on the whole R&I ecosystem, its connections, co-creation between actors and societal value creation.

- Widens the scope to intellectual asset management and emphasizes entrepreneurial practices, processes and skills.

- Requires Member States, policymakers and other actors to align their policies and practices, and when relevant implement new approaches to knowledge valorisation.

Main definitions

- **Knowledge valorisation** is the process of creating social and economic value from knowledge by linking different areas and sectors and transforming data and research results into sustainable products and solutions that benefit society in terms of economic prosperity, environmental benefits, societal progress and better policy making.

- **Intellectual assets** cover any result or products generated by R&I activities whatsoever (e.g. publications, data, know-how, processes, practices, technologies, inventions, software etc). They may also include results and products from teaching activities where relevant.

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Main areas covered by guiding principles (1)

Knowledge valorisation in research and innovation policy

- National support, resources, strategies and practices; policies and practices at organisational level; broadest possible societal utilisation of intellectual assets from R&I involving all actors; policy uptake and standards; promoting equality, diversity and inclusion.

Skills and capacities

- Necessary skills and capabilities, tacit knowledge, academia-industry-public sector mobility, multidisciplinary collaborations, social sciences, humanities and arts.

Incentive systems

- For all ecosystem actors to learn, apply and practice knowledge valorsation; promote SMEs, civil society, citizens, end-users and public authorities to be an active partner in co-creation.

Intellectual asset management

- Policies and practices at organisational level, international environment, socio-economic benefit for EU, Open Innovation and Open Science.

Main areas covered by guiding principles (2)

Relevancy in public funding schemes

- Application in government funded R&I and specific funding for valorisation.

Peer-learning

- National and cross-national peer-learning, sharing of best-practices, benchmarking and building common concepts and practices to guide assessment and implementation.

Metrics

- Quantitative and qualitative indicators for whole range of channels and paths, collaborations for agreed-upon metrics, incentives for using and sharing metrics.

Monitoring and evaluation

- Consideration of all kind of benefits to various stakeholders and outcomes, develop tools to capture progress and maturity of intellectual assests and innovation efforts, adress value creation and transition towards sustainable society, promotion of the model.

Implementation under ERA Action 7

- Raising awareness of the guiding principles for knowledge valorisation and aligning national guidelines and initiatives related to knowledge valorisation.

- Supporting the uptake of the future Code of Practice for the smart use of intellectual assets and the future Code of Practice for researchers on standardisation by contributing to their diffusion and promoting their use among all R&I ecosystem actors.

- Engaging in sharing of best practices on knowledge valorisation, e.g. through the Knowledge Valorisation Platform and organising peer-learning activities, e.g. through EU Knowledge Valorisation Week.

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Code of practice for the smart use of intellectual assets

Code of practice for the smart use of intellectual assets (IA)

- Code of practice for the smart use of IA (ERA Policy Action 7)

  - Implementation of upcoming draft Guiding Principles on Knowledge Valorisation

  - Update 2008 Code of Practice for universities and other public research organisations

- Community of practice launched on 28 January 2022 to co-create the code of practice *(Publication foreseen in Q4 2022)*

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Objectives of the community of practice

- Contribute to the **co-creation of the code of practice** by submitting ideas of topics and recommendations

- **Identify best practices** that can effectively boost intellectual assets management along the knowledge generation chain (call to submit best practices on intellectual assets management ended on 1 July)

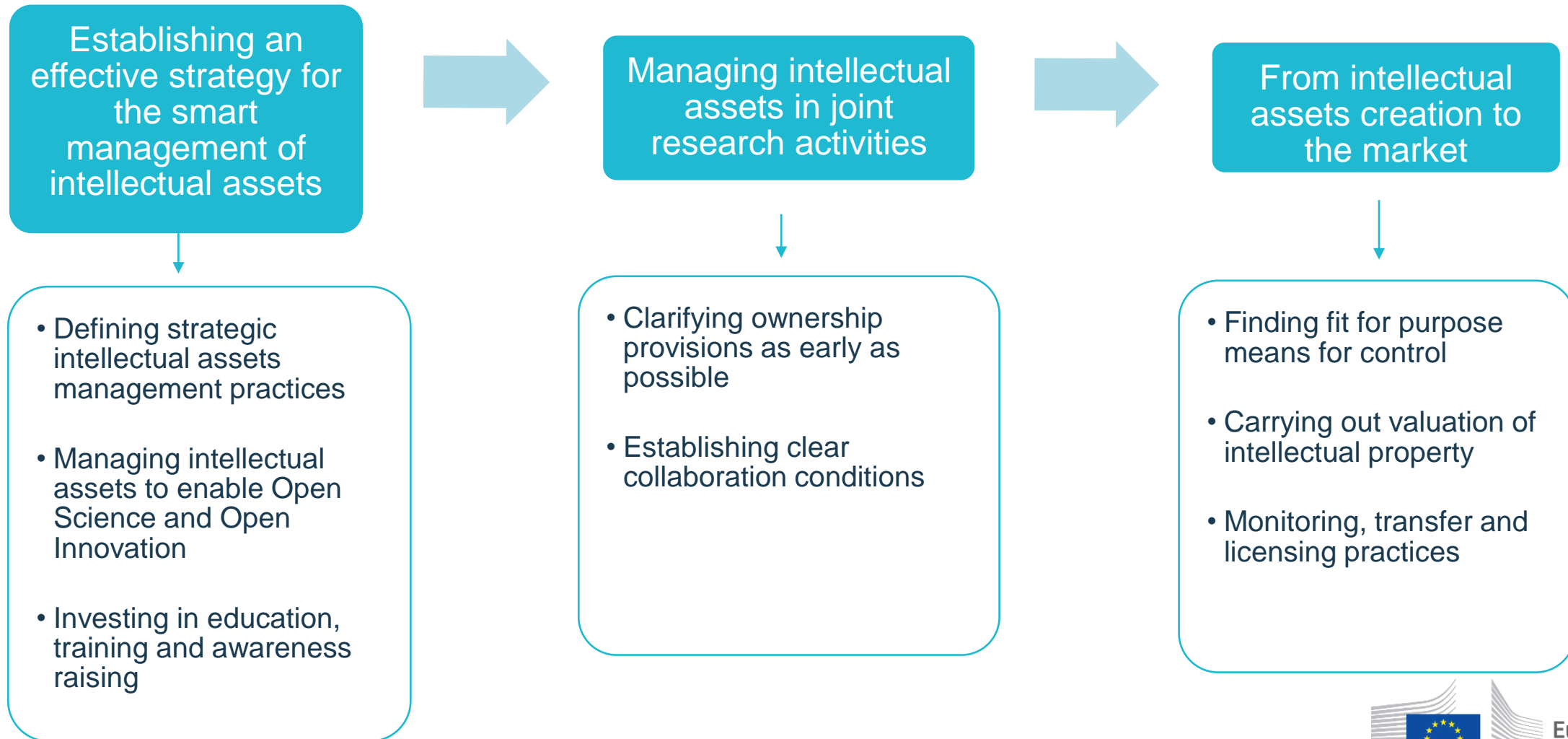- Join a **network of practitioners, researchers and individuals with an interest in intellectual asset management** and exchange experiences

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Process

- DG R&I facilitated and coordinated the process and contributed on behalf of EC (internal coordination)

  - Biweekly meetings with drafting team (18 members), monthly meetings with whole community of practice

- Work via online collaboration tools (MS Teams and EU Survey)

- 9 subgroups of 17 to 25 members (2 penholders per subgroup)

  - Intellectual assets management

  - IP and new technologies

  - IP and Open Innovation

  - IP and Open Science

  - IP awareness raising

  - IP in international cooperation and projects

  - IP skills and training

  - IP valuation

  - Joint industry-academia IP

Progress

- Launch meeting of the community of practice (28 January)

- Gather ideas of topics to be addressed by each subgroup (25 February – 4 March)

- Gather ideas of concrete recommendations on topics (18 March – 4 April)

- Meetings with whole CoP to present all subgroups progress (7 April, 6 May, 9 June)

- Submission of each subgroup's final recommendations after feedback from whole CoP (24 June)

- Internal process and ERA Forum consultation before adoption and publication (ongoing – publication by end 2022)

Content

Establishing an effective strategy for the smart management of intellectual assets

Managing intellectual assets in joint research activities

From intellectual assets creation to the market

- Defining strategic intellectual assets management practices

- Managing intellectual assets to enable Open Science and Open Innovation

- Investing in education, training and awareness raising

- Clarifying ownership provisions as early as possible

- Establishing clear collaboration conditions

- Finding fit for purpose means for control

- Carrying out valuation of intellectual property

- Monitoring, transfer and licensing practices

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Code of practice on standardisation for researchers

Objectives of the code of practice on standardisation

1. Evidence base to understand success factors of Horizon 2020 projects

2. Recommendation for beneficiaries

3. Recommendations for policy makers

Content: Recommendations

AT THE LEVEL OF HIGHER EDUCATIONS INSTITUTIONS AND RESEARCH AND TECHNOLOGY ORGANISATIONS

A1	Develop a standardisation policy, alongside or as part of an IP or R&I results valorisation policy
A2	Consider standardisation activities and diverse outputs appropriately in the career development plans and research assessment exercises of researchers
A3	Provide for training and teaching on standardisation
A4	Make technology transfer offices fit for standardisation
A5	Links with relevant initiatives such as Putting Science into Standards or research-oriented groups in SDOs, such as CEN-CENELEC STAIR or ETSI RISE
A6	Develop an indicator and evaluation system

AT PROJECT LEVEL

|	
B1	Assess the contribution standardisation can offer to the research projects
B2	In case of collaborative project, create a common understanding, as well as a common strategic position in the consortium, on standardisation and standardisation issues
B3	In case of collaborative project, involve partners with standardisation experience in the team, with good access to the standardisation community
B4	Make standards or standardisation-related activities a tangible component in the proposal and project
B5	Invest in and cater for stakeholder management throughout the project
B6	Be realistic about outputs, outcomes and impacts – consider appropriate key performance indicators
B7	Strive for combined qualitative and quantitative performance reporting for evaluations and monitoring
B8	Take standardisation issues into account in innovation and IP management and strategy (and vice versa)
B9	Ensure sustainability beyond the running time of the project
B10	Address standardisation within sector platforms, PPPs, project clusters or other joint fora

AT POLICY AND STAKEHOLDERS LEVEL

C1	The European Commission shall promote standardisation as means of knowledge valorisation through the collaboration with SDOs, university and RTOs associations as well as associations of TTOs
C2	The European Commission should examine the needs of startups and small and medium-sized enterprises in EU funded R&I projects in relation to standards and standardisation
C3	SDOs should further develop their service portfolios for R&I actors and examine new ways to align their activities with R&I

Next steps

➢ **Finalise** the draft code of practice by **end of September**

➢ Prepare for **adoption and publication** by end of the year

➢ **Disseminate** the code of practice and **raise awareness** about its content

    ➢ Future awareness raising campaign on Guiding Principles and on codes of practice
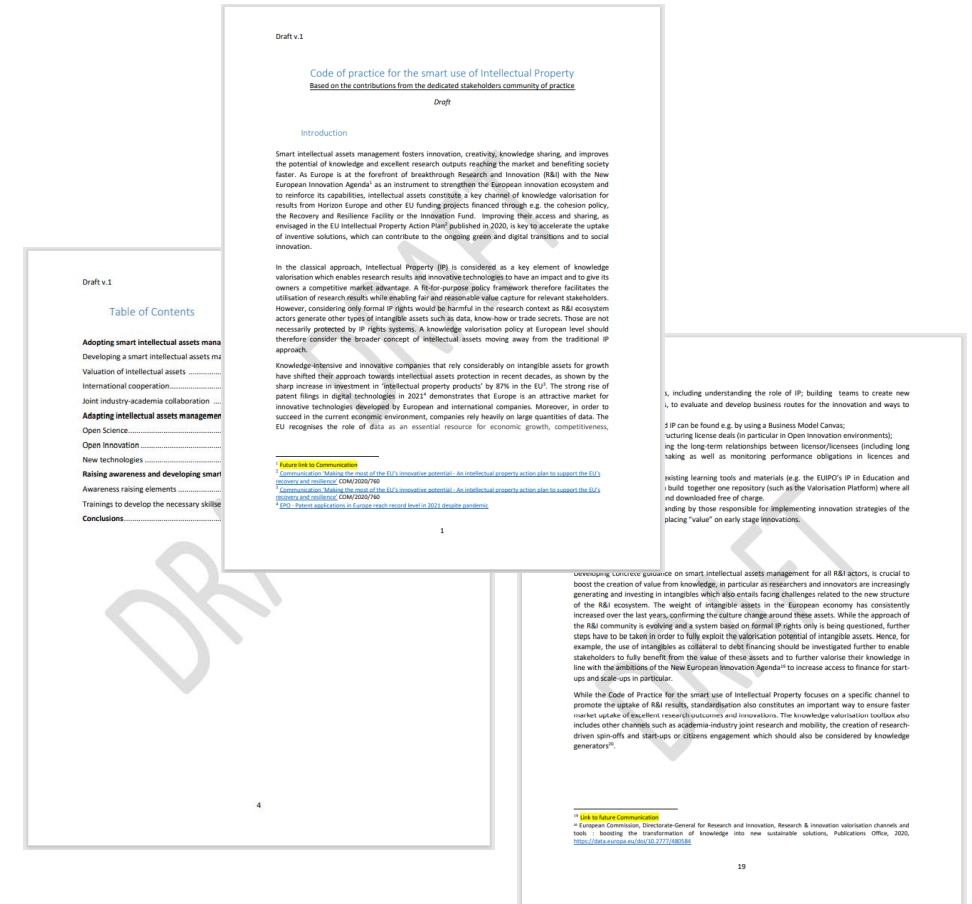
Additional Codes of Practice

In order to implement the Guiding Principles for Knowledge valorisation, more codes of practice are under development for 2023

- A code of practice for the participatory value creation

- A code of practice for Industry – Academia co-creation

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EU Knowledge Valorisation Platform

Launched at the European Research and Innovation Days 2021
by Commissioner Mariya Gabriel

A digital exchange space to
- ✓ connect actors across Europe
- ✓ share knowledge, experiences and best practices
- ✓ promote cross-border dialogue and cooperation

with the aim to improve the broad uptake of research results in society and economy.

Link: https://research-and-innovation.ec.europa.eu/research-area/industry/eu-valorisation-policy/knowledge-valorisation-platform_en

Sharing best practices

Knowledge Valorisation Week 2022

- **Opening** by **Commissioner Gabriel**

- **6 Webinars** with **14 best practices** covering the broad range of knowledge valorisation and promotion of **additional 28 best practices**

- Focus on **young generation** in the European Year of the Youth

- **2 Valorisation Cafés** for debate among participants

- **2 Valorisation Talks** providing new stimulus

- **2 Panel discussions** feeding directly into the **ERA** priority 'upgrading EU guidance for a better knowledge valorisation'

- **41 speakers and moderators**

- **23 countries**

- **Cooperation of EU Member States, EEA countries & European Commission**
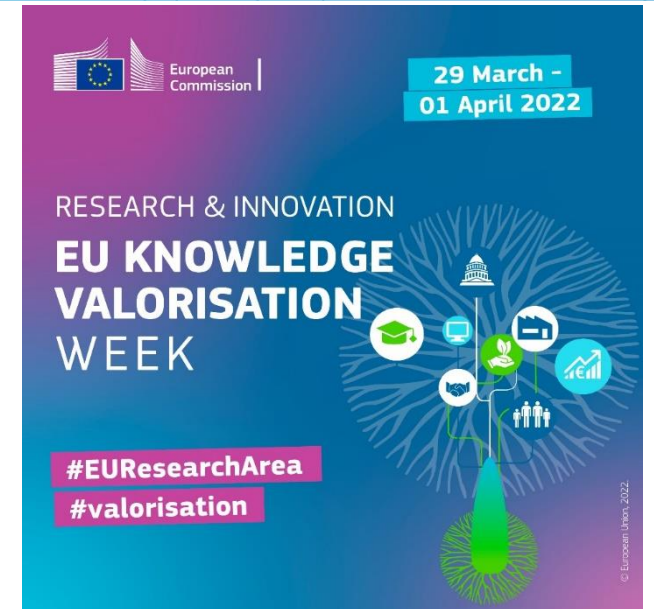
CitizensHack2022

- The first "Knowledge Valorisation Hackathon" with citizens and researchers working together to co-create sustainable, innovative solutions to challenges put forward by the citizens on issues affecting their daily lives.

- Testing the hackathon as a KV method/ tool to bring research closer to society, accelerating co-creation with citizens and uptake of research results

- Drawing lessons from the experiment for a hackathon Blueprint with citizen engagement and value creation from research in any area – such as EU Missions, ERA objectives…

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About the Manifesto for EU COVID-19 Research

- Launched in **July 2020** and it was **extended until 1 January 2023**

- Part of EU R&I contribution to the **common European response to the coronavirus outbreak**

- Set of **three guiding principles** for beneficiaries of EU funded research grants and other relevant stakeholders

- Aims to **maximise the availability of R&I results** in a timely and affordable manner

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Objectives of the extension

- **Allow initiatives** taken by Manifesto endorsers **to be maintained**

- **Encourage more relevant actors to endorse it** and participate to EU R&I contribution to end the pandemic by facilitating sharing and access to intellectual assets

- **Keep on raising awareness** beyond the life sciences sector on the importance of **knowledge valorisation to the benefit of society**

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State of play

- Strong engagement towards a better valorisation of research results, leaving no one behind:

  - More than **650 organisations**

  - More than **1875 individuals**

  - **All EU Member States and beyond**

- Commission currently gathering information from endorsers on concrete action undertaken in line with the Manifesto principles

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Main IP related rules in Horizon Europe

Renewed emphasis on exploitation/valorisation of results

General rule maintained: beneficiaries must use their best efforts to exploit their results, directly or indirectly, in particular through transfer and licensing

RESULTS OWNERSHIP LIST (ROL)

Beneficiaries must complete a results ownership list (ROL) at last periodic report to clarify the ownership of the results as well as to promote and simplify their exploitation

HORIZON RESULTS PLATFORM

If despite their best efforts no exploitation takes place within one year after the end of the project, the beneficiaries must use the Horizon Results Platform to find interested parties to exploit the results (obligation may be waived)

CONTINUED REPORTING

Continued reporting on the progress and obstacles regarding exploitation afterwards

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Management of intellectual property

➢ **Requirements in Horizon Europe**

  ➢ **Continuity with H2020 and improvements in simplification**

  ➢ **Exploitation plan including the IP strategy** to be submitted within 6 months after project starts. This allows beneficiaries to know more about the results they intend to exploit and how they want to do it.

  ➢ **Protect results adequately** – if possible and justified – taking account of possible prospects for commercial exploitation and any other legitimate interest.

  ➢ If results not exploited, **have them exploited** by another legal entity, e.g. transfer and **licensing of results**, through **Horizon Results Platform** (to be used mandatorily one year after the end of the project if no exploitation took place)

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Results ownership list

➢ The provision of a **results ownership list (ROL)** is **mandatory** at the end of the project.

Why?

➢ To keep track of the ownership of IP generated during the project and further support if needed

How?

➢ Submit a full list of background IP before the signature of the grant agreement

➢ Fill in the **dedicated form in the reporting template**

➢ Describe a snapshot in time

☞ *Failure to fill it in can result in blocking of the final periodic report: "The beneficiaries must indicate the owner(s) of the results (results ownership list) in the final periodic report" (MGA Annex 5 Article 16)*

Public emergency provision

➤ WHAT?

Right to request the beneficiary to **grant non-exclusive license** under fair and reasonable conditions.

➤ WHEN?

An emergency characterised by **a genuine and sufficiently serious threat** undermining the EU security, public order or public health.

➤ TO WHOM?

To legal **entities needing the results to address the public emergency** and committing to rapidly and broadly exploit the resulting products and services at fair and reasonable conditions.

➤ FOR HOW LONG?

Minimum = duration decided by the granting authority

Maximum = up to four years after the end of the action

➤ FOR ALL PROJECTS?

If the **work programme** (general annexes) foresees additional exploitation obligations in case of a public emergency.

☞ *MGA Annex 5 Article 17*

Right to object to exclusive licence and transfer of ownership of results

➤ **FOR ALL PROJECTS?**

Where the call conditions in Horizon Europe actions provide for the right to object to transfers or licensing, **the granting authority may** — up to four years after the end of the action — **object to a transfer of ownership or the exclusive licensing of results**

➤ **HOW?**

Beneficiaries will have to **notify to the granting authority the intention to transfer results**. A procedure will be put in place to determine the validity of the transfer.

☞ *"…the granting authority may object to a transfer of ownership or the exclusive licensing of results, if:*

- o *the beneficiaries which generated the results have received funding under the grant*
- o *it is to a legal entity established in a non-EU country not associated with Horizon Europe, and*
- o *the granting authority considers that the transfer or licence is not in line with EU interests". (MGA Annex 5 Article 16)*

Additional exploitation obligations

➢ Article 34 of Horizon Europe **legislation** gives the possibility to add further exploitation obligations.

    ➢ The additional exploitation obligations are useful to tailor some additional obligations to specific needs in a given work programme

    ➢ The additional obligations may include obligations linked to the restriction of participation or control due to strategic assets, interests, autonomy or security reasons

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Thank you!

If you have any question, please contact us at:

RTD-valorisation-policies-IPR@ec.europa.eu

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