widerAdvance Facility

RESEARCH INNOVATION COLLABORATION

IP Fundamentals and IP in Horizon Europe

IP Protection and Management, Webinar

Gabriella Lovasz, Europa Media Nonprofit Ltd.

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Innovation management

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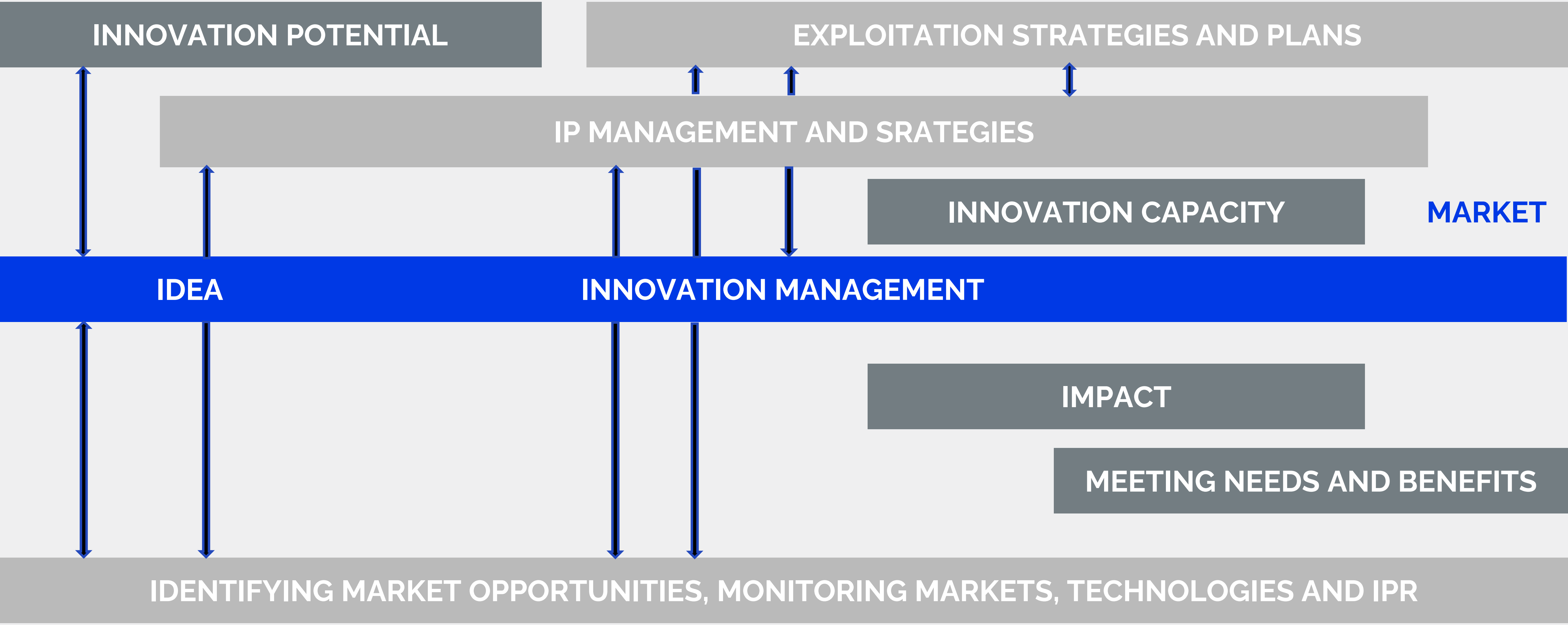
Innovation management



Source: IPR Helpdesk

Innovation Management

- Understanding the market needs and opportunities.
- Being responsible for the overall strategic approach.
- Mapping innovation potential - capture ideas and results.
- Evaluating the IP of project results.
- Continually monitoring the market, IP and technology landscapes.
- Steering the development plan to meet the project objectives and market needs.
- Ensuring that the project's foundations and management processes and structures for innovation are sound and working effectively, innovation capacity is fully used.

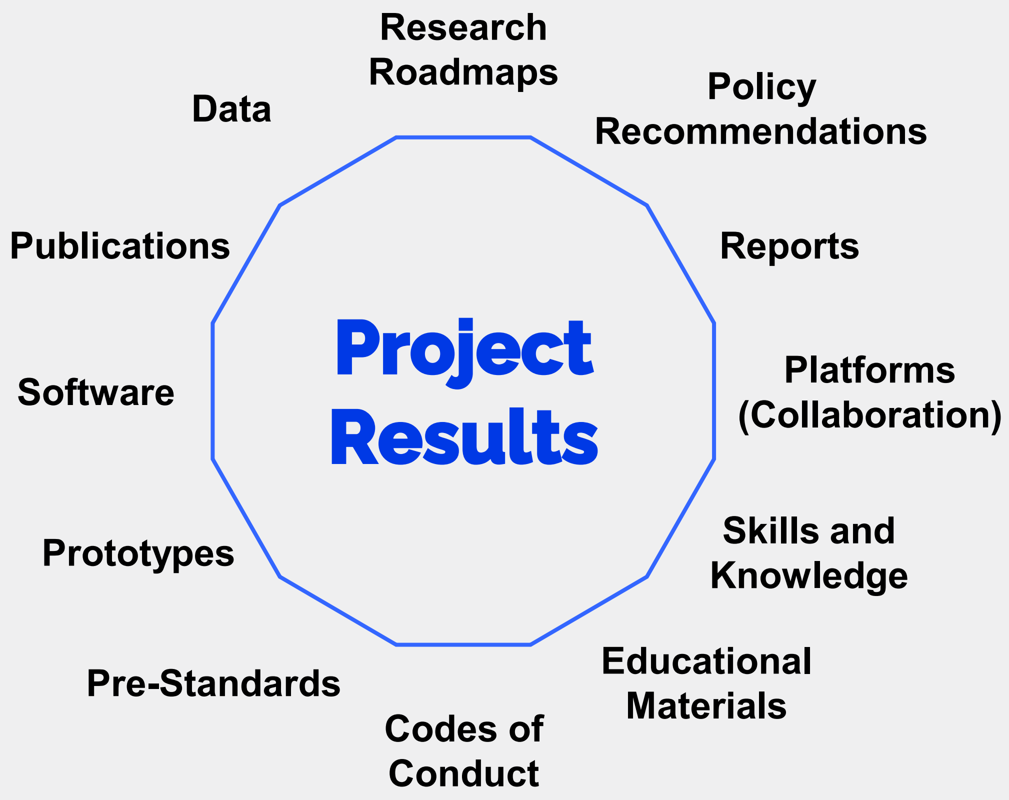
The Commission defines innovation management as:
The overall management of all activities related to understanding needs, with the objective of successfully identifying new ideas, and managing them, in order to develop new products and services which satisfy these needs. Innovation management starts at the point of capturing the creative works and finishes when a product or service is deployed.

Results to users

The results in the “stakeholders” space

Research Communities

MS, EU Policymakers



Industry, Innovators

Civic Society, Citizens

- Model
- Methodology
- Theory
- Product
- Service
- Business model
- Design
- Policy result
- Training
- Advocacy
- Event
- Staff trained
- Exchanges
- Infrastructure
- etc.

Intellectual Property (IP) Management focuses exclusively on protecting and commercializing intangible creations like patents, trademarks, copyrights, and trade secrets.

Intellectual Asset Management is a broader discipline that tracks, maintains, and optimises the physical, financial, or digital resources to maximize their value and impact.

Types of IPR

EM TRAININGS

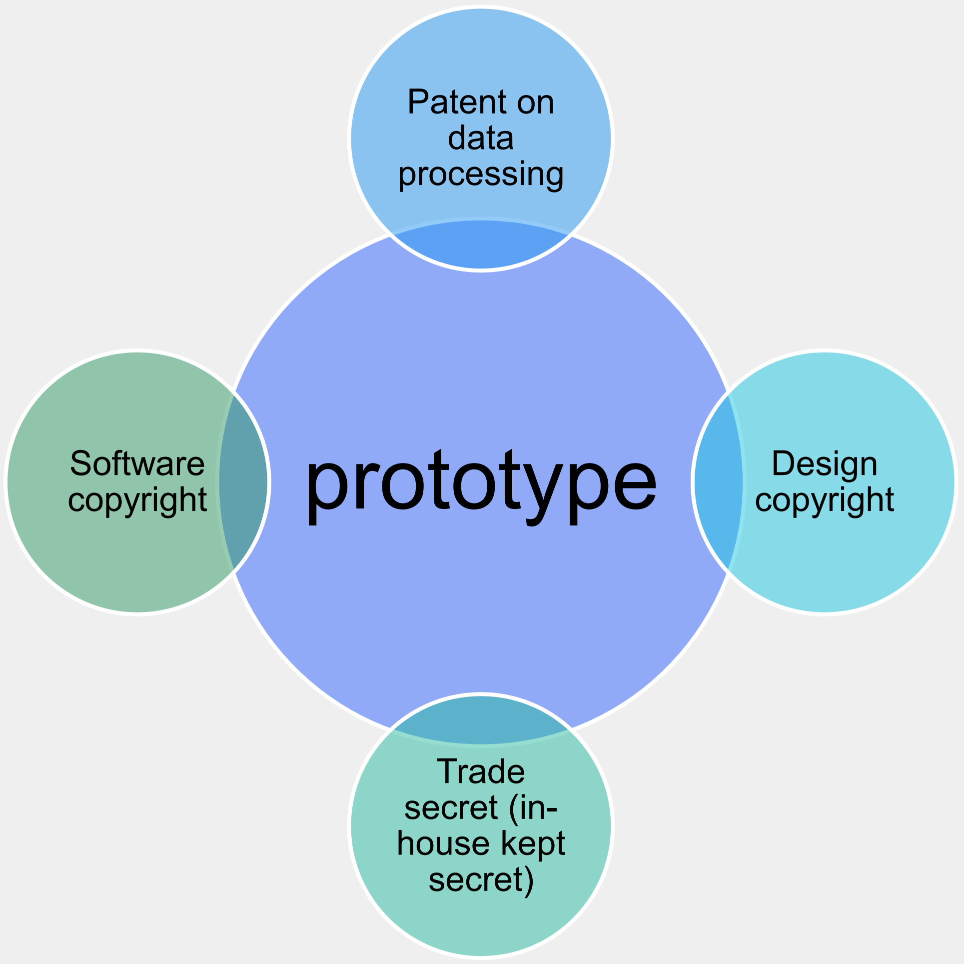
Legal Right	What for	How
Patents	New inventions	Application and examination
Utility Models	New inventions	Application and registration
Copyright	Original creative or artistic forms	Exists automatically
Trademarks	Distinctive identification of products or services	Use and/or registration
Registered Designs	External appearance Valuable information	Registration
Trade Secrets	Valuable information not known to the public	Reasonable efforts to keep secret

One product – many IP rights

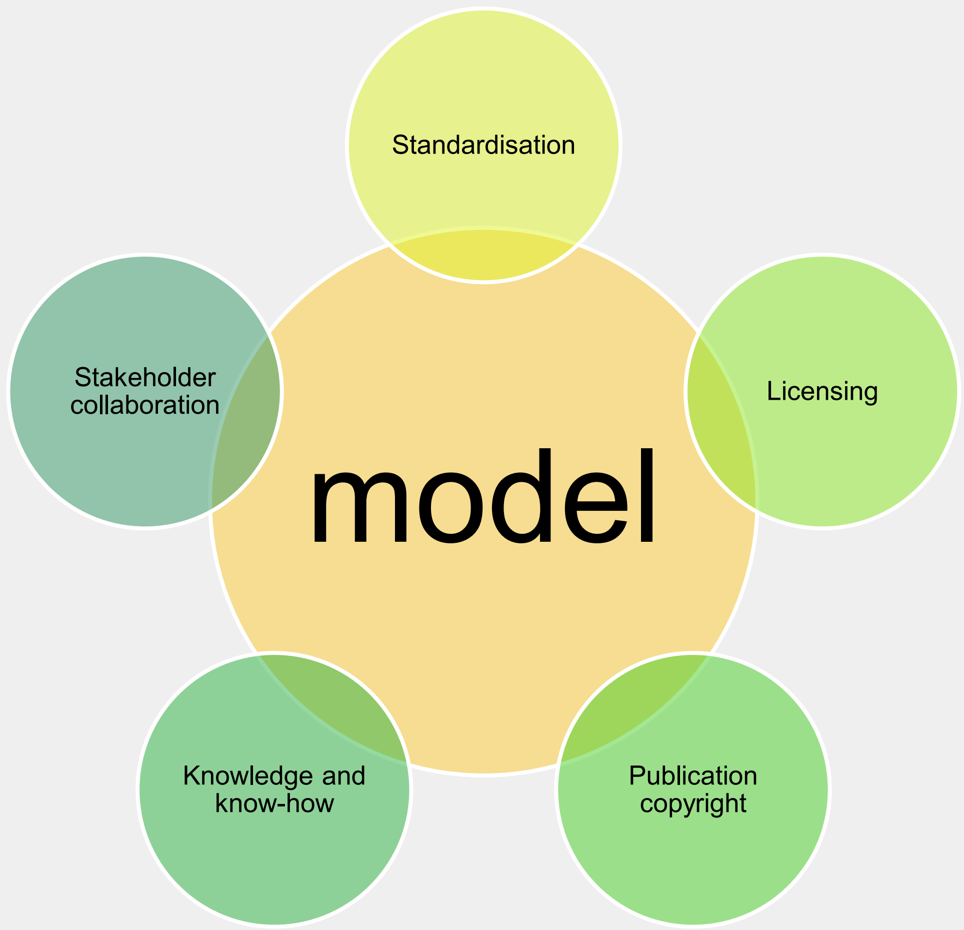
Source: EPO Training

One result/asset – more IP rights

IP management



Valorisation



Access and ownership

TRAININGS

1 Background

- = information/intellectual property rights necessary for the project;
- It remains the property of the participant that brings it into the project.
- Beneficiaries must give each other access — on a royalty-free basis — to background needed to implement their own tasks under the action.
- Beneficiaries must give each other access — under fair and reasonable conditions — to background needed for exploiting their own results.

2 Sideground

- knowledge/IP that is relevant to a collaborative venture or open innovation project, but produced **outside the project** by any of the partners **during the project**'s tenure.
- Sideground IP belongs to the party creating the right, and it is not subject to whatever mutual undertakings the parties may have entered into with respect to the Foreground IP

3 Results

- Results are owned by the beneficiary that generates them, but participants may agree on a different ownership regime
- Two or more beneficiaries own results jointly if: (a) they have jointly generated them and (b) it is not possible to: (i) establish the respective contribution of each beneficiary, or (ii) separate them for the purpose of applying for, obtaining or maintaining their protection (see Article 27).

The partners' plans

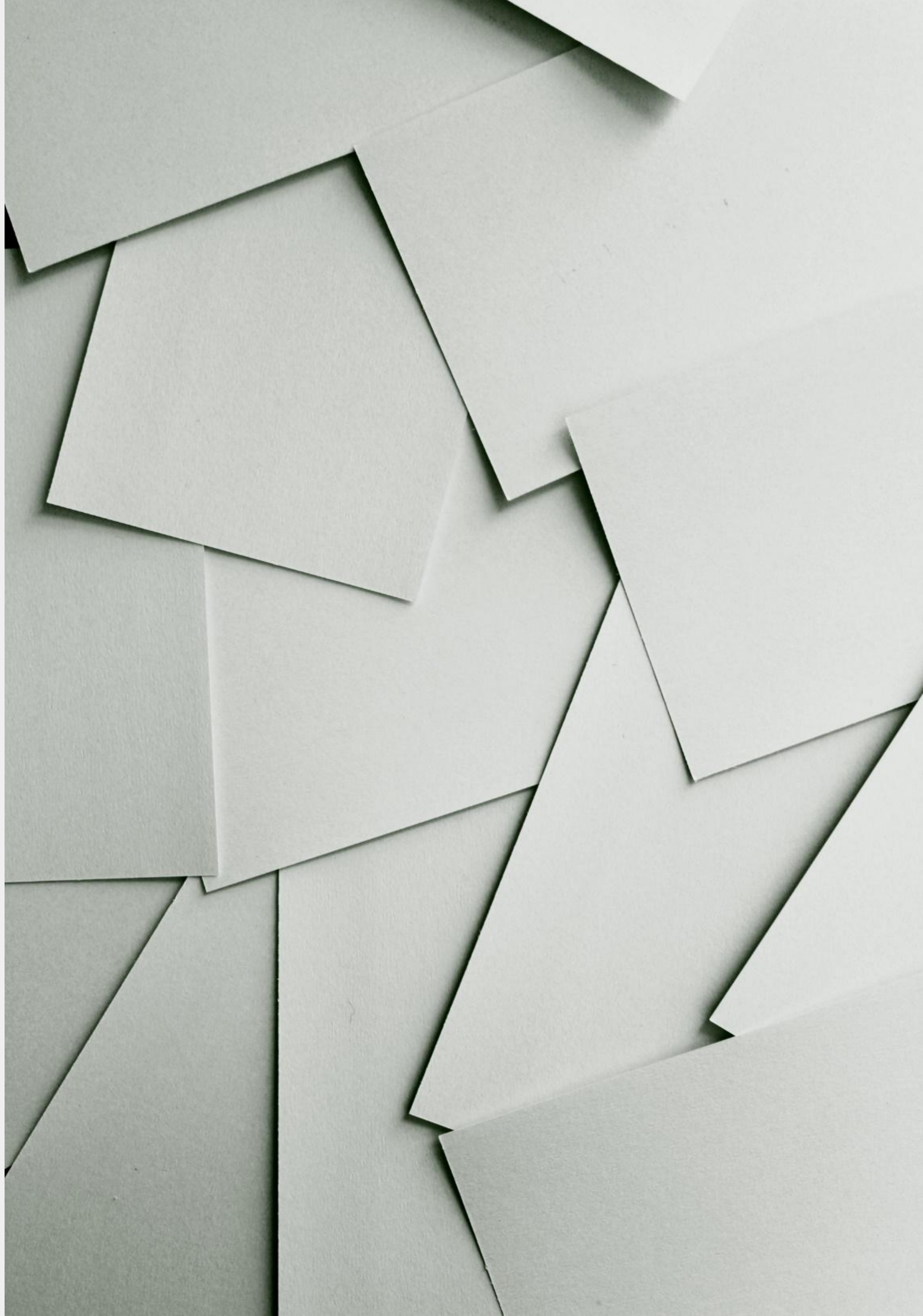
Partner	Background	Foreground	Results of interest	Exploitation route
(all or most)	What is the partner bringing to the project?	Which results is the partner contributing to develop?	Which results is the partner interested in?	What is the partner planning to do with the results?

Assets linked with IP
Invention Software Report Design Database Book Work of art Video Roadmap…

Intellectual Property Rights (protection)
Patent Copyright (Software, written work, engineering drawing, etc.) Design rights (functional or aesthetic) Database rights (organising and querying and retreiving data) Trade mark Utility model Trade secret Plant varieties…

IPR and result (innovation) management

- Which knowledge are we exchanging?
- Under which conditions?
- Who will be the owner of the results?
- What happens in cases of joint ownership?
- Who will exploit the results, and how?
- How are we protecting confidential information?
- How will you manage IPR and innovation?



Partner	Background	Foreground	Results of interest	Exploitation route
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Areas	Partners	Expected Results	Protection	Mean of exploitation
Polymer Materials (Formulation and Process)		EN45545-2 compliant epoxy vitrimer based composite	Secret or patent	Indirect industrial & commercial exploitation (licensing), exploitation for research activities
		New melt-processable PU formulation with inherent recyclability properties; Process to convert PU into a reprocessable PU vitrimer	Secret or patent	Licensing, exploitation for research
		MNL technology demonstrated for production of SSRbD films (100% recyclable, functional and safe)	Secret or patent	R&D Services (consulting, prototyping and production)

Exploitable result	Partners involved	Exploitation route	IPR (protection)	End-users	Timeframe
examples					
Enzyme cocktails for …	XY	Production, application and distribution of enzyme cocktails among…	Patent application	Municipalities and waste managers	6-12 M post project
Stakeholder platform	ZC	Licencing to users	Copyrighted code	Waste managers, producers, etc.	1-2 years post project
Methodology for process optimization and scale up of biological processes	ZY	Set-up of open infrastructure to produce novel bioproducts	n.a.	BioTech Companies, other RTO's and Univ	End of project
Integrated process model	XC	Engineering services for projects and companies	Copyright	Bio-based industries	1 year post project
Optimisation of characterization methods	SR	To be used internally	Industrial secret	SR	End of project

Exploitation - Valorisation

Valorisation

Exploitation = use of results

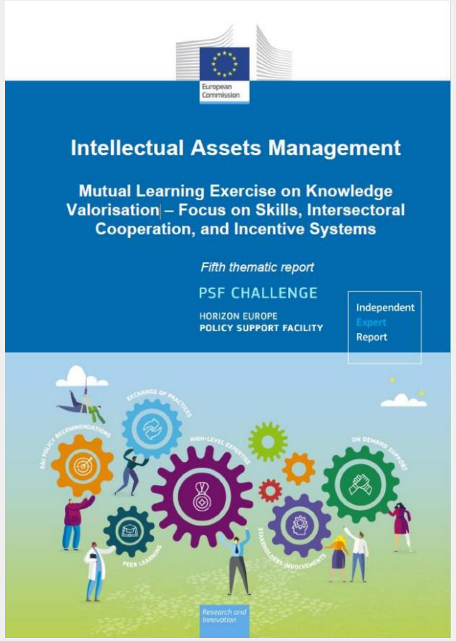
- Use of the results in further research and innovation activities other than those covered by the action concerned, including among other things, commercial exploitation such as developing, creating, manufacturing and marketing a product or process, creating and providing a service, or in standardisation activities.

- Beneficiaries which have received funding under the grant must — up to 4 years after the end of the action — use their best efforts to exploit their results directly or to have them exploited indirectly by another entity, in particular through transfer or licensing.
- Best effort obligation: the beneficiaries must be proactive and take specific measures to ensure that their results are used (to the extent possible and justified)

The Valorisation Imperative

- Valorisation = turning knowledge into value (economic and societal)
- EU encourages open, collaborative, cross-sector models
- **Code of Practice on the management of intellectual assets for knowledge valorisation in the European Research Area (EC, 2023)**
- Goes beyond formal intellectual property (IP) rights and offers guidance for the management of other types of intellectual assets.
- Intellectual assets are not limited to IP rights, but include any result or products generated by research and innovation activities such as publications, data and knowhow to maximise value creation opportunities.
- New guidelines emphasize uptake, co-creation, and sustainability

- [Code of practice on the management of intellectual assets for knowledge valorisation]



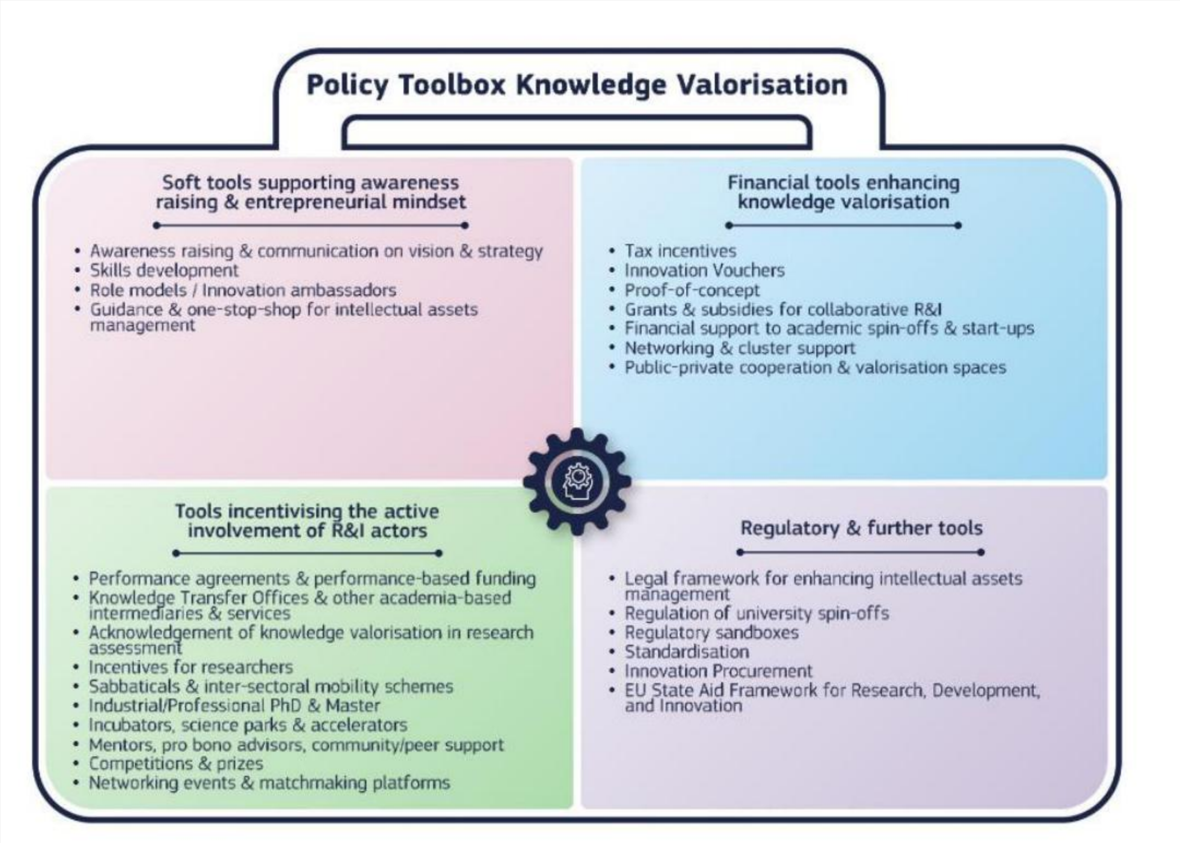
https://op.europa.eu/en/publication-detail/-/publication/71fc2551-0dbb-11ef-a251-01aa75ed71a1/language-en

Code of practice on standardisation in the European Research Area, EC 2023 (Link)

Code of practice on citizen-engagement for knowledge valorization, EC 2024 (Link)

Code of practice on industry-academia co-creation for knowledge valorisation, EC 2024 (Link)

Policy toolbox



The new knowledge valorisation context, entails establishing an environment conducive to trusting collaboration, implementing a responsive regulatory framework to foster an entrepreneurial culture among researchers, while also recognising skills and talent. It requires the understanding that several change factors and disrupting shifts are modifying the context, the most important of which are:

- the emphasis on societal and economic value creation,
- the shift from knowledge transfer to knowledge valorisation,
- the shift from intellectual property to intellectual assets,
- the shift and balance from scientific-discovery to entrepreneurial-discovery,
- the shift from stand-alone valorisation activities to multistakeholder co-creation processes and ecosystems,
- the shift from vertical thematic interventions to systemic changes.

Knowledge Valorisation Platform

About the platform, hot topics, best practices, get involved, events, news and background

What gets measured gets done: new metrics for knowledge valorisation

Rewatch the latest EU Knowledge Valorisation Talk

Read more >

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

Legal considerations

Ownership

Joint ownership

Access rights

GA preparation

Read again what is written in the proposal!

- Expected outcomes and expected impact
- Measures to maximise impact
- Draft plan for the Exploitation and Dissemination of the project results
    - Exploitable results
    - Communication and dissemination
    - End users
    - Ownership
    - Exploitation routes
    - IP protection
    - Draft business plan if relevant
        - Review your market (8 months time to grant is a long period in a fast changing market)
    - Knowledge management, data management, IPR provisions
- Management structures and procedures
    - Governing body or expert/advisory group in charge of exploitation related activities

Consortium Agreement

- **Section 6: Governance Structure**
  - 6.1 General structure
  - 6.2 General operational procedures for all Consortium Bodies
  - 6.3 Specific operational procedures for the Consortium Bodies
- **Section 8: Results**
  - 8.1 Ownership of Results
  - 8.2 Joint ownership
  - 8.3 Transfer of Results
  - 8.4 Dissemination
- **Section 9: Access Rights**
  - 9.1 Background included
  - 9.2 Principles
  - 9.3 Access Rights for implementation
  - 9.4 Access Rights for Exploitation – Results and Background
  - 9.5 Access Rights for Affiliated Entities
  - 9.6 Additional Access Rights
  - 9.7 Access Rights for Parties entering or leaving the consortium
- **Attachment 1: Background**

Joint Ownership Agreement

- Signed between co-owners of IP
- Ideally during CA preparation or as soon as joint IP is detected
- In order to define in detail the rules governing joint ownership
- Particulars
    - Shares: assignment of shares within the joint ownership
    - IP management: responsibilities for filing and maintaining (including the costs incurred) of the IP rights
    - Protection of rights: obligation imposed on all participants to monitor and report any infringements of the foreground; indication of the partner empowered to conduct legal actions for protection of the foreground
    - Conditions of the use of the foreground: Use in further research; Individual exploitation; Licensing; Transfer
    - Additional clauses: standard contractual matters, i.e. applicable law, jurisdiction or alternative dispute resolution systems

Section 8 - Results
Consortium agreement

- **8.1 Ownership of results**
- Results are owned by the Party that generates them.
- **8.2 Joint ownership**
- **Option 1**
- each of the joint owners shall be entitled to use their jointly owned Results for non-commercial research and teaching activities on a royalty-free basis, and without requiring the prior consent of the other joint owner(s).
- each of the joint owners shall be entitled to otherwise Exploit the jointly owned Results and to grant non-exclusive licenses to third parties (without any right to sub-license), if the other joint owners are given: (a) at least 45 calendar days advance notice; and (b) fair and reasonable compensation.
- The joint owners shall agree on all protection measures and the division of related cost in advance.

Section 8 - Results

Consortium agreement

- **8.2 Joint ownership**
- **Option 2**
- In case of joint ownership, each of the joint owners shall be entitled to Exploit the joint Results as it sees fit, and to grant non-exclusive licenses, without obtaining any consent from, paying compensation to, or otherwise accounting to any other joint owner, unless otherwise agreed between the joint owners.
- The joint owners shall agree on all protection measures and the division of related cost in advance.
- **8.3 Transfer of results**
- Each Party may transfer ownership of its own Results.
- Conditions for transferring the results to specific third parties (identified in Attachment 3).
- Rights of the other Parties should not be affected by such transfer.

Section 9 – Access Right

Consortium Agreement

9.1 Background included

- Reference to Attachment 1 where the Parties have identified and agreed on the Background for the Project
- Any Party may add further own Background to Attachment 1 during the Project by written notice to the other Parties – approval of the relevant Consortium Body is needed.

9.2 Principles

- Parties are responsible for ensuring that its acts within the Project do not knowingly infringe third party property rights
- No sublicense of the Access Rights unless stated otherwise.
- Access Rights shall be free of any administrative transfer costs.
- Results and Background shall be used only for the purposes for which Access Rights to it have been granted.
- All requests for Access Rights shall be made in writing.
- The granting of Access Rights may be made conditional (confidentiality obligations should be in place)
- The requesting Party must show that the Access Rights are Needed.

Attachment 1 – Background included

Consortium Agreement

To list:

- Background you bring into the project
- Owner(s) of the background
- Access rights for implementation
- Access rights for exploitation

- 💡 This list is always a **positive list**. Do not list background you will not give access to.

Background	Owner of the Background	Access Rights - Specific limitations and/or conditions for implementation (Article 25.2)	Access Rights - Specific limitations and/or conditions for exploitation (Article 25.3)
DE Patent No. 123456, title […] filed on 7/1/2010	Beneficiary-1	Free of charge to all beneficiaries	
European Patent No. 123456, title […] filed on 25/3/2012	Third party X, exclusive licensee: Beneficiary-2	Shall only be used by Beneficiary-2 as being the exclusive licensee. Shall not be used by other beneficiaries.	
Database […]	Beneficiary-1	Shall only be used by Beneficiary-1. No access rights for other beneficiaries.	Shall be used by Beneficiary-2 only within Spain, by Beneficiary-3 only within France.
Clinical results for application of […], licensed from Third party Y	Third party Y, licensee: Beneficiary-3	Disclosed under NDA[24], any disclosure or use needs confidentiality provisions approved by the Third party Y and Beneficiary-3	Excluded
Source code for […]	Beneficiary-4	Excluded	Excluded

Section 9 – Access Right

Consortium Agreement

9.3 Access Rights for Implementation

- Access Rights to Results and Background Needed for the performance of the own work of a Party under the Project shall be granted on a royalty-free basis, unless otherwise agreed for Background in Attachment 1.

9.4 Access Rights for Exploitation

- 9.4.1 Access Rights to Results
- Option 1) Access Rights to Results if Needed for Exploitation of a Party's own Results shall be granted on Fair and Reasonable conditions. Access rights to Results for internal research and for teaching activities shall be granted on a royalty-free basis.
- Option 2) Access Rights to Results if Needed for Exploitation of a Party's own Results shall be granted on a royalty-free basis.
- 9.4.2 Access Rights to Background if Needed for Exploitation of a Party’s own Results, shall be granted on Fair and Reasonable conditions.
- 9.4.3 A request for Access Rights may be made up to 12 months after the end of the Project or, in the case of Section 9.7.2.1.2, after the termination of the requesting Party’s participation in the Project.

9.5 Access Rights for entities under the same control

9.6 Additional Access Rights

9.7 Access Rights for Parties entering or leaving the consortium

9.8 Specific Provisions for Access Rights to Software

Common mistakes

Common mistakes

- No alignment with expected outcomes/impact pathways
- Open science not considered
- Missing alignment with DMP
- No clear background identification
- No clear joint ownership identification
- No clear decision on protection vs publication
- Only IP considered, no wider asset management

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Thank you for your attention!

gabriella.lovasz@europamedia.org

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Funded by the European Union

Please describe your experience in this feedback form

Link: https://forms.gle/k9DGNK63349MPdk6A