

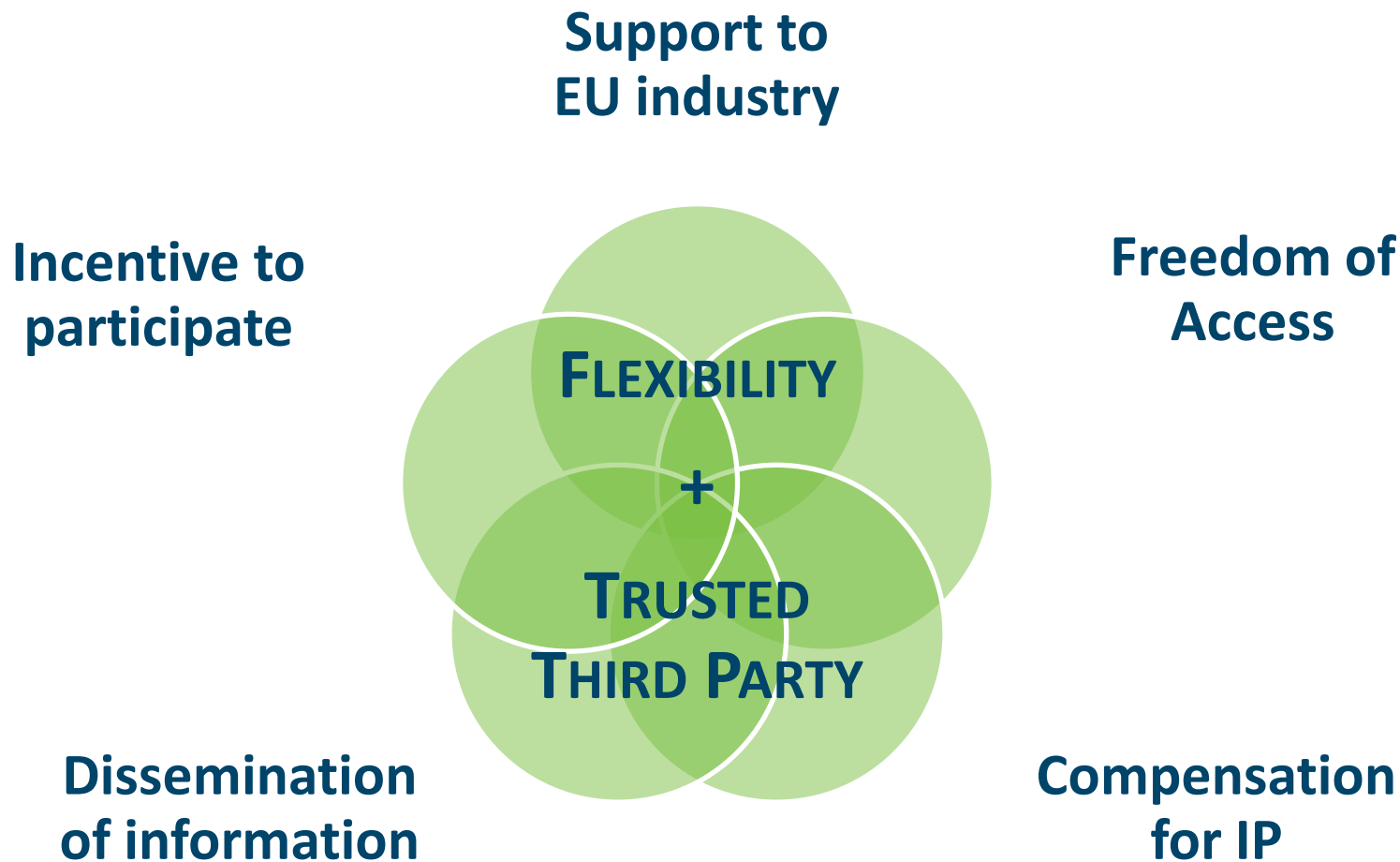
# *IMI2 Intellectual Property provisions*

**10 July 2014**

*Magali Poinot, Legal Manager*



# One set of rules for multiple interests



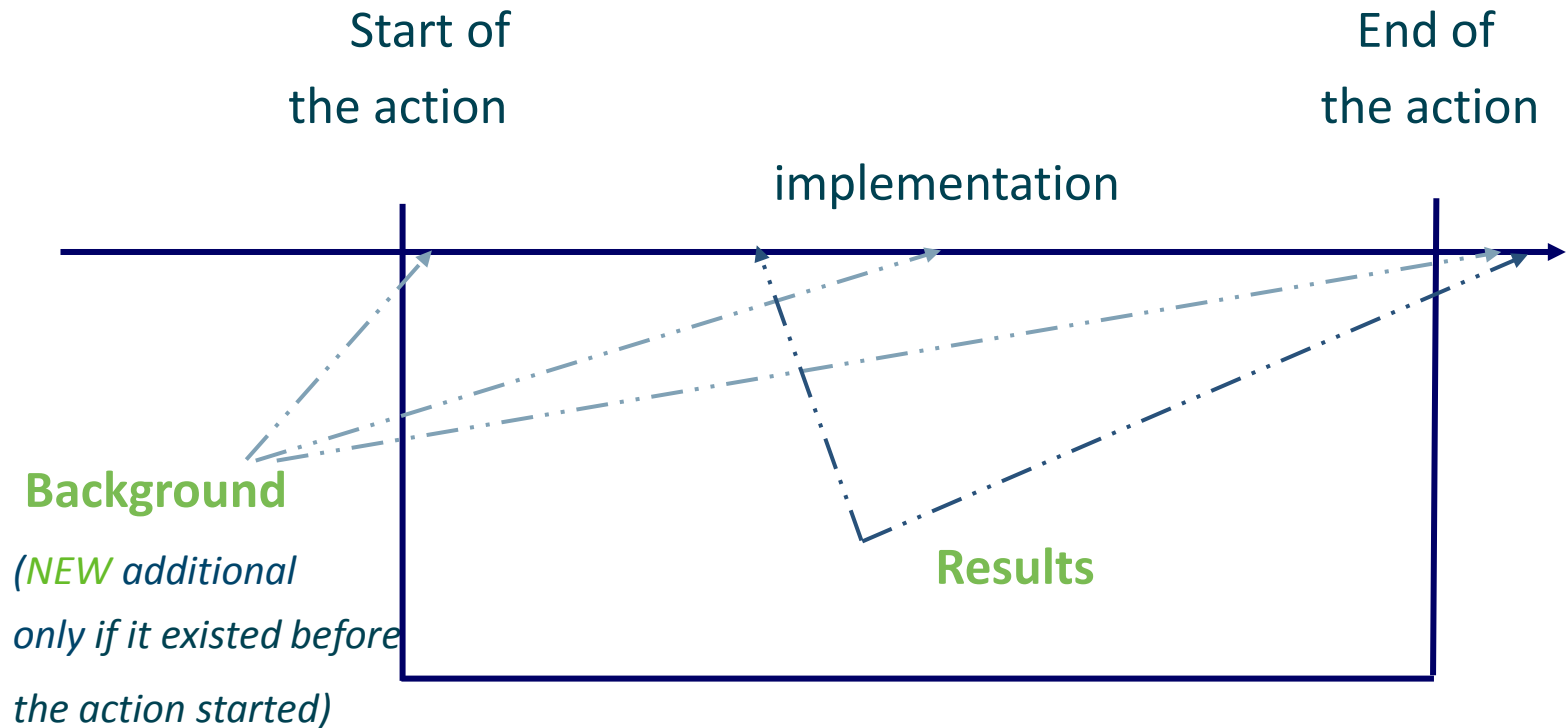
# Consortium agreement

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- Contractual arrangement **between all participants** to set out their rights and obligations, especially governance, liability and IPR
- Shall comply with the IMI model Grant Agreement
- Before the signature of the grant agreement with the IMI Office
- **To be adapted to the specific needs of each IMI project!**



# Background vs. Results



**// Sideground //**

(generated during the action but outside its objectives and not needed for implementation or Research Use)

— · · · — access rights

Based on IMI1



# Ownership of Results and Sideground

Results and Sideground belongs to the participant who generated it

~~Unless otherwise agreed~~

Possible transfer of ownership

within the consortium

to affiliates and subcontractors without prior notification



# Joint ownership of results

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## Individual use of jointly owned results

provided prior notice and fair & reasonable compensation to the other joint owners

Based on IMI1



# Protection of results

Mandatory for beneficiaries eligible for funding *NEW*

## Common practice (IMI1)

lies with the owner(s) in adequate and effective manner -> relevant (national) legal provisions, action peculiarities, legitimate interests

if valuable results left unprotected -> to be discussed within the consortium

# Research Use vs. Exploitation

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- **Research Use**
  - **Use of results or background necessary to use the results for all purposes other than for completing the action or for direct exploitation**

Based on IMI1

- **Direct exploitation**
  - **to develop for commercialisation or to commercialise the results**





# Access Rights conditions



Innovative Medicines Initiative

Access rights granted by a beneficiary to/on	Background (necessary and identified)	Results	Sideground
<b>Beneficiaries for completion of the action</b>	<b>Royalty-free</b>	<b>Royalty-free</b>	N.A.
<b>Beneficiaries and affiliates for Research Use</b>	<b>Fair &amp; reasonable terms</b> for background needed for using the results	<b>Fair &amp; reasonable terms</b>	N.A.
<b>Third Parties for Research Use after the action</b>	<b>Fair &amp; reasonable terms</b> for background needed for using the results	<b>Fair &amp; reasonable terms</b>	N.A.
<b>Beneficiaries and affiliates or Third Parties for Direct Exploitation</b>	To be negotiated	To be negotiated	N.A.

Based on IMI1



Only after the end of the action

Possibility to exclude specific elements of background (*NEW* only for existing background)

Based on IMI1

Time-limits to be agreed *NEW*

Granted on written  
request  
unless otherwise agreed

Almost all on-going  
IMI projects agreed  
that access rights to  
background are  
granted without any  
additional  
administrative step

Time-limits for  
requesting access  
*NEW*

~~Along the most  
appropriate needs~~

To be agreed in the  
consortium  
agreement

Each beneficiary has the obligation to disseminate its own results

As soon as reasonably practicable

**NEW** for publications: Open access is mandatory

Mandatory mention to IMI support & EFPIA in-kind contribution in patent applications / all communications

# Reference documents

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- **H2020 Rules for Participation**
- **IMI2 Delegated Regulation**
- **IMI2 Call Documents**
- **IMI2 model Grant Agreement**
- **IMI2 annotated Grant Agreement (*soon*)**

[www.imi.europa.eu/content/documents](http://www.imi.europa.eu/content/documents)

- **Translational approaches to disease modifying therapy of Type 1 Diabetes Mellitus (T1DM)**  
Friday 11 July 2014, 14:00 – 16:00 CEST (Brussels time)
- **New procedures, rules, guidance & IPR for Calls for proposals**  
Monday 14 July 2014, 14:00 – 16:00 CEST (Brussels time)  
*registration is now closed*  
Monday 3 September 2014, 14:30 – 16:00 CEST (Brussels time)
- **Discovery and validation of novel endpoints in dry age-related macular degeneration and diabetic retinopathy**  
Tuesday 15 July 2014, 16:00 – 18:00 CEST (Brussels time)

## Crowne Plaza Hotel, Brussels, Tuesday 30 September 2014

- Workshops and presentations of topics by the topic writers
- Overview of IMI 2 funding and intellectual property (IP) rules
- Tips on applying for funding under IMI 2
- Networking opportunities
- IMI staff on hand to answer questions

*We warmly encourages small and medium-sized enterprises, mid-cap businesses, patient organisations, regulatory authorities, academic teams, industry, hospitals and other organisations*

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[infodesk@imi.europa.eu](mailto:infodesk@imi.europa.eu)





# Your contact points

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- Contact the **IMI Programme Office**  
[infodesk@imi.europa.eu](mailto:infodesk@imi.europa.eu)
- Get in touch with your **local IMI contact point**  
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- Talk to your **IMI Health National Contact Point (NCP)**

# Questions and Answers