



Horizon Europe

An overview of IPR related grant rules, including open science

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Disclaimer: Presentation reflecting the latest developments. May be subject to modifications.

Evolution

→ provisions are built on the existing framework but with more emphasis on the exploitation and dissemination of results, including through open science

Aspects of the IPR related rules highlighted:

Ownership
&
Protection

Exploitation

Dissemination
&
Open science

Ownership & protection

- General rule: each beneficiary owns the results it generates
- Joint ownership: where certain beneficiaries have jointly generated results and it is impossible to determine the respective share of the work or to separate them for protection
 - Joint ownership agreement required; unless otherwise agreed, each joint owner may grant non-exclusive licences to third parties, without the right to sub-license, if the other joint owners are given prior notice and fair and reasonable compensation.
 - Joint owners may opt for a different regime
- Beneficiaries must adequately protect their results if protection is possible and justified, taking into account all relevant considerations

Reinforced focus on exploitation

- General rule: beneficiaries must use their best efforts to exploit their results, directly or indirectly, in particular through transfer and licensing
- Beneficiaries must complete a results ownership list (ROL) in the last report to clarify the ownership of the results
- If despite their best efforts the results are not exploited within one year after the end of the project, the beneficiaries must use the Horizon Results Platform to find interested parties to exploit their results (obligation may be waived if justified)



- Continued reporting on the progress and obstacles regarding exploitation afterwards

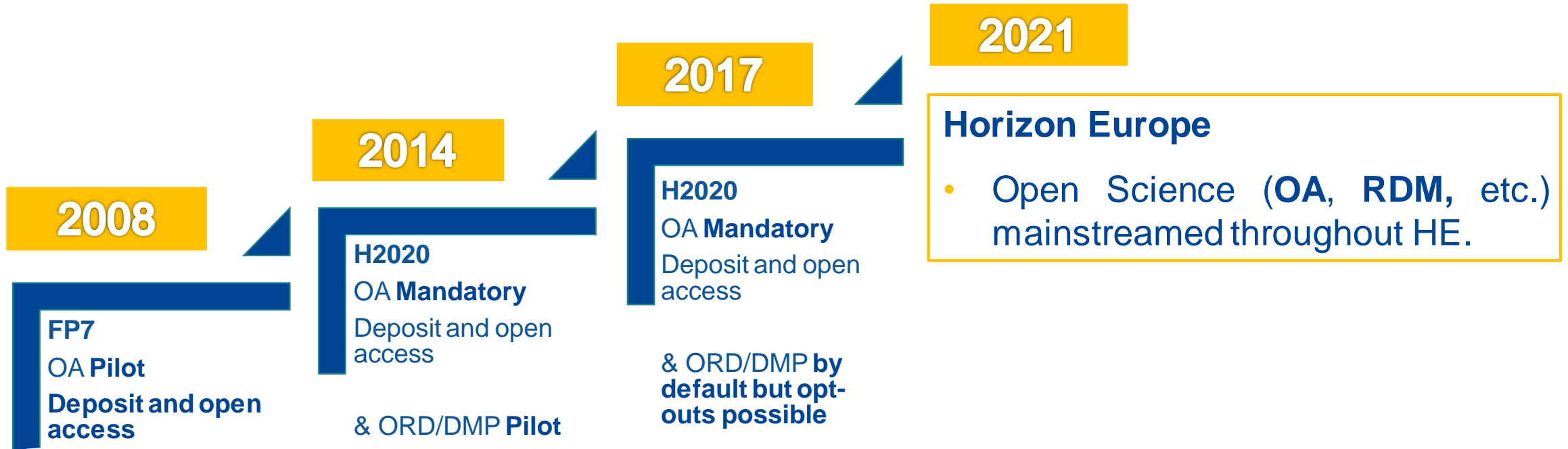
Additional exploitation obligations

- Additional exploitation related obligations may apply if indicated in work programme/call conditions, for example:
 - requiring that in case of a public emergency and if requested by the granting authority, beneficiaries must grant non-exclusive licences under fair & reasonable conditions to entities that need the results to address the public emergency and commit to rapidly and broadly exploit the resulting products and services at fair & reasonable conditions.

Dissemination

- General rule: beneficiaries must disseminate their results as soon as feasible, subject to any restrictions due to the protection of intellectual property, security rules or legitimate interests
- A beneficiary that intends to disseminate its results must give advance notice to the other beneficiaries to ensure that their interests are not harmed
- Additional dissemination obligations may apply if indicated in work programme/call conditions

Open science



OA to peer-reviewed publications

- Obligation to deposit at the time of publication in a trusted repository and ensure immediate open access through the repository using open licenses (CC BY or equivalent for journal articles, CC BY-NC/ND or equivalent allowed for long-text formats)
- Publication may be in venue of choosing but any publication fees are reimbursable only if publishing venue is full open access
- Metadata of deposited publications must be open (under CC0 or equivalent license); Persistent identifiers (PIDs) for publication, authors involved in grant, and where feasible, their institutions and the grant

Research data

- Beneficiaries must manage the digital research data generated responsibly in line with the FAIR principles and must:
 - establish and regularly update a data management plan (DMP)
 - deposit the data asap and within the deadlines set out in the DMP in a trusted repository; if required, must be part of European Open Science Cloud (EOSC)
 - ensure open access via the repository to the data asap and within the deadlines set out in the DMP under an open licence (CC BY, CC 0 or equivalent licence), following the principle ‘as open as possible as closed as necessary’
 - provide information via the repository about any research output or any other tools and instruments needed to re-use or validate the data
 - provide the required metadata which must be open to the extent possible

Additional open science obligations

- Additional obligations to comply with open science practices may apply if indicated in work programme/call conditions, for example :
 - requiring that for the validation of the conclusions of scientific publications, beneficiaries must provide (digital or physical) access to data or other results needed for such validation, to the extent that their legitimate interests or constraints are safeguarded
 - requiring that in case of a public emergency and if requested by the granting authority: beneficiaries must provide immediate open access to research output or grant access for legal entities that need the research output to address the public emergency and commit to rapidly and broadly exploit the resulting products and services at fair and reasonable conditions

More rules

- Other IPR related rules apply (e.g. access rights, transfer and licensing of results)
- Specific or additional obligations may apply for specific projects or types of projects
- Always check the applicable part of the work programme (specific part & general annexes), the specific call conditions and the model grant agreement
- Beneficiaries may provide for additional rules in their consortium agreement

Thank you