

Get your ticket to innovation

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Dear reader,

During its four-year lifespan the Seventh Framework Programme (FP7) has revealed itself to be a remarkable tool for research excellence throughout Europe and for the attainment of the European Research Area.

However, some of its aspects need to be fine-tuned. The content of this third Bulletin issue mainly focuses on actual problems of the FP7 as well as on some further steps to take into account in the forthcoming Horizon 2020.

Indeed, in the framework of FP7 some IP-related problems seem to be recurrent among

participants at different stages of the project life cycle. Interestingly, the main obstacles experienced in practice vary greatly from public research institutions to private companies. This is the outcome of a survey recently undertaken in Czech Republic, whose results are explained in detail in the present publication.

To help those participants who face difficulties in the management of IP matters and the newcomers looking for a general overview of the issues at stake, the European IPR Helpdesk published this month three fact sheets dealing with IP management during all phases of an FP7 project. These documents endeavour to be as comprehensive as possible, always with a practical approach needed for the day-to-day management of FP7 projects.

Still, when it comes to the commercialisation of FP7 projects' results, IP problems seem to be deeper and point to other sources. Indeed, as a recent study on "ICT R&D and Innovation" recommends, IP in FP7 should be better handled in order to provide an effective system for the exploitation of results generated by EU-funded projects.

Yet, IP is much more than FP7. In this issue we

are going to get better acquainted with copyright and, in particular, with its registration. Did you know copyright is registrable? Do you really need to register it in order for it to be protected? The Helpline experience has shown us that these questions are often asked by many copyright owners and IP managers. Therefore, in this publication we will try to shed some light on this issue.

Meanwhile, IP trends are shifting around the globe. On the other side of the Atlantic, a recent reform has turned the US patent law into a first-to-file system as opposed to the previous first-to-invent system. This reform has been internationally welcomed as a major step towards a harmonisation of American patent process with the rest of the world. As anticipation, we will dedicate an article on the analysis of the US patent reform in a forthcoming Bulletin issue.

As usual, we also give you information on events and training activities where our experts have participated. Have you also been there? Check out this issue and see where we are going to be next – perhaps this time you can join us!

Your editorial team



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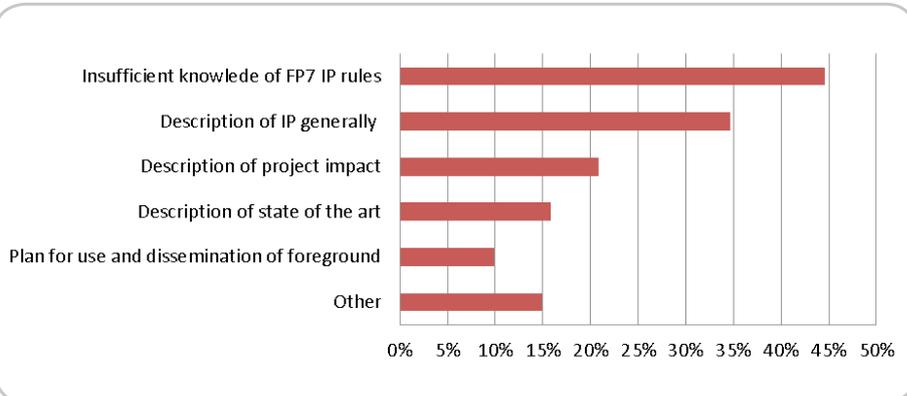
Czech survey: IP problems in FP7 projects



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“With the present survey, we wanted to get a better understanding of the main IP problems and challenges FP7 participants face at the different stages of their projects.”



Picture I. - Most problematic IP aspects of project proposal preparation as perceived by the survey respondents

In 2010, the Technology Centre ASCR initiated a survey among Czech FP7 project participants in order to gain information on the handling of Intellectual Property (IP) and other problems at different stages of a research project. The following article presents examples of the survey highlighting certain IP questions and corresponding answers with regard to the FP7 project life cycle.

IP issues at the project proposal preparation and negotiation stage

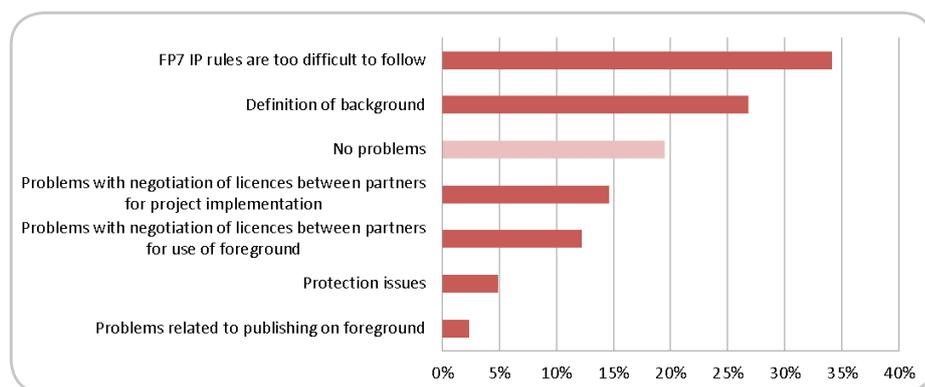
Concerning preparation of the project proposal and its parts dealing with IP issues (Picture I.), the Czech survey revealed that awareness of and description of IP generally was deemed to be difficult for every third respondent while preparing FP7 projects. Almost one-half of all respondents feel that insufficient knowledge of FP7 IP rules causes them to have problems in this project phase. Unfamiliarity with FP7 IP rules is the biggest problem for universities (UNIs) and public research institutions (PRIs) at this point, as further analysis showed. This is however not the case with SMEs and large enterprises (LEs) which say that the description of IP is generally the most problematic one for them when preparing project proposal.

Analyzing the answers to the question on participants' experience with consortium agreement (CA) preparation one comes to the conclusion that, only less than half of respondents are happy with the quality of first CA draft usually presented by coordinators. Surprisingly, one-third of respondents, largely formed by participants from UNIs and PRIs, claims they never comment on and are not interested in CA content before signature.

This is however not true of the majority of SMEs and LEs respondents. Respondents also replied to the question “Which CA part deserves the highest priority while commenting on CA in your opinion?” Most respondents answer that the biggest attention is paid to CA’s financial provisions followed by IP provisions and finally by provisions on the consortium’s organisation structure. Nevertheless, from the perspective of the respondents’ legal status, most SMEs respondents claim they give

IP issues at the project implementation stage

Regarding the most problematic aspects of project implementation in relation to IP (Picture II.) the Czech survey shows that FP7 IP rules were deemed to be difficult to follow for one-third of all the respondents; these respondents mostly come from UNIs and PRIs. Determination and definition of background to be brought into the project seems to be the second largest problem as perceived by one-



Picture II. - IP aspects that are deemed to be most difficult in project implementation stage for the survey respondents

highest priority to IP sections followed by financial provisions. On the other hand, UNIs respondents confirm they mostly focus on financial provisions. When analyzing results from the perspective of researchers vs. administrative staff, most respondents from the group of researchers say they primarily comment on IP provisions in CAs.

fourth of all the respondents; the majority of these respondents however comes from participating SMEs. From the perspective of respondents’ role in FP7 projects, most coordinators say they do not see or have any problems related to FP7 IP issues. This does not apply to the majority of standard consortium partners who consider FP7 IP issues to be difficult to follow at this stage.

IP issues at the project completion stage

As for the respondents' experience with whether their expectations about IP have been met or they expect them to be met in relation to their participation in FP7 projects, the Czech survey reveals:

More information about the Czech survey and its IP part can be found in an English publication (Chapter 4 - FP7 IPR) to be published by Technology Centre ASCR by the end of 2011 which will be available online (please follow <http://www.tc.cz/publications> or send an e-mail to vanovaj@tc.cz).

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Survey questions	Survey answer	Further analysis of the answer
Premise of creating and gaining new results	YES – 97% NO – 3%	
Acquiring access to project results and other IPR (including background) of other partners	YES – 89% NO – 11%	All respondents from the group of SMEs and LEs answered YES. Majority of LEs answered YES.
New opportunities for patenting or acquiring other IPR, thus expanding own portfolio of intellectual property	YES – 25% NO – 75%	Surprisingly more SMEs do not expect gaining new opportunities for patenting or acquiring other IPR than SMEs which hope for this.
Future financial profit from commercialisation and/or use of foreground created in the FP7 project	YES – 52% NO – 48%	All LEs and large majority of SMEs answered YES. Majority of UNIs answered NO to this question. When comparing answers of researchers vs. administrative staff, majority of researchers answered YES, majority of administrative staff answered NO.
Strengthening competitiveness	YES – 76% NO – 24%	
New publication opportunities	YES – 86% NO – 14%	

Seventh Framework Programme: A brief analysis on its limited commercial impact

A recent study reveals that EU-funded research scintillates with scientific excellence, but when it comes to turning research results into profitable innovation, European projects fall behind. Hence, expectations with regard to a comprehensive exploitation strategy and policy of research results in the future "Horizon 2020" are high.

Since its start in 2007, the Seventh Framework Programme (FP7) has successfully attained many of its goals. It has dramatically improved the research quality throughout Europe: first by attracting the best researchers in universities and Research and Technology Organisations (RTOs), and secondly by helping less experienced researchers increase their knowledge base and scientific capabilities as well as the extent of their international relationships.

FP7 is also having a structuring effect. Since it has become a stable feature of the European research landscape, both at national and local

level, policies have been directed to foster research and innovation. This could be perceived by the revision of research strategies and amelioration of administrative capacities necessary for research activities, within several EU Member States¹. Finally, the extraordinary reach of the Framework Programme's breadth and scope makes it

particularly valuable for the achievement of the European Research Area.

These valuations reveal that EU-funded research is likely to be world-leading with significant scientific impact. Nevertheless, the interface between research outputs and innovation is crucial. Indeed, research transforms money from the EC into Intellectual Property (IP), which in turn is converted into money through innovation.

Innovation, in fact, is the key engine to boost economic growth, competitiveness and labour. As a consequence, in order to reap the benefits of the EU-funded projects, assistance should be provided to support the entire innovation process from basic research to commercial exploitation. Nonetheless, a recent study on "ICT R&D and Innovation"² presented by the Information Society Technologies Advisory



¹ Interim Evaluation of the Seventh Framework Programme, Report of the Expert Group (hereinafter Interim Evaluation), Final Report 12 November 2010, available at http://ec.europa.eu/research/evaluations/pdf/archive/other_reports_studies_and_documents/fp7_interim_evaluation_expert_group_report.pdf

² Report on Orientations for EU ICT R&D & Innovation beyond 2013, Report from the Information Society Technologies Advisory Group (hereinafter ISTAG report), July 2011 available at http://cordis.europa.eu/fp7/ict/istag/reports_en.html

Group (ISTAG)³ shows that results achieved by EU-funded projects have limited impact in terms of commercialisation. The paper highlights that although the projects' results are excellently disseminated by way of remarkable papers, conference participation and the like, innovation and exploitation are still down played. The reason is envisaged in the EC inclination towards only research and development (R&D) and leaves innovation and exploitation not properly handled for a sustainable commercial impact of research outcomes⁴. The Advisory Group then recommends that in the future Horizon 2020 programme the EC shift the focus from R&D to innovation and exploitation, while keeping up efforts for R&D. To this end, however, IP derived from EU-funded projects must be protected and efficiently managed so as to obtain the full benefits from R&D investment.

One of the main elements missing in the actual Framework Programme is deemed to be a comprehensive strategy for the management of the IP generated by projects. This insufficiency is supposedly caused by the fact that there is:

- No appropriate policy or support from the EC to guide IPR protection in FP7 projects,
- No contract framework to handle the IP rights both within the project and with external parties,
- No central body at the EU level to manage the IPR generated by the projects⁵.

Consequently, this implies the potential loss of the economic benefits deriving from IP created by EU funded projects to the benefit of non-European competitors⁶. It is then of vital importance that a strategy concerning the protection, use and dissemination of projects' results be set to ensure a successful and profitable commercial exploitation of innovation.

Yielding important commercial benefits is nevertheless indispensable to gain access to new IPR in order to enhance the research in the "new economy" fields. Indeed, the development of new products and processes is fundamental to get the better of the new markets.

For this purpose, industry is deemed to be the bridging element between research results and innovation. However, EU companies' participation in FP7 has decreased to only 25%⁷. If we focus on SMEs, this is apparently caused by the administrative burden they have to face as well as by the low-risk approach the Commission adopts when evaluating project proposals⁸. That is, the actual EC assessment instruments are risk-adverse with the consequence that proposals having higher risk are often rejected⁹. Yet, small companies experiencing high risk of failure are normally a source of high-gain innovation and perform research often in the "new economy" sector.

Consequently, the ISTAG report recommends that improved laws and policies be introduced in Horizon 2020 to support new technology players, foster entrepreneur-awareness and encourage start-ups and ventures. Adequate instruments should be created by the EC in order to switch to a more trust-based and risk-tolerant approach when evaluating and funding projects. Moreover, the EC should also set a more flexible and lightweight call procedures for an administrative simplification and speed-up.

Of course, for an effective and efficient commercially exploitative environment it is indispensable to have close collaboration between universities, RTOs and industry. To this end, the EC has already issued a recommendation related to the academia-industry

collaboration and on how to convert knowledge into socio-economic benefits¹⁰.

However, what is stressed by the EC Advisory Group is that in the forthcoming Horizon 2020 more effort should be put to achieve greater impact on innovation. This could be achieved by stimulating the participation of industry and SMEs and by focusing on the commercial exploitation of EU-funded projects' results through a proper IPR protection strategy. Without addressing these challenges, Horizon 2020 is unlikely to fulfil expectations of its contribution to innovation which will be essential for the attainment of the European Research Area.



3 ISTAG's main role is to provide the European Commission with independent advice on the overall strategy for ICT research and development and the content and direction of research work in ICT undertaken in the EU Framework Programme.
 4 ISTAG report, cited
 5 Ibid. It is interesting to analyse the statistics shown within the report referring to an example of IPR-loss.
 6 Interim Evaluation, cited.
 7 Ibid.
 8 ISTAG Report, cited.
 9 ISTAG Report, cited.
 10 For an analysis of this recommendation see [European IPR Helpdesk Bulletin Issue \(2\)](#).

“Capacity Building” with a click: European IPR Helpdesk training team successfully launches webinar programme.

In order to raise awareness among our beneficiaries of the necessity to properly handle Intellectual Property (IP) and to develop IP management strategies and processes, one of the major goals of our service is “capacity building”. It is in this context that we offer on-location and web-based training events which range from sessions dealing with the basic issues of IP management and IPR in EU funded research programmes to advanced workshops covering rather specialised subjects such as IP exploitation or technology transfer.

In September we successfully started our series of webinars (web-based sessions) with two modules which lie at the bottom of the Intellectual Property domain. The first, and more basic one, covered the “Introduction to Intellectual Property and Intellectual Property Rights”, whereas the second webinar focused on principles of “IP management”. While the former is intended to raise interest in IP and IPR, the latter offers a broad overview of the tools available to properly manage intangible assets. This webinar is a precursor to the second module on IP management which proposes a more detailed approach to IP strategies.

Our team was extremely satisfied with the participation rate as well as the participants’ positive feedback. We were pleased to see that we had participation from all of our targeted areas, namely: academia, business and intermediaries providing innovation support services for SMEs and researchers.

Regarding the webinar focusing on IP introduction,

Ms Ilaria Marsili, project manager at the University College London, cheered the easiness of the presentation and said: “It gave a well-structured overview of different aspects related to IP issues. At the end of the seminar it was clear what kind of topics should be further addressed in more details.” In view of that, as an advisor of consortia wishing to exploit their foreground generated in FP7 projects, Ms Marsili anticipated her intention to participate in the advanced webinars on IP and IPR issues in FP7/CIP projects too.

Concerning the IP management I webinar, Dr Effimia Panagiotidou, attorney at law, emphasised the straightforwardness of the content in a way that “it helped all the people in the office get a general idea on such topics, also those not familiar with IPR matters. I liked very much the interactive facilities”, she said. “In some way, it can be better than the “real” classroom, since you have the ability to discuss with your colleagues without annoying the class, etc.”

We will continue to support our beneficiaries in order to increase awareness of IP throughout Europe and to highlight its importance – both for the business and the university sector. However, given the short duration of a webinar (which normally lasts one hour), our online training sessions will rather focus on theoretical concepts, although we always strive to tackle some practical aspects of the issues at hand.



Our webinar in action

Our webinars are announced via our newsletter service. However we strongly recommend registering well in advance due to limited places available.

Upcoming webinars

- Topic: IP Exploitation
Date: End of November
- Topic: Technology Transfer
Date: December
- Topic: IP Enforcement
Date: December

The exact dates will be published in our online event calendar soon. Our webinars are free of charge.

JOINING OUR WEBINARS: FOUR BASIC STEPS

- 1 Check upcoming webinars in our event calendar and register for the one you are interested in well in advance.
- 2 Once you have been accepted to the course, you will receive a confirmation from the training team.
- 3 We are using WebEx web conferencing technology. Thus, your access data is sent to you directly by the WebEx messenger.
- 4 Join the webinar by clicking the link provided in the WebEx email with your access data.

Fancy a little quiz?

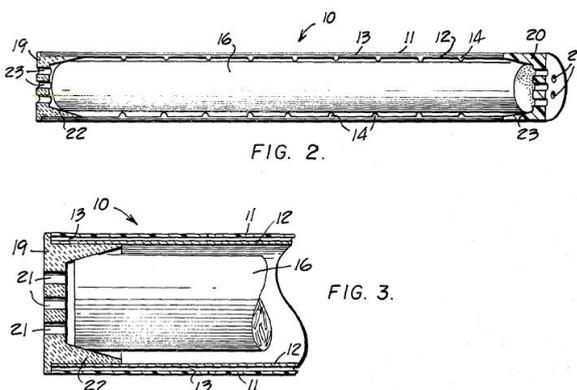
As you know every issue includes a quiz especially prepared by our expert of the European Patent Office, Mr. Paul Schwander, to help you develop your patent searching skills using Espacenet.

The solution of the quiz will be given in the following issue. Why don't you try using Espacenet today? Here comes our third quiz:

QUIZ

Safe smoking

Smoking is harmful to your health, we all know that. But smoking cigarettes can also be dangerous as they can easily start a fire. Cigarette manufacturers have now found a partial solution to this problem: making cigarettes less likely to burn. If you leave your cigarette unattended in an ashtray or elsewhere, the cigarette will stop burning after a while thanks to its special composition. Try finding patents covering these type of cigarettes using Espacenet.



SOLUTION OF PREVIOUS QUIZ

Harnessing energy from the sun

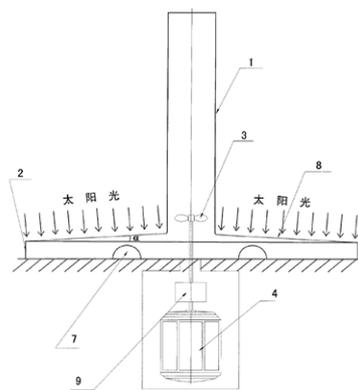
Harnessing solar energy is essential for our future. This article¹ describes what could become the solar power plant of the future based entirely on air convection: "The technology relies on an elementary principle of physics: heat rises. To generate power, a massive greenhouse creates hot air and funnels it into a tall chimney like structure. This hot wind propels a wind turbine within the tower. According to some estimates, such towers could, if sufficiently large and in the proper environment, generate emissions-free power at a considerable discount over traditional renewable sources." An animated illustration can be found here².

Step one: To find similar patents, identify the most pertinent aspects of the invention – common technical features that may be found in related patents – and for each aspect, define a comprehensive set of synonyms. To perform the search, the following concepts – groups of synonyms covering the different aspects of the invention – can be defined:

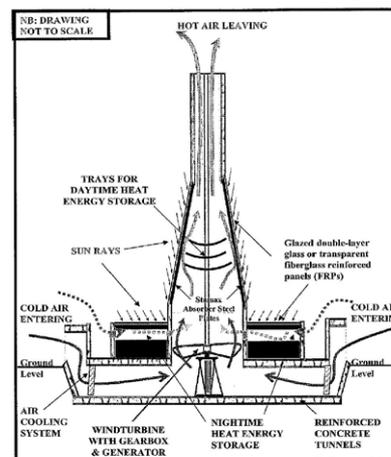
1. solar*
2. chimney*, tower*
3. hot, warm
4. air, atmosphere, gas
5. turbine

The combination *solar chimney turbine* yields a preliminary list³ containing several relevant patent documents:

CN 201215068⁴ (Y) Solar chimney power generator



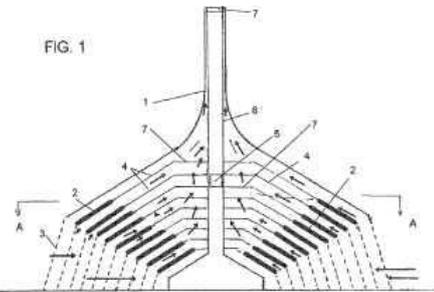
WO 2006098662⁵ (A2) The solar minaret



- 1 <http://green.blogs.nytimes.com/tag/solar-updraft/>
- 2 <http://www.youtube.com/watch?v=0tWIP0knKQU&feature=related>
- 3 http://worldwide.espacenet.com/searchResults?DB=EPODOC&locale=en_EP&AB=solar+chimney+turbine&ST=advanced&compact=false
- 4 http://worldwide.espacenet.com/publicationDetails/biblio?CC=CN&NR=201215068Y&KC=Y&FT=D&date=20090401&DB=EPODOC&locale=en_EP
- 5 http://worldwide.espacenet.com/publicationDetails/biblio?CC=WO&NR=2006098662A2&KC=A2&FT=D&date=20060921&DB=EPODOC&locale=en_EP

SOLUTION OF PREVIOUS QUIZ

EP 1741927⁶ (A1) Solar chimney energy generator

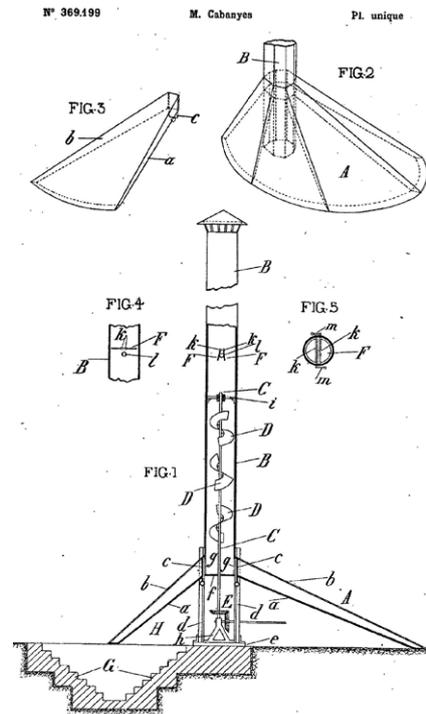


Step 2: Use the classification assigned to relevant documents to refine and complete the search.

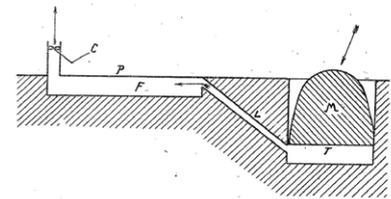
One of the classification symbols assigned to the above documents corresponds to wind motors being combined with means for converting solar radiation into useful energy: F03D9/00E⁷. Another classification that looks even more relevant is devices for producing mechanical power from solar energy by producing an updraft of heated gas, e.g. air driving an engine F03G6/04B⁸.

Using the latter as a search criterion, yields this list of additional interesting documents⁹. Those patents can be ranked¹⁰ according to their priority dates. This enables retrieving quite old patents relating to this type of chimneys like:

FR 369199¹¹ Moteur aéro-solaire dated 1906



FR 37903¹² Mode d'utilisation de la chaleur solaire dated 1931



Both patents show that this technology is rather old and that its recent development is just a variation of a well-known and old innovation.

This search even if using a classification symbol cannot pretend to be exhaustive. This is always to be kept in mind when performing such basic searches.

6 http://worldwide.espacenet.com/publicationDetails/biblio?CC=EP&NR=1741927A1&KC=A1&FT=D&date=20070110&DB=EPODOC&locale=en_EP
 7 http://worldwide.espacenet.com/eclarsh?classification=ecla&locale=en_EP&ECLA=F03D9/00e
 8 http://worldwide.espacenet.com/eclarsh?locale=en_EP&classification=ecla&ECLA=F03G6/04B
 9 http://worldwide.espacenet.com/searchResults?DB=EPODOC&locale=en_EP&EC=F03D9%2F00E&ST=advanced&compact=false
 10 http://worldwide.espacenet.com/searchResults?DB=EPODOC&EC=F03G6/04B&ST=advanced&ascending=true&compact=false&locale=en_EP&response=708335&sortField=pr
 11 http://worldwide.espacenet.com/publicationDetails/biblio?DB=EPODOC&locale=en_EP&response=003148&FT=D&date=19061231&CC=FR&NR=369199A&KC=A
 12 http://worldwide.espacenet.com/publicationDetails/biblio?DB=EPODOC&locale=en_EP&response=6455151&FT=D&date=19310207&CC=FR&NR=37903E&KC=E

Fact sheet: a concise explanatory document

A fact sheet is essentially a short document where certain topics are presented in a plain format which concisely emphasizes key points. At times, it can tackle problems by providing solutions on “how-to-do”, as well as cover practical issues by giving suggestions via a “step-by-step” approach.

For all these purposes, the European IPR Helpdesk regularly delivers factsheets on topics associated with Intellectual Property (IP) issues. As regards, we recently published three factsheets on the management of IP in the Seventh Framework Programme (FP7) which aim at providing guidance for SMEs, researchers and any other entity wishing to answer a call for proposal in FP7.

Indeed, the FP7 rules are rather complicated and Czech survey presented within this Bulletin issue is concrete proof that participants in EU-funded projects have huge difficulties when approaching IP matters.

The three fact sheets cover the entire process of any FP7 project, starting from the proposal stage, passing through the negotiations, up to the implementation and post-contractual phases. They strive to address all of the problems showed by the above mentioned survey with a view to presenting a comprehensive approach, taking into account the diversity between business and academia when dealing with IP in FP7.

The fact sheets’ first goal is undoubtedly the improvement of knowledge about FP7 IP rules and to present them in an easy-to-understand fashion. They then endeavour to enhance IP awareness, necessary to any consortium in order to foresee the proper management of the intangible assets that will be generated within the funded project.

The proposal stage IP-related issues are essential for successfully achieving the Grant Agreement (GA) issues by the European Commission and

in making the most of the project’s results. The related fact sheet is indeed crucial to understand how to deal with IP within the proposal text: e. g. identification of IP that each applicant is potentially bringing to the project (description of background), strategy setting for the use and dissemination of the foreground and the like.

Alongside the description of IP issues contained within the GA, the outline of an appropriate Consortium Agreement (CA) forms the bulk of the second fact sheet. During the negotiations phase the CA is of great importance since it is complementary to the IP provisions contained in the GA and preliminary to its final signature. In fact, it is mandatory that it be agreed upon before the signature of the GA.

Almost every participant experiences huge difficulties when drafting a CA and some of them do not even take into consideration all of the provisions set therein. The above mentioned survey affirms that difficulties are also encountered in the determination and definition of background and consequently in the granting of access rights to other project partners for project implementation. Yet again, such aspects should have already been discussed between partners beforehand and regulated within the CA.

In so doing, beneficiaries could better ensure that their project will be implemented smoothly. During

the implementation stage partners should take care of prospective joint ownerships of the foreground, its protection and mainly its use and dissemination.

The third and final fact sheet in this series has thus the purpose of highlighting the steps you need to follow in order to pave the way forward for the exploitation and dissemination of the knowledge created during your research. Survival of post-contract IP provisions is also covered. Indeed, Intellectual Property Rights (IPR) are essential for the exploitation of foreground and greatly enhance the post project marketing and commercialisation of the products and processes developed during the research phase. Moreover, by acquiring more IPR it is possible to expand the IP portfolio and increase the value of your organisation. Therefore, an advice from the fact sheet is – do plan to attempt the commercial exploitation of the foreground.

The Czech survey shows that IP rules have been proven to be hard to follow among FP7 beneficiaries. The fact sheets we published give an overview of the entire FP7 process and the IP rules governing it. They are strictly interconnected so that a thorough reading of the three is strongly advisable for a better understanding of the issues at stake. No process is easily attainable if its phases are not methodically followed.

Our fact sheets are available for download on www.iprhelpdesk.eu



What does “copyright registered” mean?

The Enterprise Europe Network (EEN) assists SMEs in finding new partners for business collaborations through a database of cutting-edge technologies with thousands of technology profiles. If you are an SME looking for technology to use in your project or are searching for a business application for your technology, the [database of Technology Profiles](#)¹ is the right tool for you. In this way, EEN encourages the valorisation of your assets and the internationalisation of your business.

To be part of this database, SMEs must fill in a technological offer or request with the technology’s details. One of the most important pieces of information usually requested is the type of intellectual property rights protecting the technology. There are several options to choose from, one of which is “copyright(s) registered”. The term “copyright registered” is, however, sometimes unclear and the European IPR Helpdesk has received queries from users of EEN’s Technology Profiles concerning the meaning of such a term. The purpose of this article is therefore to assist you in fully understanding what is the term “copyright registered”.

Intellectual Property Rights (IPR)

- Patent(s) applied for but not yet granted
- Copyright(s) registered
- Secret know how
- Patent(s) granted
- License agreement(s) reached

This image was taken from the Enterprise Europe Network technology form, which is available online.

What is copyright?

Copyright is an intellectual property right, which entitles the owners of literary and artistic works to a set of exclusive rights over their works. These rights, generally, include:

- (i) copying;
- (ii) translating;
- (iii) adapting and altering;
- (iv) communicating and performing to the public;
- (v) distributing;
- (vi) renting and lending copies.

The author of a copyrighted work also has the right to claim authorship, as well as the right to object to a distortion and mutilation of the work that may

be detrimental to his honour or reputation². These rights are generally known as moral rights.

Copyright does not protect the ideas themselves but only the form of expression of ideas represented in a physical embodiment. The creativity protected is the originality in the choice in the arrangement of words, musical notes, colours and shapes.

In the European Union, copyright protection generally lasts for the life of the author plus 70 years after his or her death³.

What kinds of work are protected under copyright?

Copyright protects several categories of original works in the literary, scientific and artistic fields, such as books, articles, lectures, music, films, paintings, illustrations, software and much more.

What are the so-called “related rights” or “neighboring rights”?

These rights are connected with copyright and very much resemble it. In fact, while copyright aims to protect the creations of authors, related rights protect the work of performers, producers of phonograms and broadcaster organisations. For example, while copyright protects the work of the music composer, related rights protect the singer’s performance or the person who made the recording. Indeed, given the essential role of these persons in the diffusion of author’s works to the public, they are regarded as fundamental for intellectual creation. Their work, skills and creativity demand that their interests be protected, with an additional benefit for industry and consumers.

Did you know that the term of protection of performers rights has been extended in the EU?

Last month the Directive for Term Extension has been amended, now extending the term of protection for performers to 70 years after the performance, instead of the previous 50 years. This means that performers will now be entitled to receive the economic benefits from their work for a longer period of time and generally during most of their life, considering the current average life expectancy in the EU. This amendment is part of the European Commission’s Strategy on Intellectual Property Rights adopted in May 2011.

How can I protect copyright?

Copyright protection is automatic in the EU as well as in every country which is signatory of the Bern Convention. Hence, copyright owners do not have to rely on formalities or registration to enjoy protection. Indeed, copyright arises from the moment of the work’s creation.

Nevertheless, there are some measures that copyright owners may take with the purpose to inform others of the existence of copyright, reducing therefore the likelihood of a potential infringement. A well known measure commonly used is to mark copyrighted works with a copyright notice. Even though the copyright notice does not have to follow a particular format, usually it includes the copyright symbol (©), followed by the owner’s name and year of the work’s creation.

Can I register copyright?

Even though copyright owners do not have to register copyright and registration is not a requirement for protection, some national laws allow it. Many companies offer this service, as well as some national IPR offices in the European Union. An example of such registration is i-DEPOT⁴, a service offered by the Benelux Office for Intellectual Property. Using these non-mandatory registration systems may prove to be useful in some situations, particularly when it is necessary to demonstrate that a work was in the creator’s possession on a certain date. It may also prevent missappropriation of information in negotiations with potential partners, since it shows that such information had already been created.

Alternatively, creators may send to themselves a copy of the original work by registered postal delivery, leaving the envelope sealed until when or if it is needed in an infringement action (in the US and the UK this is commonly known as the “poor man’s copyright”). It is also possible to lodge the work with a solicitor or notary.

Thus, registration of copyright may facilitate evidence in court proceedings and should be therefore considered by copyright owners before entering into negotiations with the purpose to conclude a license agreement, technical cooperation or any other partnership agreement involving copyright.

¹ <http://www.enterprise-europe-network.ec.europa.eu/services/technology-transfer>

² See Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886.

³ See DIRECTIVE 2006/116/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2006 on the term of protection of copyright and certain related rights.

⁴ https://www.boip.int/wps/portal/site/ideas/lut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3jnlCdPRydDRwMDXydzA09fry9vPx8_YwsfQ_2CbEdFABaP2Z8!

The European IPR Helpdesk on tour – a selection of recent events

AAL Forum 2011, Lecce/Italy

From 26 to 28 September 2011 the historic city of Lecce/Italy was the venue of the third AAL FORUM, the annual conference of the Ambient Assisted Living Joint Programme (AAL JP). Against the backdrop of demographic change and ageing in Europe, the activities of this EU funding programme intend “to enhance the quality of life of older people and strengthen the industrial base in Europe through the use of Information and Communication Technologies (ICT)” (AAL Association). This year’s



AAL FORUM attracted about 600 participants from universities, research organisations, industry and

SMEs involved in the programme to southern Italy to present their projects and progresses made as well as to discuss future tasks and challenges.

With the management of IP and IPR becoming ever more important for submitting competitive proposals and entering into new projects, the European IPR Helpdesk was invited by the AAL Association to provide a workshop on central IP concepts and to outline the importance of properly dealing with IP issues during the whole lifetime of an AAL project. In addition, the team provided information on the Helpdesk services at an information booth in the exhibition area of the event. Earlier this year the AAL Association and the European IPR Helpdesk agreed on a close collaboration in the future.

Enterprise Europe Network Annual Conference 2011, Warsaw/Poland

“Connecting Business to Europe”, was the motto of this year’s annual conference of the Enterprise Europe Network (EEN), that took place from 26 to 28 September 2011 in Warsaw. For three days representatives of the European Commission,



advisors from EEN member organisations, and other related European institutions gathered in Warsaw to participate in the numerous workshops, plenary discussions, and networking activities. At the end the conference team around the Polish Agency for Enterprise Development counted around 850 participants.

During the conference, the European IPR Helpdesk had the opportunity to inform participants about their services at an information booth in the event’s market place. Furthermore, team members participated in a role play on “Negotiating Partnership Agreements: a disaster class”, developed in close cooperation with the European Patent Office (EPO)/European Patent Academy (EPA), members of the EEN IP working group, and the European Commission/DG Enterprise & Industry.

WHERE ELSE HAVE WE BEEN?



Upcoming events

- Conference “Managing Intellectual Property, Dispute Resolution and Innovation in Fusion”, Barcelona/Spain: 28-29 November 2011
- “Innovation Convention 2011”, Brussels/Belgium: 5-6 December 2011

Upcoming training

- Training session with IRTA (Institute for Food and Agricultural Research and Technology), Barcelona/Spain
- IP workshop with Enterprise Europe Network member for Berlin/Brandenburg, Berlin & Potsdam/Germany
- IP training with Health NCP Net, Bucharest/Romania

Please also check our online event calendar for other upcoming events.

GLOSSARY

Plan for Use and Dissemination of Foreground: This plan details the strategy and concrete actions for the protection, exploitation and dissemination of project results. It is prepared by the consortium for submission to the Commission during the early proposal stage and then becomes more detailed and completed as the project progresses.

Background: This means information, knowledge and intellectual property rights (granted or applied for) held by participants prior to their accession to the grant agreement and which are needed for carrying out the indirect action (i.e. project) or using the foreground (Art. 2.5 EC Rules of Participation and Art. 2.5 EURATOM Rules of Participation).

Use: In the framework of FP7, use means the direct or indirect utilisation of foreground (new knowledge) in further research activities other than those covered by the project, as well as for developing, creating and marketing a product or process or for creating and providing a service (using the results commercially or in industry).

Horizon 2020: It refers to the next EU funding programme for Research and Innovation (2014-2020). It will cover the funding currently provided through the (seventh) Framework Programme for Research and Technical Development (FP7), the Competitiveness and Innovation Framework Programme (CIP) and the European Institute of Innovation and Technology (EIT)

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