



# European IP Helpdesk

Stay ahead of the innovation game.

Importance of IP for SMEs

20 April 2021





# European IP Helpdesk


- Service initiative of the European Commission
- Addressing current and potential beneficiaries of EU funded projects, researchers and EU SMEs
- Free-of-charge first-line advice on intellectual property
- Hands-on IP and innovation management support
- International pool of IP experts from various thematic fields
- Unique cooperation scheme with the Enterprise Europe Network: 47 ambassadors from 28 EU countries



**Training**  
free online and on-site sessions



**Website**  
frequent updates from the world of IP and innovation



**Helpline**  
confidential treatment of individual IP questions



**Publications**  
practical IP knowledge through high-level publications



**Ambassadors**  
local IP support throughout Europe



**Events**  
info point at key networking events and conferences





# The EC IP Helpdesks



LATIN AMERICA  
IP SME HELPDESK



INDIA  
IP SME HELPDESK





# Communication Formats & Outreach Tools

Home Services Regional helpdesks IP management and resources News & Events About

European Commission > IP Helpdesk

## Intellectual Property Helpdesk

View published New draft History Translate Unpublish



Website



EU INDUSTRY DAYS 2021 #EUIndustryDays

European IP Helpdesk

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Training

### I. Trademark Basics

What is a trademark? A trademark is any sign capable of designating the goods and services of one company from those of its competitors.

By sign, we understand letters, words, numbers, colours, drawings or a combination of these. Please take into account that the list of signs that can constitute a trademark may vary from country to country and is, usually, non-exhaustive.

In order to be registrable as a trademark, the sign must meet the following requirements:

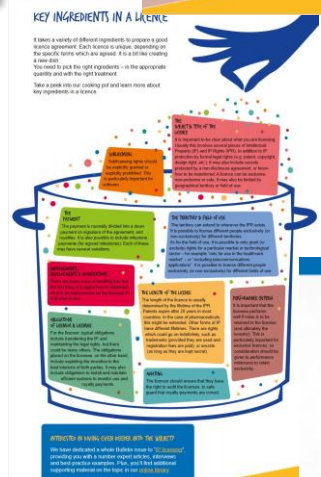
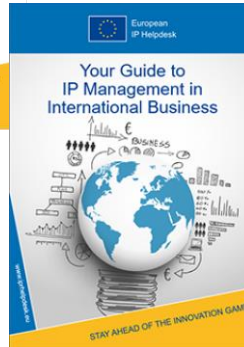
**Distinguishing character:** The services from the area affected by the trademark (the "non-descriptive" is immediately perceived as a trademark).

**Capable of representation:** "Capable of representation" refers to Intellectual Property Office (IPO) registration forms using general Register in a clear, precise, and both the user and the public can determine the scope of protection of the trademark.

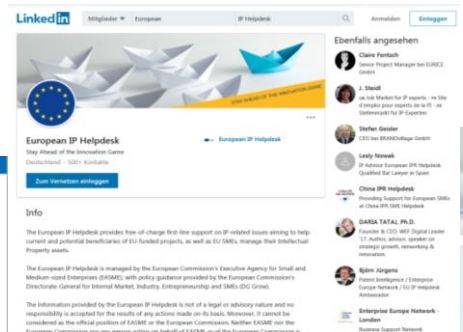
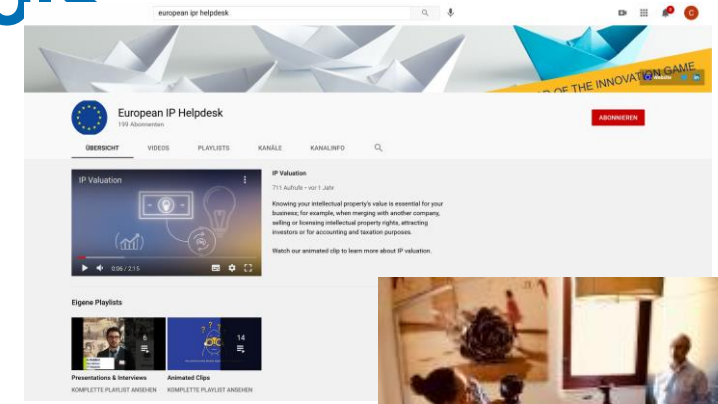
**The EUIPO does not admit arbitrary, taste and fashion marks for registration** because the common sense of the average consumer that allows for a clear and reliable way of recognizing such a mark.

**Different types of marks**  
**Individual mark:** This is the most "generic" kind of trademark that indicates the commercial origin of the protected goods and/or services.  
**Collective mark:** This refers to a mark that indicates that the goods or services produced by that mark originate from members of an association, rather than from just one company. Collective marks may be used together with the individual mark of the producer of a given good.

Publications



Audio-visual Content



Social Media





# Helpline



- Free-of-charge, first-line IP support
- Personal and “to the point”
- Answer within 3 working days
- Email, phone and web
- In: English, Spanish, French, German, Italian
- Confidential





## Europe - Upcoming events

- |                                   |   |                                   |   |
|-----------------------------------|---|-----------------------------------|---|
| <p><b>20</b><br/>APR<br/>2021</p> | <p>TRAINING AND WORKSHOPS   RESCHEDULED<br/><b>EU - Webinar: The Importance of IP for SMEs</b></p> <p> Live streaming available</p>   | <p><b>21</b><br/>APR<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: IP in EU funded projects with a special focus on MSCA</b></p> <p> Live streaming available</p>   |
| <p><b>28</b><br/>APR<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: Freedom to Operate</b></p> <p> Live streaming available</p>  | <p><b>05</b><br/>MAY<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: IP and Artificial Intelligence</b></p> <p> Live streaming available</p>  |
| <p><b>12</b><br/>MAY<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: IP in Biotechnology</b></p> <p> Live streaming available</p>   | <p><b>19</b><br/>MAY<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: IP Management in ICT Projects</b></p> <p> Live streaming available</p>   |
| <p><b>20</b><br/>MAY<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: IP in EU-funded Projects/H2020</b></p> <p> Live streaming available</p>  | <p><b>26</b><br/>MAY<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar &amp; CPVO coop: IP rights in Agri-food Sector: a Guide to Geographical Indications, Trademarks, Patents &amp; Plant Variety Denominations</b></p> <p> Live streaming available</p> |
| <p><b>09</b><br/>JUN<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: The new Copyright Directive</b></p> <p> Live streaming available</p>   | <p><b>16</b><br/>JUN<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: IP Commercialisation &amp; Licensing - Advanced</b></p> <p> Live streaming available</p>   |
| <p><b>23</b><br/>JUN<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: Effective IP and outreach strategies to help increase the impact of research and innovation</b></p> <p> Live streaming available</p> | <p><b>07</b><br/>JUL<br/>2021</p> | <p>TRAINING AND WORKSHOPS<br/><b>EU - Webinar: Maximizing the Impact of Horizon 2020 project results</b></p> <p> Live streaming available</p>   |



2021



# Ambassador Scheme

- **Cooperation scheme** with the Enterprise Europe Network (EEN)
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- **Publications** are made available in other languages than English
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- Local **awareness** and **training events**



Webtools | Leaflet | © OpenStreetMap contributors | Disclaimer

## Ambassadors team

**Currently, we have 47 ambassadors from 28 European countries:**

Get in touch with our European IP Helpdesk Ambassador coordination team by sending an email at: [ambassadors@iprhelpdesk.eu](mailto:ambassadors@iprhelpdesk.eu)



European IP Helpdesk | LATIN AMERICA IP SME HELPDESK | INDIA IP SME HELPDESK | CHINA IP SME HELPDESK | SOUTH-EAST ASIA IP SME HELPDESK

**My role as Ambassador – connecting people**

Easy and informed first-line support	IP and Tech Transfer (Head of TLO at INESC TEC)	Network (European IP Helpdesk + EEN + ASTP)	<i>I have always a friend that can help you</i>
Value-driven innovation	Economics and Management (Professor at University of Porto)	Science and R&D (PhD in Biomedical Sciences + MSc in Bioengineering)	Understand the need and problems

**EU INDUSTRY WEEK 2021** #EUIndustryWeek





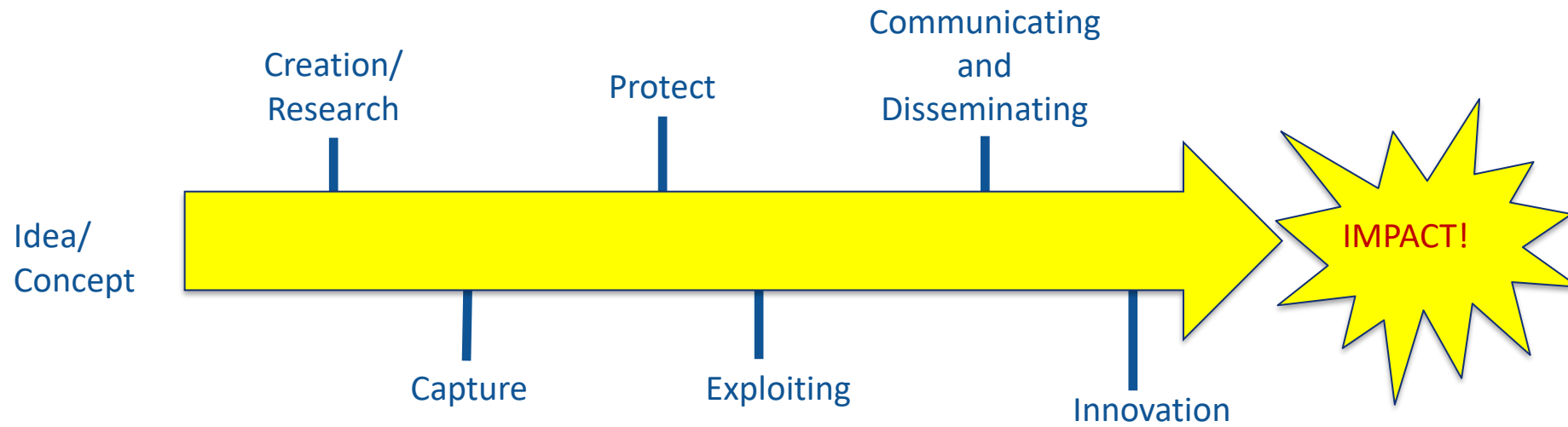


# Recording

- Please note that the whole presentation, including the recording, will be sent to you after the presentation. The presentation will be sent to you after the









# Innovation

- The successful exploitation (not necessarily commercial) of new ideas to produce tangible benefits



Invention

Exploitation and  
dissemination  
activities



Innovation

*Invention IS NOT Innovation*



# Innovation

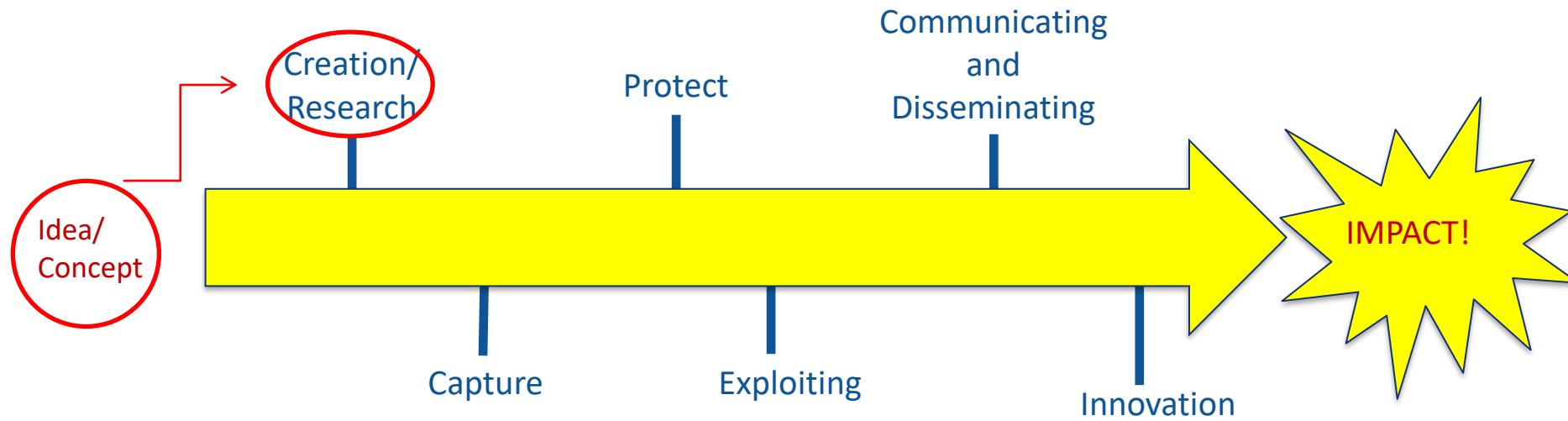


# Impact

- The extent of the benefits derived from the innovation



H2020 Evaluation Criteria: *“The **extent** to which the outputs of the project should contribute at the European and/or International level to the **expected impacts** listed in the work programme under the relevant topic.*”







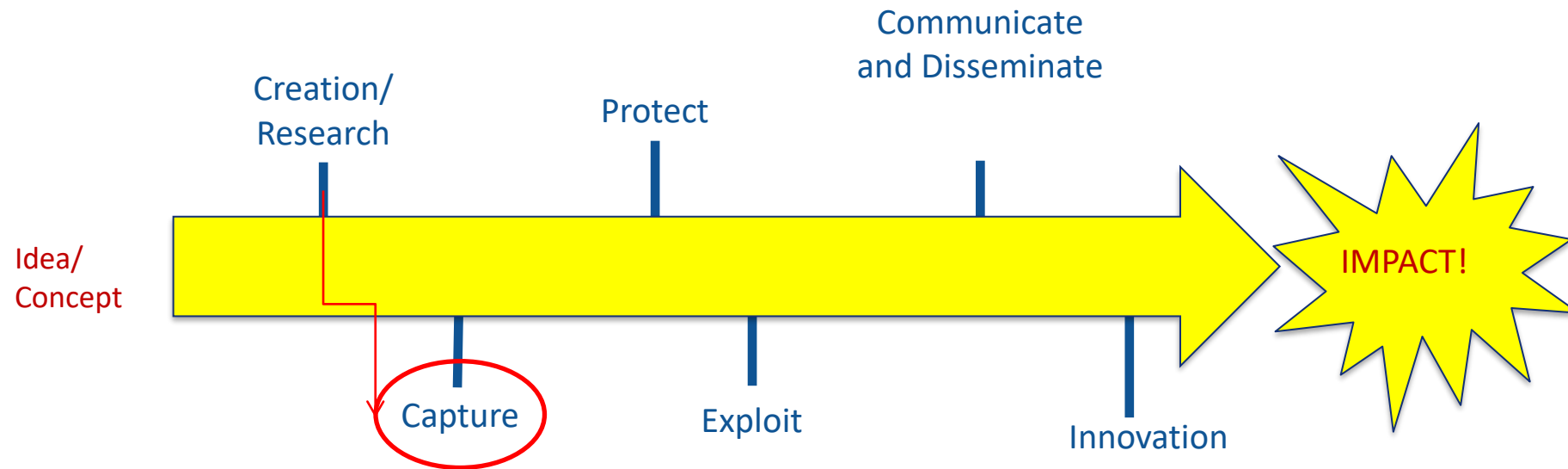


# CDA

- Don't disclose confidential information until confidentiality agreement (CDA) signed
  - Can't stop others from using it once publicly disclosed
  - May prevent patenting if invention publicly disclosed



- [Mutual NDA](#) – European IPR Helpdesk
- [One Way NDA](#) – European IPR Helpdesk
- [NDAs provided by UKPTO](#)





## Results

All output generated under the project – whether or not protectable. Such results may include copyrights, design or patent rights, trademarks or others, and belong to the partners who have generated them.







# Ownership of Results

- In Horizon 2020, generally the grant agreement establishes that the results of the project belong to the participant generating them.
- It is advisable to take appropriate measures to properly manage ownership issues, such as keeping laboratory books or other kinds of documentary evidence (e.g. **a properly completed Invention Disclosure Form**)
- Given the collaborative nature of most projects, some results can be jointly developed by several participants. Hence, situations of joint ownership might arise.
  - > **Joint Ownership Agreements** (i.e. defining specific conditions for granting licenses or issues related to costs of protection and sharing of potential revenues); Default rule in Consortium Agreement ..



# Access Rights

- Each project partner has the **right to request access rights to the other** project partner's background and **results** as long as it needs them in order to carry out its work under the project or to use its own results (these are minimum access rights).
- Shall be made in writing.
- To avoid conflicts, it is recommended that beneficiaries agree (e.g. in the consortium agreement) on a common interpretation of what is "needed"
- **Are to be requested/granted throughout the duration and up to 1 year** (or as otherwise agreed in the CA) after the end of the project for exploitation needs; Once requested, access rights may be exercised as long as they are needed for exploiting the results (e.g. until the background patent expires).
- Access rights do not confer the right to grant sub-licences.



# Access Rights

## Granting of Access Rights

	Access to background	Access to results
Project implementation	Royalty-free	Royalty-free
For exploitation	Royalty-free, or on fair and reasonable conditions	Royalty-free, or on fair and reasonable conditions



## Monitor Upcoming results:

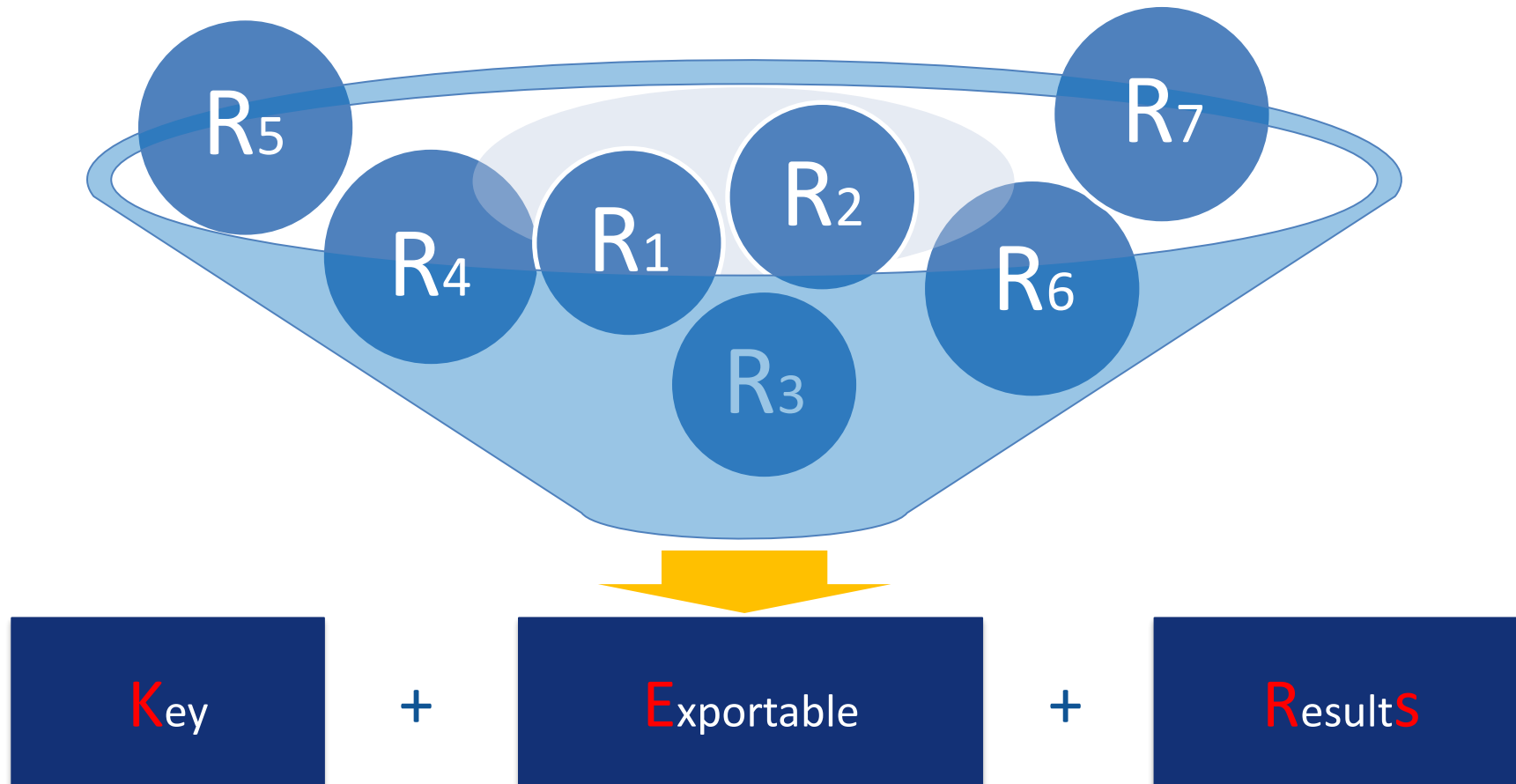
- Questionnaires to partners
- Exploitation workshops based on the results of the exploitation plan

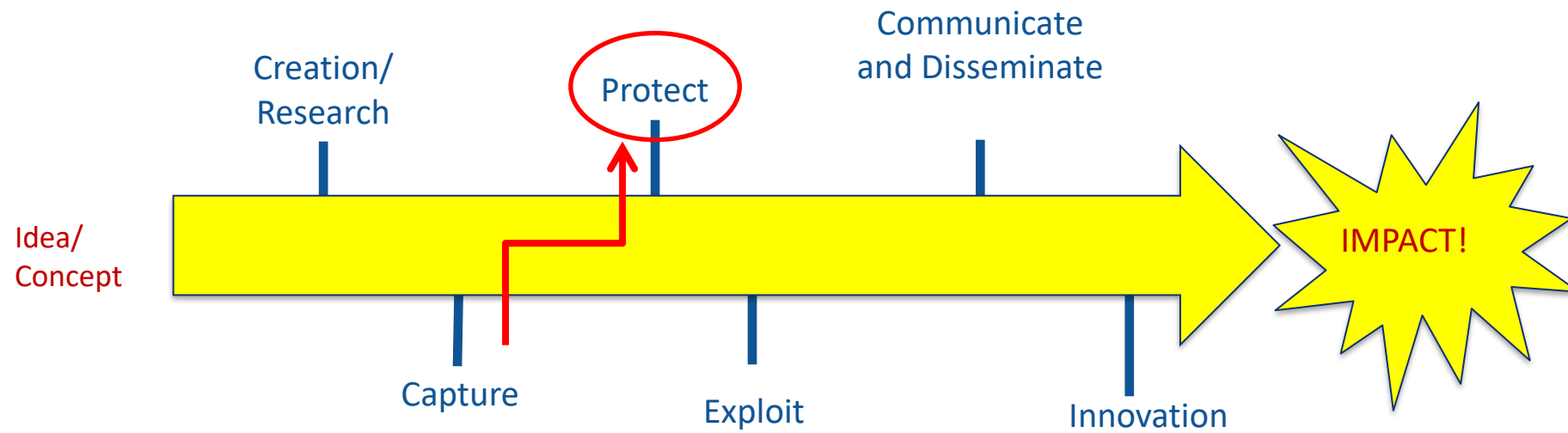






## Identify Key Exploitable Results







## General obligation to protect

Each beneficiary must examine the possibility of protecting its results and must adequately protect them — for an appropriate period and with appropriate territorial coverage — if:

(a) the results can reasonably be expected to be **commercially or industrially exploited** and

(b) protecting **them is possible, reasonable and justified** (given the circumstances).

When deciding on protection, the beneficiary must consider its own interests and the interests (especially commercial) of the other beneficiaries.



# Intellectual Property (IP)= All Results

- Products of the mind
- Products of research, experimentation and creativity
- Intellectual Property, like Physical Property can be a valuable asset.
- Like physical property, intellectual property is an asset which can be traded





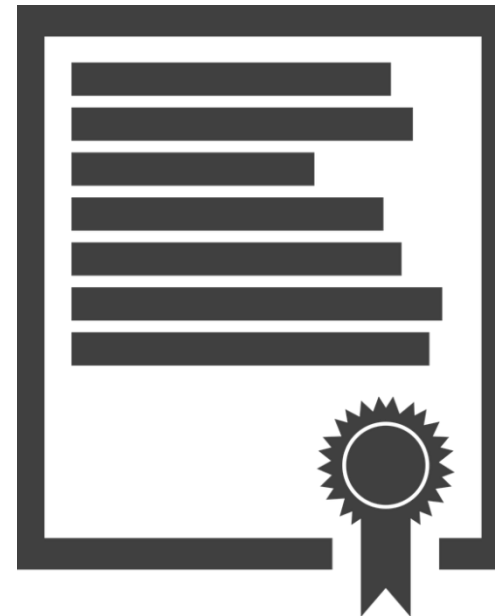
# Intellectual Property Vs Intellectual Property Rights

Intellectual Property (IP)



≠

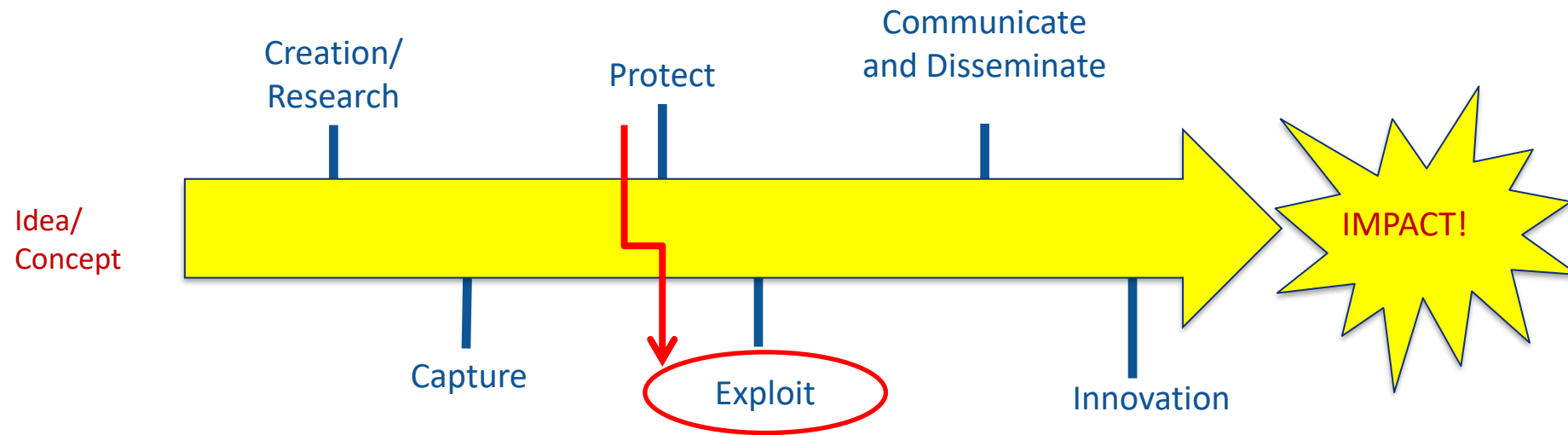
Intellectual property rights  
(IPR)





## Costs reimbursements

- Costs of intellectual property rights (IPR), including protecting results (e.g. fees paid to the patent office for patent registration) and royalties on access rights are eligible costs
- Cost for open access publications are also considered eligible by the GA, e.g. Author Processing Charges (APCs)
- Ask your legal/financial NCP!





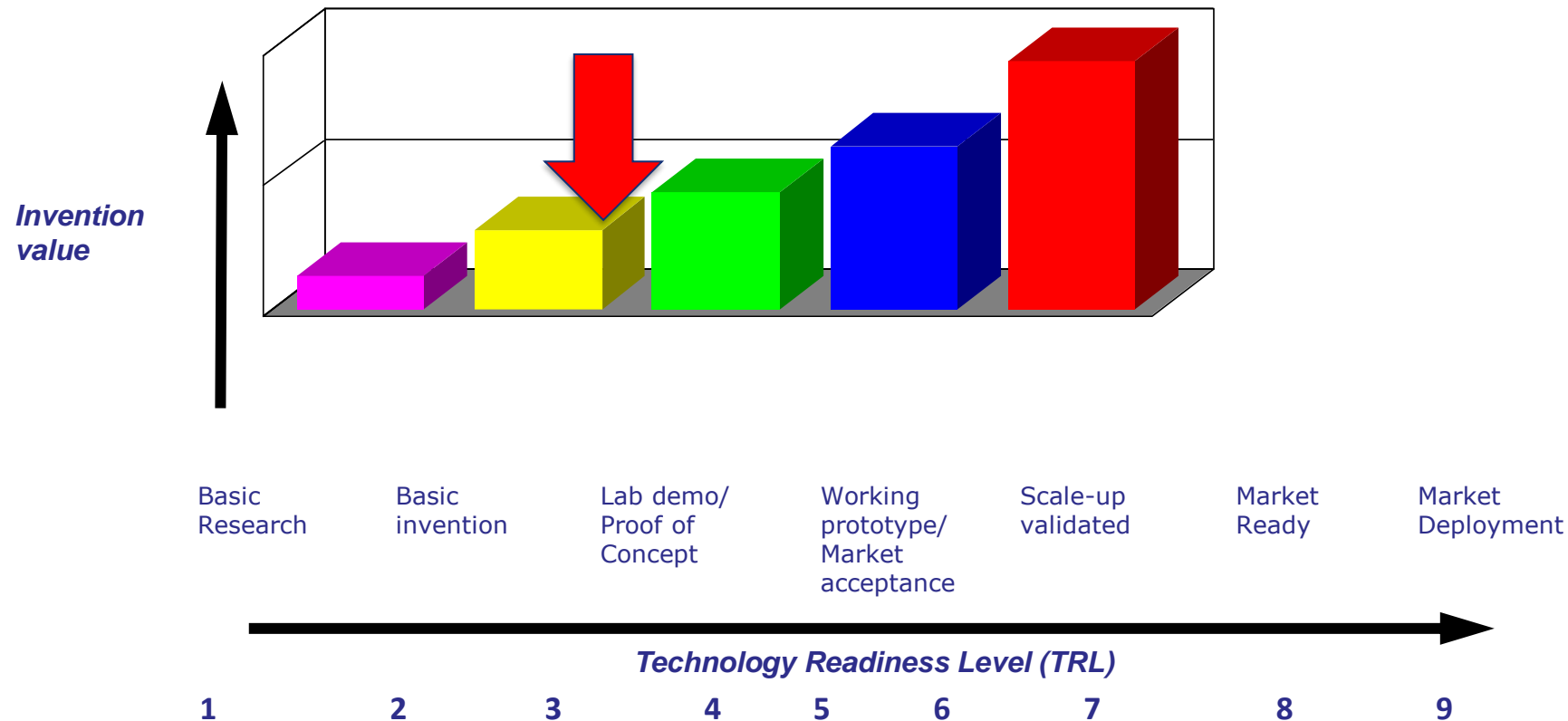
# What is Exploitation

- The utilization of results in further research activities other than those covered by the action concerned, or in developing, creating and marketing a product, process or service.
- 
- FURTHER RESEARCH IS ALSO A POTENTIAL EXPLOITATION ACTIVITY
  - Making use of results, recognizing exploitable results and their stakeholder
  - Concretize the value and impact of the R&I activity
  - Project partners can exploit the results themselves, or facilitate exploitation by others



# Technology Readiness Levels

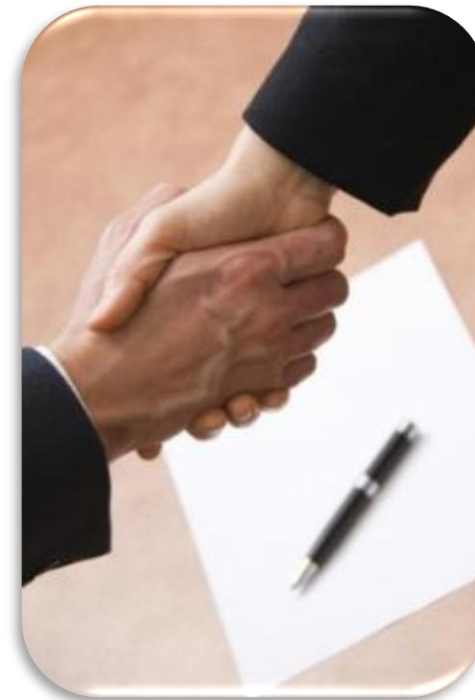
## Where are you starting from and where do you want to go?





## Routes for use/exploitation

- Use for **further research**
- **Developing and selling** own products/services
- **Spin-Off activities**
- Cooperation agreement/Joint Ventures
- **Selling IP rights/Selling the (IP based) business**
- **Licensing IP rights** (out-licensing)
- Standardisation activities (new standards/on-going procedures)

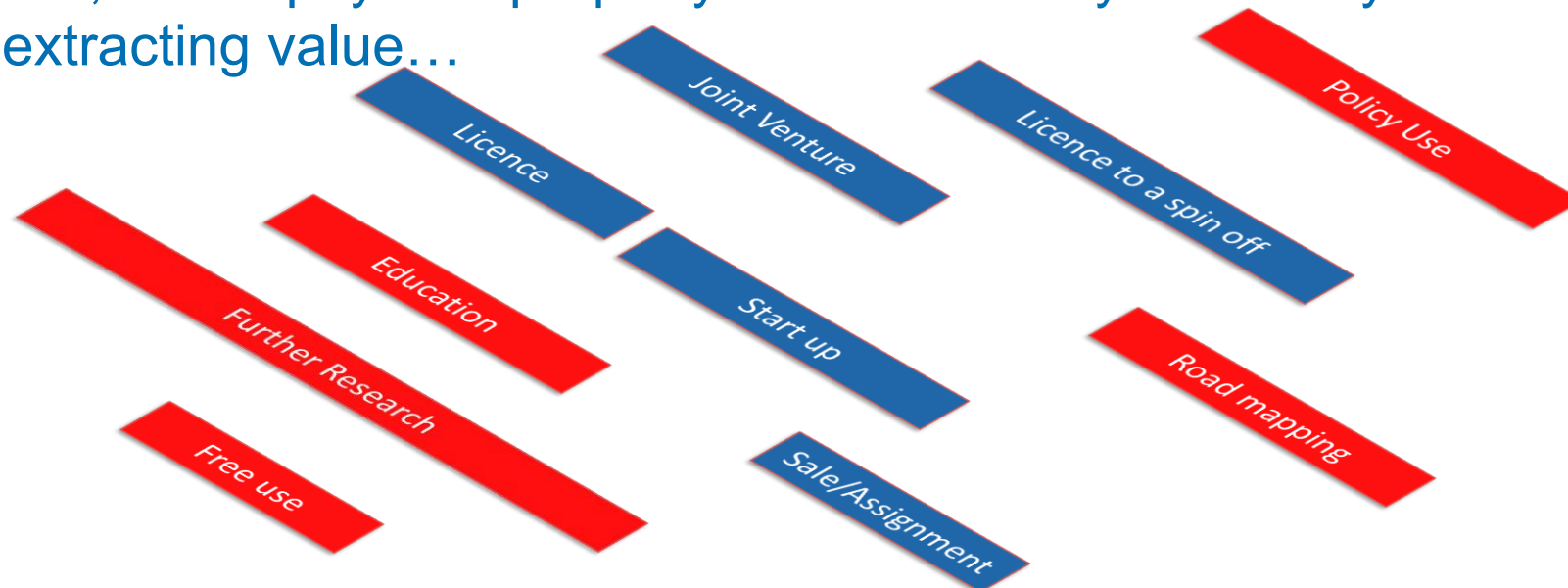






# Exploitation Models

- Project outputs are valuable assets which, like physical property, can be used and traded – bought, sold, leased, used in JV's, as collateral, or given away.
- But, unlike physical property there are many more ways of extracting value...



# Understand the landscape

Strategic Intelligence – to plan the route to innovation

*WP and Call Challenges, Objectives & Topics*

**Typical Innovation Project**

**Typical Research Project**

**PROJECT RESULTS**

**Existing knowledge and State of the Art**

**IPR**

**Market issues**

Ethics, security, privacy

Regulations

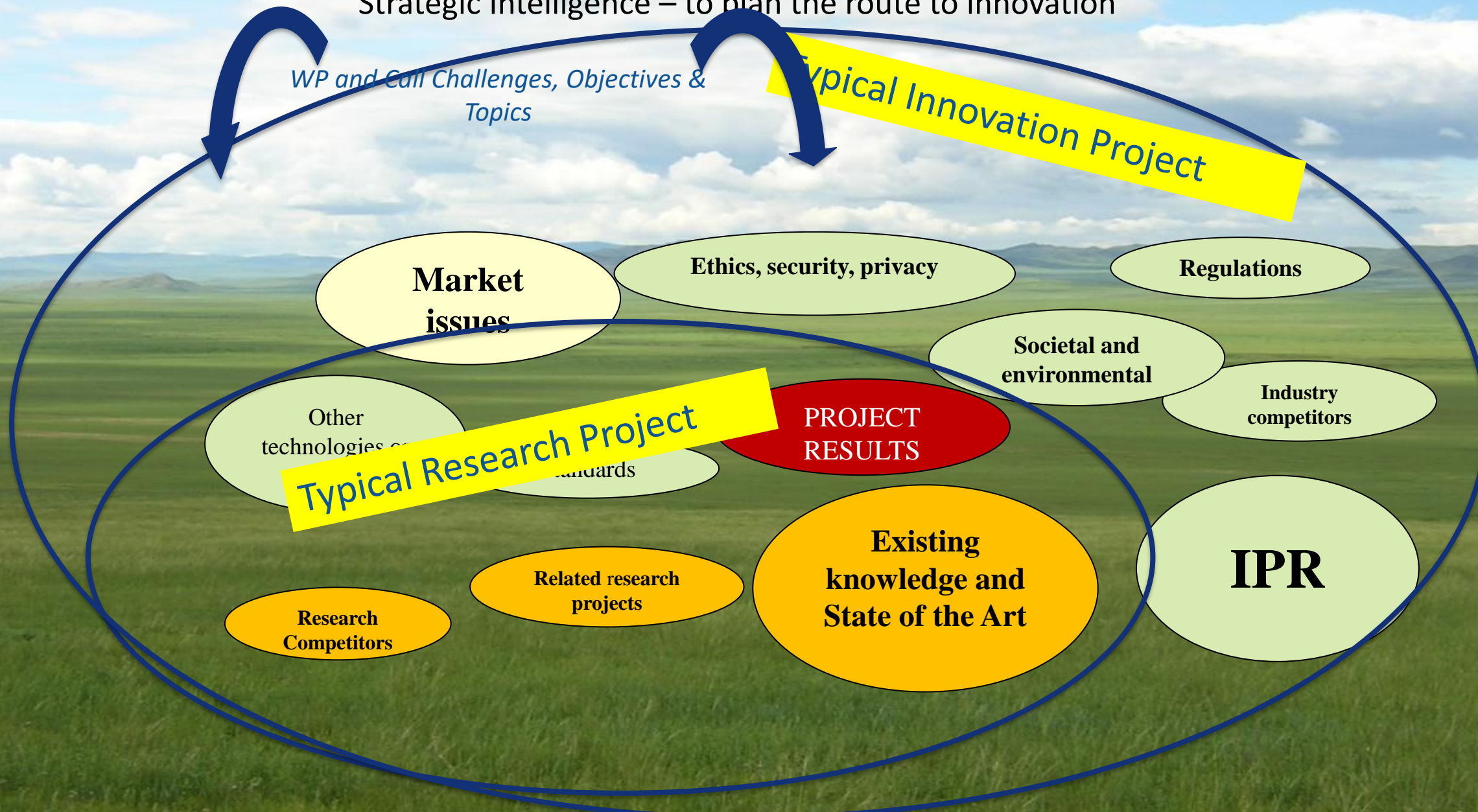
Societal and environmental

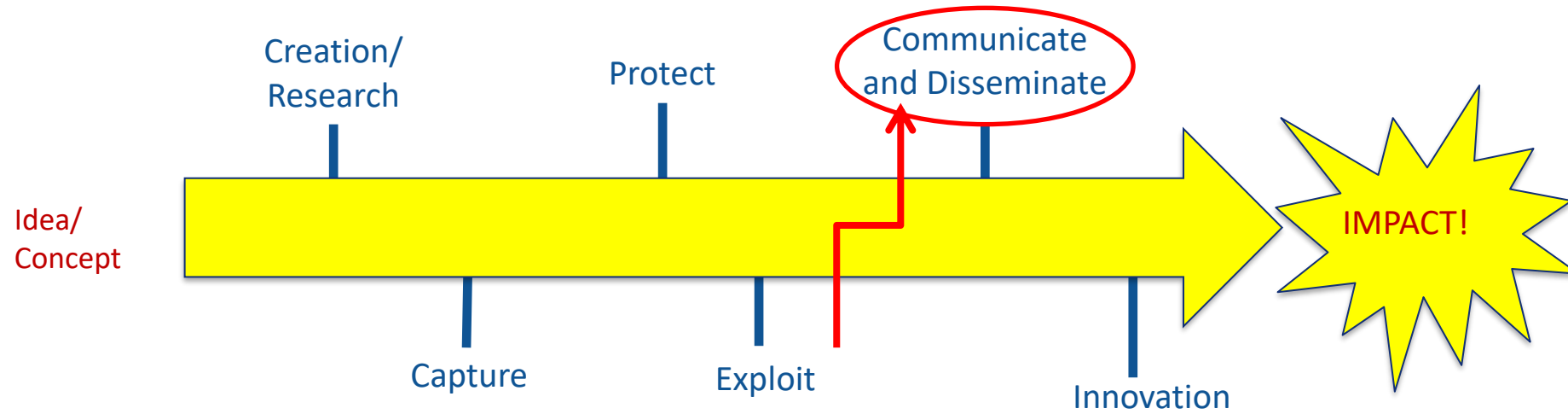
Industry competitors

Other technologies

Related research projects

Research Competitors







# What is Communication

- Taking strategic and targeted measures for promoting the action itself and its results to a multitude of audiences, including the media and the public.
- 
- Strategically planned
  - Identifies and sets clear communication objective
  - Uses pertinent messages, right medium and means

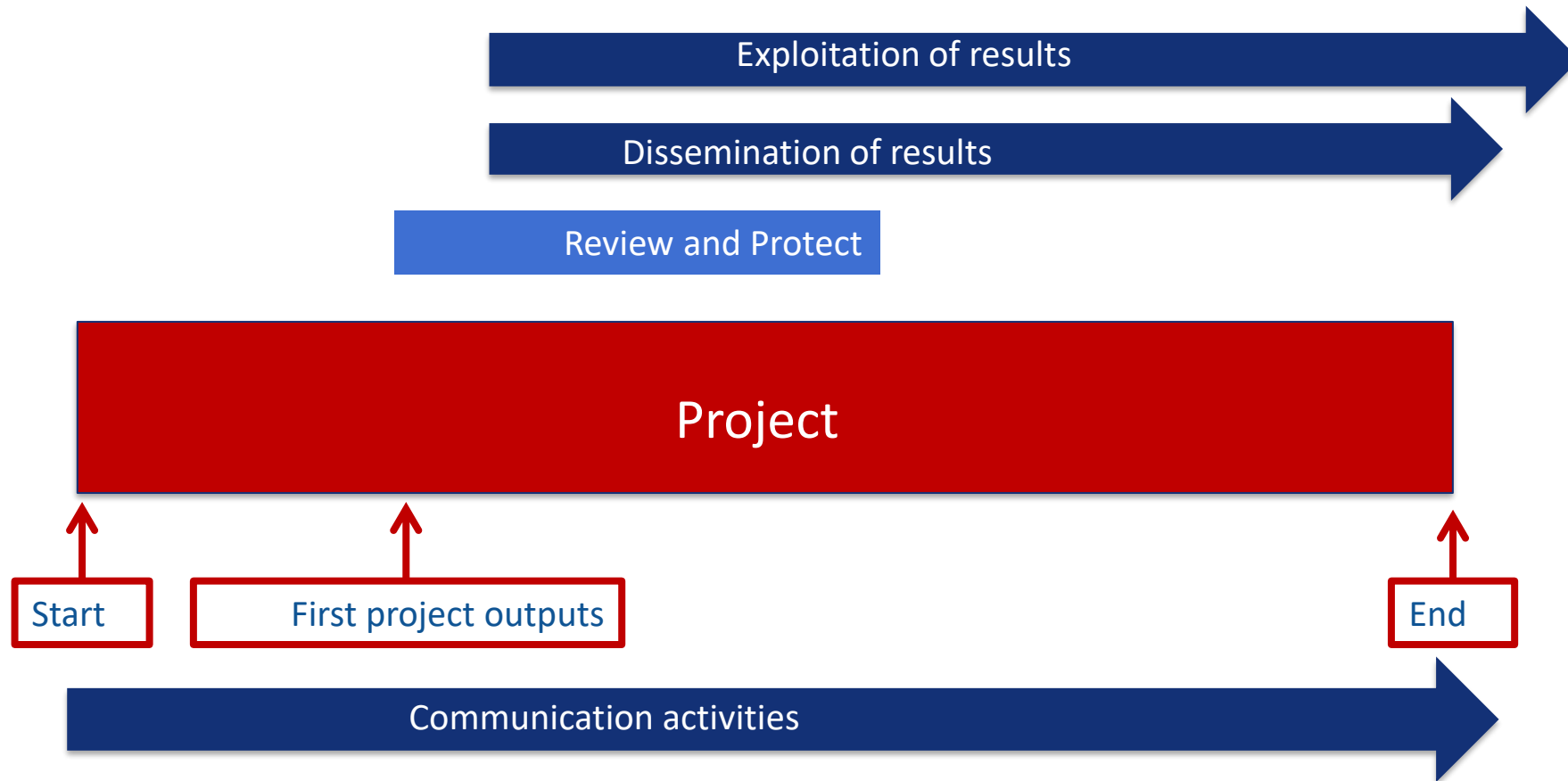


# What is Dissemination

- The public disclosure of the results by any appropriate means, including by specific publications in any medium
- 
- Transfer of knowledge and results to targets that can make use of it
  - Maximizes the impact of research, enabling the value of results to be potentially wider than the original focus
  - Prevents results from getting lost



# Communication of activities vs Dissemination of results





# Obligation to disseminate

Project partners are obliged to disseminate the results swiftly (i.e. to scientific community/broader public) by any appropriate means and including the publication of results in any medium.

*But:*

- *no dissemination of results may take place before decision is made regarding their possible protection, and*
- *all patent applications, publications or any other dissemination (also in electronic form) shall include a statement that the action received financial support from the Union – The same applies to results incorporated in standardisation activities.*







# Obligation to disseminate Vs. Obligation to protect

Make sure you comply with  
the obligation to protect...

Sometime early disclosures  
(dissemination or  
communication of results) may  
undermine potential future  
exploitation activities.

**THEN!**

...comply with the  
obligation to  
disseminate



# Dissemination checklist

- Take a decision about the protection of results and all required steps
- Inform the other consortium partners **in writing 45 days before the planned dissemination activities** and include enough information to allow them to analyse whether **their interests are affected or not**. Note that this time limit can be changed (for more or less days) in the CA. Wait 30 days for any objection to the dissemination (unless otherwise agreed in the CA).
- Beware not to infringe third parties' intellectual property rights
- Open access as a general principle of scientific dissemination
- **List the dissemination activities in the Exploitation and Dissemination Plan**



# Dissemination strategy

- Avoid early disclosures/novelty spoilers in general:
- Set up a dissemination strategy, make sure partners know about other partners' potential dangerous dissemination activities and may block them.

NEW





# Open Access

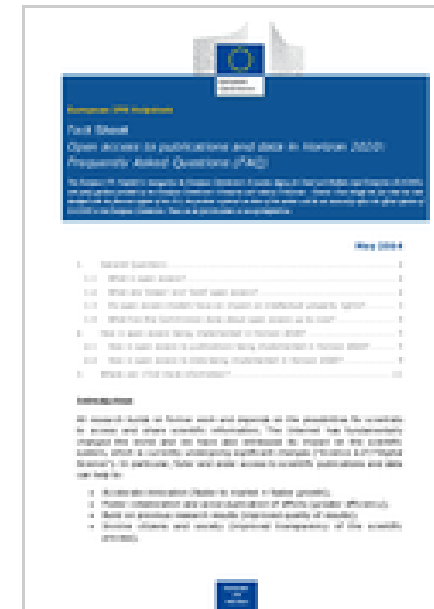
Open access as a general principle of scientific dissemination

Each beneficiary must ensure open access (free of charge, online access for any user) to all peer reviewed scientific publications relating to its results

More information?

Fact Sheet:

[Open access to publication and data in H2020: FAQ](#)





# The Plan for Exploitation and Dissemination of project Results:

- Is estimated during the proposal phase
- Contains an prevision of the objectives of the project...
- ... and a applicable strategy for protection, dissemination and exploitation in order to reach such objectives.
- The PDER represent and explain how the project is going to reach the expected impact through dissemination and exploitation activities.



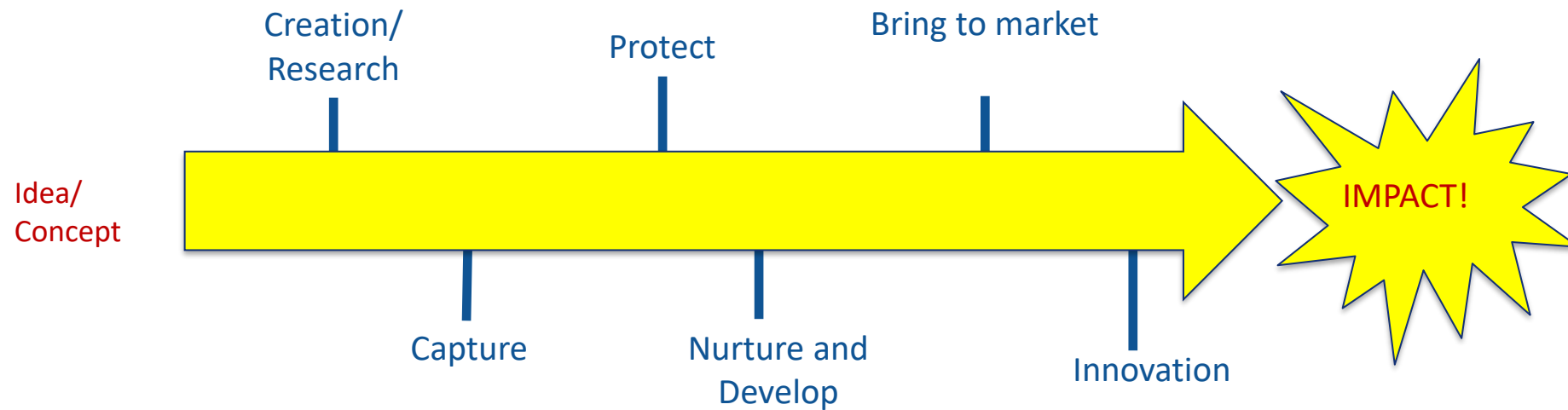
# Exploitation and dissemination activities:

- Should cover:
  - Potential geographical coverage
  - Potential users and main competitors
  - Description of the exploitation roadmap
  - Description of the planned dissemination activities
  - Fact Sheet: <https://www.iprhelphdesk.eu/Fact-Sheet-Plan-for-the-Exploitation-and-Dissemination-of-Results-H2020>





# Idea to Impact!







# Innovation

- The successful exploitation (not necessarily commercial) of new ideas to produce tangible benefits



Invention

Exploitation and  
dissemination  
activities



Innovation

*Invention IS NOT Innovation*



# Innovation



# Impact

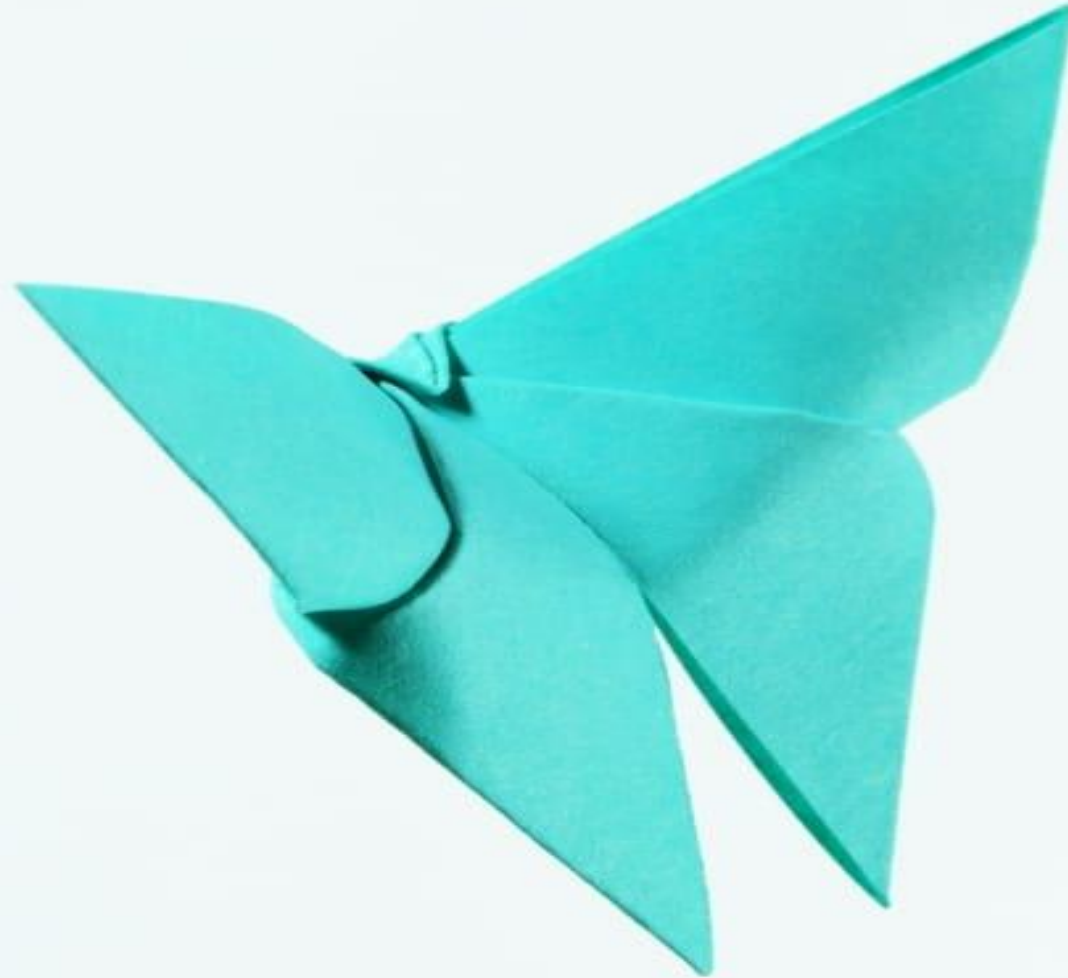
- The extent of the benefits derived from the innovation



H2020 Evaluation Criteria: *“The **extent** to which the outputs of the project should contribute at the European and/or International level to the **expected impacts** listed in the work programme under the relevant topic.*”



## More info





# Intellectual Property for Business

- How can Intellectual Property Enhance the Market Value of Your SME?
- How do you turn Inventions Into Profit-making Assets of Your SME?
- Why is Intellectual Property Crucial for Marketing the Products and Services of Your SME?
- Can Your SME use Intellectual Property Assets for Financing?
- How can Intellectual Property Enhance the Export Opportunities of Your SME?
- How can Your SME Acquire and Maintain Intellectual Property Protection?
- Protecting the Intellectual Property Rights of Your SME Abroad
- Why are Trademarks Relevant to the Success of Your SME?
- Protecting the Trade Secrets of Your SME
- How can Your SME Benefit From Copyright Protection?



# Any questions?





## Contact:

- Website: [ec.europa.eu/ip-helpdesk](http://ec.europa.eu/ip-helpdesk)
- [training@iprhelpdesk.eu](mailto:training@iprhelpdesk.eu)
- Twitter [@iprhelpdesk](https://twitter.com/iprhelpdesk)
- LinkedIn [/european-ipr-helpdesk](https://www.linkedin.com/company/european-ipr-helpdesk)





# Thank You!

- DISCLAIMER
- The European IP Helpdesk provides free-of-charge first-line support on IP-related issues aiming to help current and potential beneficiaries of EU-funded projects, as well as EU SMEs, manage their Intellectual Property assets.
- The European IP Helpdesk is managed by the European Commission's European Innovation Council and SMEs Executive Agency (EISMEA), with policy guidance provided by the European Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG Grow).
- The information provided by the European IP Helpdesk is not of a legal or advisory nature and no responsibility is accepted for the results of any actions made on its basis. Moreover, it cannot be considered as the official position of EISMEA or the European Commission. Neither EISMEA nor the European Commission nor any person acting on behalf of EISMEA or of the European Commission is responsible for the use which might be made of this information.
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