

How proactive Intellectual Property management can improve research collaborations

Good Practices in EU and BRIC Higher Education Institutions

Unilink
IP



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Disclaimer

The views and opinions expressed in this report are those of expert team working within **IP-UniLink**: “Enhancing IP management in EU and BRIC countries to boost Higher Education and business links and technology transfer, with a view to promote economic and technological cooperation”, a project co-funded by the European Commission within the Erasmus Mundus Programme.

These views and opinions are based on a survey carried out during the IP-UniLink project activities, information gathered and experience of project partners. Neither the European Commission nor any person acting on behalf of the Commission is responsible for the use that might be made of the information contained in this document.

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The Partners of the project made their best efforts to provide the most reliable and updated information. If any super-annuation of the data included in the Guide will be noticed, we do appreciate information in this regard.

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Preface

The present report “*How proactive Intellectual Property management can improve research collaborations: Good Practices by EU and BRIC Higher Education Institutions*” aims to:

- summarize the most important factors which characterize the environment for R&D cooperation and intellectual property issues in EU and BRIC countries,
- identify common IP management practices, and
- come up with concrete recommendations for proactive IP management.

In two main sections, this report combines information on (I) *legal and political framework that governs scientific research cooperation and intellectual property rights in EU and BRIC countries*, with (II) *practical examples and recommendations for how to manage intellectual property rights in R&D cooperation*, with special focus on higher education institutions.

For those interested in referencing legal frameworks, conventions and agreements which lay the foundation for research collaboration and related intellectual property issues in EU – BRIC research cooperation, Section 1 offers a comprehensive overview. The section includes details on the IP rights that can be obtained at EU and BRIC level, including practical issues such as information sources in English and costs of IP registration.

The second part of this document offers good practice guidelines and recommendations for proactive IP management. Section 2.1 shares practical aspects of IP management at the level higher education institutions and presents a source of ideas for all higher education institutions wanting to improve their IP management practices. If you are a technology transfer manager keen to compare experiences, this section offers real-life cases, and examples which can be helpful. Finally, for those embarking on EU-BRIC research cooperation, Section 2.2 presents a set of practical recommendations – ‘*the Do’s and Don’ts of research cooperation*’. Based on prior analysis of case studies and interviews, and backed by the experience of the partners, the set of recommendations walks you through the research collaboration process, beginning from definition and preparation of the project, to negotiations and finally, implementation.

To sum up, while section 1 describes the framework for cooperation and intellectual property rights in EU and BRIC with facts and figures, sections 2 and 3 offer ideas, examples and a set of recommendations for better IP management in R&D cooperation.

This report can be useful to researchers and technology transfer managers in higher education institutions, but also to companies and other organisations involved or interested in EU - BRIC research collaboration initiatives. It also can act as a general guide to IP management.

We hope this guide can serve as a strong reference document for individuals and organisations involved and interested in EU - BRIC research cooperation.

Context

Recent global trends clearly indicate that social and economic development increasingly depends on the capacity of a society to innovate and develop new products and services. In this context, higher education institutions (HEIs) are considered as engines of innovation generating new ideas and solutions, which may be converted into better and safer products and services, or ways of production.

The effective protection and proper use of the intellectual property rights system as a legal tool for protection and exploitation of innovative solutions and technologies, and a way to transfer technologies created in higher education institutions to the market. Therefore stimulating better intellectual property management at HEI's becomes a central part of innovation policies aimed at the creation of knowledge based economies. Since R&D activities require scientific excellence and an involvement of specialized human resources, as well as platforms for exchange of specialized knowledge and dissemination of research results, universities are increasingly developing closer cooperation with external partners, including other HEI's and enterprises, internationally. In the context of research cooperation, proactive Intellectual Property management is a 'must' to guarantee that the results of any R&D project will belong to the partner who can best exploit or further develop the new product, process, or technology. Especially in cross-border cooperation, uncertainty about how IP issues are regulated and managed by partners in other countries may be a hinder for cooperation.

In the context of cooperation with non-EU countries, BRIC countries, i.e. **Brazil - Russia - India - China**, are increasingly important R&D partners for European HEIs and businesses alike. The European Research Advisory Board has recommended that in order to promote international cooperation in education, science and technology, and strengthen the position of Europe, the EU should deepen its ties with emerging economic and technological centres, including BRIC countries. Transparency and mutual understanding of IP management regimes becomes vital for the establishment of successful and sustainable cooperation. The promotion of European IP management practices in BRIC countries, and the exchange of knowledge and practices on IP should facilitate significantly the scientific cooperation between Europe and these countries.

In this context, the idea for the IP-Unilink project was born.

The **IP-Unilink project** is an initiative of Higher Education Institutions (HEIs) from the European Union (EU), Brazil, Russia, India and China (BRIC countries), co-funded by the European Union within the Erasmus Mundus Programme. The members of the project consortium are: University of Alicante (Spain) as coordinating institution, Jagiellonian University (Poland), Chalmers Industrial Technologies Foundation (Sweden), University of Campinas (Brazil), Electrotechnical University of St. Petersburg (Russia), Kunming University of Science and Technology (China), IPR Cell of Indian Institute of Technology Roorkee (India).

The main aim of IP-Unilink is to promote EU IP management practices to facilitate research and technology development (RTD) linkages with BRIC countries. The project's specific objectives are to study the trends in research cooperation and intellectual property management in EU and BRIC countries, specially focussing on Higher Education Institutions (HEI), with a view to enhance joint research and future developments and promote transparent compatible IP management practices. The present report aims to contribute to this objective in that it presents

some of the main findings and recommendations to facilitate mutual understanding and transparency in IP management in transnational research cooperation involving higher education institutions.

The present report is one of three publications developed in the framework of the project, all of which have been published on the IP-Unilink website: www.ipr-unilink.net

Structure and content

SECTION 1: Environment for Scientific Cooperation & Intellectual Property in EU and BRIC

The data presented in this section are of particular relevance to any entity planning to engage in research cooperation activities with BRIC or EU, as it guides through the main agreements and legal frameworks that govern any cooperation of EU and BRIC organisations.

First of all, the section offers a brief analysis of the environment for R&D cooperation between EU and BRIC countries, including:

- political multilateral or bilateral agreements (umbrella agreements),
- other specific agreements concerning scientific cooperation,
- other important programmes for EU-BRIC cooperation.

Furthermore, the section provides relevant information regarding the legal frameworks regulating IP issues in BRIC countries and the EU. Specifically the information includes:

- types of existing IPRs,
- national IPRs regulations,
- basic rules for obtaining protection of IPR (creation, registration, use),
- basic rules regarding the ownership of IP protected research results,
- specific rules regarding IPR's applying to Higher Education Institutions.

SECTION 2: Practical Guidelines for Intellectual Property Management

Section 2.1: presents good practices in IP management at HEIs level

This part presents good practices in IP management identified in the macro- and micro-level analysis carried out in the framework of the IP-Unilink project and is based on the experiences from the partners of this project and from other leading universities in EU and BRIC countries in the field of IP management.

Section 2.2: offers recommendations for pertinent IP management in R&D collaboration

This chapter presents a set of concrete recommendations for IP management in collaboration projects between institutions from EU and BRIC countries. The recommendations are formulated as 'good practices' and 'bad practices', and have been elaborated on the basis of data and experience gathered within the IP-Unilink project activities.

1. ENVIRONMENT FOR SCIENTIFIC COOPERATION & INTELLECTUAL PROPERTY IN EU AND BRIC

This first section presents the main characteristics of the regulatory frameworks governing scientific cooperation between the European Union (EU) and Brazil, China, India, and Russia (BRIC). The data offered in this section are of particular relevance to any entity planning to engage in research cooperation activities with BRIC or EU.

If you are interested in what governs the cooperation in the broader sense, specific agreements regulating cooperation in research and development among EU and BRIC countries, as well as agencies and programmes which fund and promote cooperation, we recommend you to go to **section 1.1**.

If your interest lies in **Intellectual Property Rights (IPR)**, the types of IPR which can be obtained at EU and BRIC country level, procedures, information sources and costs of protection, **section 1.2** presents a very comprehensive overview. The section also contains specific details on how IPR issues are regulated in higher education institutions (HEIs) and how this may affect IP management in research collaboration.

1.1. Agreements between EU and BRIC countries

1.1.1. BRAZIL

A. Political multilateral or bilateral agreements

The EU and Brazil have long-standing diplomatic relations since 1960, which was intensified with the **EC-Brazil framework co-operation agreement** in 1992 (Appendix I, Table 1). Furthermore, Brazil is a beneficiary of one of the bilateral agreements signed between the EU and the countries of the Southern Common Market – the **EU-Mercosul Framework Co-operation Agreement** (1995)¹.

The framework agreement with **Brazil** entered into force in 1995, and was aimed at strengthening co-operation in, among others, the area of intellectual property. The legal basis of the agreement is the Council Decision 95/445/EC of October 30 1995 concerning the conclusion of the Framework Agreement for co-operation between the European Economic Community and the Federative Republic of Brazil (Official Journal L 262 of 1.11.1995).

On March 22 1999, the Council acting in the name of the European Community concluded the **Interregional Framework Co-operation Agreement** between the European Community and its

1. http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/latin_america/r14014_en.htm

Member States, of the one part, and the Southern Common Market and its Party States, of the other part (OJ L 112 of 29.04.1999).

On May 2007 the EU recommended to launch a strategic partnership to further deepen its ties with Brazil (**Towards an EU-Brazil Strategic Partnership** (Communication from the Commission to the European Parliament and the Council COM2007) 0281 final - 30/05/2007 Treaties²). The central topics of the new partnership included: effective multilateralism, climate change, sustainable energy, the fight against poverty, the Mercosur's integration process and Latin America's stability and prosperity. This new relationship placed Brazil, the Mercosur region and South America, high on the EU's political map. **The Strategic Partnership Agreement was signed** in Lisbon on July 2007. Under the Strategic Partnership, a Joint Action Plan (JAP) is being developed in consultations between the two parties. The science and technology components identify the following **priority areas of co-operation**: Food, Agriculture, Fisheries and Biotechnology; Social Sciences and Humanities; E-Infrastructure; Energy; Cross-Sectional Studies, Training and Development of Human Resources, Researcher Exchanges; Environment and Climate Change; Nanotechnology and Materials; Health; Safety; Information and Communication Technologies and Transport.

B. Specific agreements concerning scientific cooperation

A number of agreements and initiatives create a fair political and legal background for EU-Brazil cooperation in the area of research and scientific cooperation.

Brazil signed the **Agreement on scientific and technological co-operation³ with the European Union in 2004** (Appendix I, Table 2). The EU ratified the agreement in 2005; Brazil in 2007. The agreement creates a predictable institutional foundation for a wide variety of knowledge-centered co-operation. The agreement covers, among others, areas such as biotechnology, information and communication technologies, bio-informatics, bio-safety, health and medicine, nanotechnologies, aeronautics, and metrology. With regard to funding of cooperative R&D, the agreement does not establish any special fund and declares that cooperative activities should be subject to the availability of sufficient funds and to the applicable laws, regulations, policies and programs of the parties.

The agreement provides a broad regulation of **intellectual property issues**, including allocation of rights generated directly or indirectly in R&D cooperation activities. General rule establishes that the parties to the agreement, subject to the terms of their own national legislation, may, by means of a contract, have nonexclusive, irrevocable, royalty-free license to: translate, reproduce, adapt, transmit and publicly distribute the articles, reports and technical and scientific books generated directly within cooperative activities covered by this Agreement, provided that the legal provisions on the ownership and transfer of copyright for the creation of the work are respected.

Regarding the intellectual property created by joint research, the agreement provides rules under which the participants are advised to sign a written contract among the participants in joint research projects establishing in advance a fair and balanced distribution of results or any benefits deriving from the co-operation, considering the relative contribution of the Parties or their

2. <http://ec.europa.eu/world/agreements/searchByCountryAndContinent.do?countryId=6090&countryName=Brazil>

3. Agreement on scientific and technological co-operation, available at: <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=2041>

participants, and strictly complying with the laws on intellectual property in force in each Party and the international agreements on intellectual property to which the Parties are signatories.

In the context of this report, the rules regarding IPR ownership of results generated by visiting researchers (scientists visiting primarily in furtherance of their education), are of special importance. According to these rules, visiting researchers receive intellectual property rights under arrangements with their host institutions in accordance with the provisions of the relevant national legislation on the subject. In addition, visiting researchers who are inventors should be treated in the same way as home researchers of the host institution, in particular be entitled to a proportional share of any royalties received by the host institution under the license for the use of the intellectual property.

The Agreement also provides rules on **confidentiality** of the information generated or supplied under this agreement in accordance with the applicable laws, regulations and practices, as agreed between the parties, especially those generated or supplied by the parties involved in the joint research project agreed between the participants, and/or authorized personnel of government bodies associated with the project or this Agreement.

The **European Framework Programmes** for Research and Technological Development are a major instrument for implementation and Brazil's national mechanisms and research support schemes are also being used in pursuit of the objectives of scientific co-operation under the agreement. The science and technology component of the Action Plan under the Strategic Partnership concluded between the EU and Brazil provides additional impetus to the relationship.

C. Programs and initiatives promoting R&D cooperation

The following section presents an overview of the main programmes and initiatives promoting and funding scientific cooperation, including programmes and initiatives on the EU - BRIC level, on EU Member states level, and for Brazil and non-EU countries.

Programs and initiatives promoting cooperation between EU and Brazil

The following is a non-exhaustive list of examples of EU programmes and initiatives promoting R&D cooperation with Brazil:

| Programme | Objective |
|----------------------|---|
| Framework Programmes | <p>7th Framework Programme for Research and Technological Development is commonly known as FP7. It lasts seven years from 2007 until 2013 with five components, namely, Cooperation, Idea, People, Capacities and Nuclear Research. Two thirds of the overall budgets are allocated to the Cooperation program that strengthens the research activities and cooperation between industry and academia across Europe and other partner countries. The two main strategic objectives of FP7 are:</p> <ul style="list-style-type: none"> - To strengthen the scientific and technological base of European industry - To encourage its international competitiveness, while promoting research that supports EU policies <p>Website: http://ec.europa.eu/research/fp7/index_en.cfm</p> |

| | |
|------------------------------|--|
| <p>ALFA</p> | <p>ALFA is a programme funded by the European Commission in order to encourage the cooperation between Higher Education Institutions of the 27 Member States of the European Union and 18 Latin America countries. The ALFA Programme specially aims at:</p> <ul style="list-style-type: none"> – Improving the quality, relevance and accessibility of Higher Education in Latin America – Contributing to the process of regional integration in Latin America, fostering progress towards the creation of a joint Higher Education area in the region and exploiting its synergies with the European Union. <p>Website: http://ec.europa.eu/europeaid/where/latin-america/regional-cooperation/alfa/index_en.htm</p> |
| <p>EUROsociAL</p> | <p>In order to improve the social cohesion of Latin American countries, EUROsociAL was born to promote reforms and improve management of public policies. Policy-makers and all those who are involved in the design and implementation of social policies will be invited to the awareness-raising activities, whilst high ranking officials will share experience and knowledge with both European and Latin American experts.</p> <p>Website: http://ec.europa.eu/europeaid/where/latin-america/regional-cooperation/eurosocial/index_en.htm</p> |
| <p>@lis</p> | <p>@lis is also known as Aliance for the Information Society, a European Commission Programme, and is now in its phase 2. By setting up the three actions, political and regulatory dialogue, research networks and Network of LA regulators, the following specified objectives will be archived:</p> <ul style="list-style-type: none"> – Promote, improve and extend the dialogue and application on Information Society in Latin America – Stimulate and support research intra LA and with Europe – Support the homogenization and harmonization of regulatory processes, in the telecommunications sector in Latin America. <p>Website: http://ec.europa.eu/europeaid/where/latin-america/regional-cooperation/alis/index_en.htm</p> |
| <p>AL-Invest</p> | <p>An initiative European Commission Programme that facilitates the internationalization of Latin American small and medium enterprises (SMEs) to enhance social cohesion through directly funding project for organizations that represent and promote private sector development.</p> <p>Website: http://ec.europa.eu/europeaid/where/latin-america/regional-cooperation/al-invest/index_en.htm</p> |
| <p>Urb-AI</p> | <p>The Urb-AI programme first launched in 1995 is to encourage experience exchange on topics and problems of urban local development between local authorities of Europea and Latin America, such as, drug, environment, citizen participation, proverty alleviation, transport...etc.</p> <p>Website: http://ec.europa.eu/europeaid/where/latin-america/regional-cooperation/urbal/index_en.htm</p> |
| <p>Erasmus Mundus</p> | <p>This is a Scholarship and Academic Cooperation Programme that facilitates the mobility of students and academics between Europe and the rest of the world, as well as to enhance quality in higher education.</p> <p>Website: http://ec.europa.eu/education/external-relation-programmes/doc72_en.htm</p> |

Programs and initiatives promoting cooperation of EU member states and Brazil

The following is a non-exhaustive list providing some examples of EU member state programmes and initiatives promoting R&D cooperation with Brazil.

| Country | Programs and Funds |
|-------------|--|
| Germany | Science and Technology for the Mata Atlântica It boosts the conservation and improves the management of the Brazilian Atlantic forest http://www.mata-atlantica.ufz.de/ BRAGECRIM |
| France | CIRAD French agricultural research centre that carries much cooperation in agriculture and environment with Brazil CIRAD - http://www.cirad.fr/en/le_cirad/cirad_monde/pays.php?id=209 |
| UK | UK-Brazil Partnership in Science and Innovation It facilitates universities, research institutes and companies from both countries to establish partnership UK-Brazil Science and Innovation - http://www.reinounidopelaciencia.com.br/parceria/en/index.html |
| Netherlands | Programma Nuffic – CAPES It provides opportunities for collaboration between the HEIs in both countries, co-funded by the Nuffic and CAPES http://www.nesobrazil.org/dutch-organizations/programma-nuffic-capes/programma-nuffic-capes/ |

Programs and initiatives promoting cooperation of Brazil and non-EU countries

- Programa de Cooperação Temática em Matéria de Ciência e Tecnologia – PROÁFRICA.
 - It provides financial support to cooperation activities in joint science and technological innovation projects and events with Portuguese-speaking African countries: Angola, Cape Verde and Mozambique
 - <http://www.mct.gov.br/index.php/content/view/17605.html>

Useful links and sources of information

- European Union External Action – http://eeas.europa.eu/brazil/index_en.htm
- European Commission Research – International Cooperation: Policy framework with Brazil - <http://ec.europa.eu/research/iscp/index.cfm?lg=en&pg=brazil>

1.1.2. CHINA

A. Political multilateral or bilateral agreements

EU relations with China were established in 1975 and are governed by the **1985 EU-China Trade and Cooperation Agreement**. In 2007, to reflect the depth and breadth of today's strategic partnership, negotiations began to upgrade this to a Partnership and Cooperation Agreement. Today, the EU is China's second largest trade partner, with China being the EU's largest partner. Apart from regular political, trade and economic dialogue meetings, there are over 56 sectorial dialogues and agreements ranging from environmental protection to industrial policy to education and culture⁴

The main objectives of the 'EU policy towards China'⁵ are to:

- broaden and deepen dialogue with China, both bilaterally and on the world stage (e.g. working together on global challenges such as climate change),
- support China's transition to an open society based upon the rule of law and respect for human rights,
- encourage the ongoing integration of China into the world's economy and trading system, and support the process of economic and social reforms
- raise the EU's profile in China, to aid mutual understanding

B. Specific agreements concerning scientific cooperation

The history of cooperation between the EU and China has always included a significant scientific research and technological dimension. The EU and Chinese scientific communities have been cooperating since the 1970's and have worked mainly in the areas of common interest such as: environment, communication technologies, transport, food agriculture and biotechnologies, health, energy, social sciences and humanities, and new materials.⁶ Through the signing of **the Agreement for scientific and technological cooperation between The European Community and the Government of the People's Republic of China** in 1998 (Annex I, Table 3), the EU-China cooperation received a strong impetus and significant progress which was recorded in research fields such as ITER, SARS, Galileo, energy, new materials, biotechnology, aeronautics, space, hydrogen economy and information technology. The cooperation is a success and is growing in vigour and stature⁷. A renewal of this agreement was signed in December 2004 for a period of five years, and in November 2009 for another five years. The Agreement contains provisions regarding intellectual property. In short, they stipulate the following rules.

As regards the ownership of **intellectual property** created in EC-financed RTD activities, diffusion and utilization of information and IP, the rules of the EC funding program should apply. EC research entities involved in Chinese RTD activities have the same rights and obligations as Chinese research entities. In case of a joint research, the participants jointly develop a technology management plan (TMP) in respect of the ownership and use, including publication of informa-

4. <http://ec.europa.eu/research/index.cfm?pg=newsalert&lg=en&year=2009&na=na-091209>

5. http://ec.europa.eu/external_relations/china/policy_en.htm

6. <http://ec.europa.eu/research/index.cfm?pg=newsalert&lg=en&year=2009&na=na-091209>

7. Joint Declaration on EU-China Research Cooperation: Building a Knowledge for Growth Pact

tion and intellectual property to be created in the course of such research. With respect to intellectual property, the TMP will normally address, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

In addition to the agreement above, two plans, **Medium- and Long-term National Plans for Science and Technology Development 2006-2020** and the **11th Five-Year Plan 2006-2010**, were launched concurrently with the FP7, which further intensified the S&T co-operative relationship between EU and China.

C. Programmes and initiatives promoting R&D cooperation

The following section presents an overview of the main programmes and initiatives promoting and funding scientific cooperation, including programmes and initiatives for cooperation on EU – China level, as well as on EU Member states level.

Programs and initiatives promoting cooperation between EU and China

The following is a non-exhaustive list providing some examples of EU programmes and initiatives promoting R&D cooperation with China. Several of these programmes focus on *EU-Asia* cooperation, where China is an important player.

| Programme | Objective |
|----------------------------------|--|
| Framework Programmes: FP7 | <p>The 7th Framework Programme for Research and Technological Development is commonly known as FP7 that lasts for seven years from 2007 until 2013 with five components, namely, Cooperation, Idea, People, Capacities and Nuclear Research. Two thirds of the overall budgets are allocated to the Cooperation programme that strengthens the research activities and cooperation between industry and academia across Europe and other partner countries. The two main strategic objectives of FP7 are:</p> <ul style="list-style-type: none"> – To strengthen the scientific and technological base of European industry – To encourage its international competitiveness, while promoting research that supports EU policies <p>Website: http://ec.europa.eu/research/fp7/index_en.cfm</p> |
| Asia-Link | <p>It was set up by the European Commission in 2002 to promote regional and multilateral networking between higher education institutions in Europe and developing countries in Asia. The programme aimed to develop new and existing partnerships between European and Asian universities. From 2007 Asia-Link was merged with the former Erasmus Mundus External Cooperation Window.</p> <p>Website: http://ec.europa.eu/europeaid/where/asia/regional-cooperation/higher-education/index_en.htm</p> |

| | |
|--|--|
| <p>Erasmus Mundus Partnerships</p> | <p>Its main objective is to promote individual mobility of students, professors and researchers, with a view to promoting the understanding between people world-wide as well as contributing to fostering sustainable development and reforms in line with the Millennium Goals. Website: http://ec.europa.eu/europeaid/what/education/education_erasmus_mundus_tempus_en.htm</p> |
| <p>Asia-Europe Foundation (ASEF)</p> | <p>Among many initiatives, the ASEF has initiated several programmes that strengthen collaboration between education networks and academic institutions in Asia and Europe. These serve to promote academic discourse and intercultural exchanges. ASEF programmes under this theme emphasize the benefits of Asia-Europe cooperation, through workshops and seminars, conferences, web portals, newsletters and publications. The target groups include high school students, teachers, university graduates, academic researchers, senior representatives from institutions and organizations of higher education and government officials. Website: http://www.asef.org/</p> |
| <p>EUforAsia</p> | <p>It is a network of research institutes co-funded by the European Commission to promote a better understanding of the Asian region within Europe; in particular of Asian middle-income countries. Website: http://ec.europa.eu/europeaid/where/asia/regional-cooperation/higher-education/eu-for-asia_en.htm</p> |
| <p>Trans-Eurasia Information Network (TEIN)</p> | <p>TEIN intends to bridge the digital divide of less developed countries in Asia by improving the Internet connectivity for research and education institutions. It provides large capacity Internet connection to universities, research centers and academic institutions to increase the exchanges of knowledge among them and make big international research projects real. Website: http://www.apiicc.org:90/tein/tein.jsp</p> |

Programs and initiatives promoting cooperation of EU member states and China

The following is a non-exhaustive list providing some examples of EU member state programmes and initiatives promoting R&D cooperation with China.

| Country | Programs and Funds |
|-----------------------|---|
| <p>Sweden</p> | <ul style="list-style-type: none"> - Sino-Swedish Strategic Cooperative Programme on Next Generation Networks - Financed by The Swedish Governmental Agency for Innovation Systems – VINNOVA - http://www.vinnova.se/en/ - The Swedish Foundation for Strategic Research – SSF – is constantly financing Sino-Swedish research cooperation. - http://www.stratresearch.se/en/ |
| <p>Ireland</p> | <ul style="list-style-type: none"> - China / Ireland Science and Technology Collaboration Research Fund - Managed by Science Foundation Ireland and the Ministry of Science and Technology of the PRC - http://www.sfi.ie/index/ |

| | |
|--------------------|--|
| France | <ul style="list-style-type: none"> - The French-Chinese foundation for sciences and their applications – FFCSA - Financed by the French Academy of Sciences - http://www.academie-sciences.fr/international/fondation_chine_gb.htm |
| Germany | <ul style="list-style-type: none"> - Sino-German Centre for Science Promotion - Managed by the German Research Foundation and National Natural Science Foundation of China - http://www.sinogermanscience.org.cn/english/e3a.htm |
| Italy | <ul style="list-style-type: none"> - Sino-Italian Cooperation Program for Environmental Protection - Managed by Italian Ministry of Environment and the State Environmental Protection Administration of China - http://www.sinoitaenvironment.org/indexe02.asp |
| UK | <ul style="list-style-type: none"> - The Research Councils UK China Office - Funds several research cooperation programmes – science areas include: energy, biology, engineering, etc. - http://www.rcuk.ac.uk/default.htm |
| Netherlands | <ul style="list-style-type: none"> - China-Netherlands Joint Scientific Thematic Research Programme – JSTP - Program for Strategic Scientific Alliances - 15-year long programme for priority research fields between the Netherlands and China - Co-funded by the Netherlands Ministry of Education, Culture and Science, and the Chinese Ministry of Science and Technology - http://www.nwo.nl/nwohome.nsf/pages/NWOA_7Q3RJS_Eng |
| China | <ul style="list-style-type: none"> - Research Fellowship for International Young Scientists - Aims to bring animation to the research in the field of natural sciences to young scientists, to bridge international collaboration and to promote academic exchange - Funded by the Natural Sciences Foundation of China (NSFC) - http://www.nsf.gov.cn/english/07fd/07.html |

Useful links and information sources

- European Commission Research – International Cooperation Policy framework with China: <http://ec.europa.eu/research/iscp/index.cfm?lg=en&pg=china>
- EU policy towards China: http://eeas.europa.eu/china/policy_en.htm
- EU-China: Leaders sign second renewal for Science and Technology Cooperation Agreement: <http://ec.europa.eu/research/index.cfm?pg=newsalert&lg=en&year=2009&na=na-091209>

1.1.3. INDIA

A. Political multilateral or bilateral agreements

A legal framework for the EU-India cooperation is laid down in EU-India Strategic Partnership Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee of 16 June 2004: An EU-India Strategic Partnership COM(2004) 430 final]. The Partnership framework was agreed at the fifth EU-India Summit

when it was formally decided to upgrade the EU - India relationship to the level of a Strategic Partnership, and to support this partnership through the implementation of an Action Plan agreed at the September 2005 Summit. India is one of only six countries of such strategic importance for the EU, the others being Canada, China, Japan, Russia, and the United States.

B. Specific agreements concerning scientific cooperation

The first **EU Agreement on cooperation in science and technology between the European Community and the Government of the Republic of India**, was signed in New Delhi 23/11/2001 and entered into force on 14/10/2002. It was concluded for an initial period of 5 years with the option to be renewed, subject to mutual agreement of the Parties after the evaluation during the last year of each successive period. At the EC-India S&T Steering Committee held on April 2005, both Parties expressed their wish to renew the agreement. It was suggested that, the material content of the new agreement would be identical to the material content of the preceding agreement.

In 2007, **the Agreement, renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India** (Annex I, Table 4) was signed, but even though the report has been elaborated, it still has not entered into force. The cooperation under this Agreement covers all research, technological development and demonstration (RTD) activities. The Agreement emphasizes the importance of intellectual property rights in S&T activities, by including a detailed regulation on ownership, allocation and exercise of IPR, as well as protection of undisclosed information in the Annex.

Furthermore, the following two agreements are important for R&D cooperation between the EU and India:

Agreement for Cooperation Between the European Atomic Energy Community and the Government of the Republic of India in the field of Fusion Energy Research (Annex I, Table 5). This cooperation Agreement between European Community and Republic of India on partnership and development was concluded on December 20 1993. In the agreement the Parties (EU and India) undertake the task to promote cooperation in the field of energy and environmental protection in their desire to further promote the development of fusion energy making it capable of becoming environmentally acceptable, economically competitive, and a virtually limitless source of energy. The objective of this Agreement is to intensify cooperation between the Parties in the areas covered by their respective fusion programs, on the basis of mutual benefit and overall reciprocity, in order to develop the scientific understanding and technological capability underlying a fusion energy system.

The areas of cooperation under the Agreement include the following:

- Tokomaks, including the large projects of the present generation and activities relating to those of the next generation;
- Alternatives to tokomaks;
- Magnetic fusion energy technology;
- Plasma theory and applied plasma physics;
- Program policies and plans; and

- Other areas as mutually agreed upon in writing by the Parties insofar as they are covered by their respective programs.

EU and India cooperation agreement in Science & Technology to promote Food and Nutrition Research. The objective of the agreement is to strengthen EU-India cooperation in science and technology. The European Commission and the Government of India announced on November 4 2009, two new co-funded research projects in the area of Food and Nutrition research. These projects will bring together Indian and European research teams in the areas of “Development of functional foods and ingredients” and the “Valorization of by-products in food processing”. The first project “Development of functional foods and ingredients” aims at making available foods or food ingredients which will be beneficial in the prevention of cancer, cardiovascular diseases, and diabetes type 2, which are seen as critical health disorders in the world. The second project “Valorization of by-products in food processing” will focus on the processing of by-products of fruit (citrus, mango, and pomegranate) and cereal (wheat and rice bran) which would create new market opportunities. The research will help develop innovative and industry-relevant approaches for new products with improved nutritional properties.

C. Programmes and initiatives promoting R&D cooperation

Programs and initiatives promoting cooperation between EU and India

The following is a non-exhaustive list of examples of EU programmes and initiatives promoting R&D cooperation with India. Several of these programmes focus on *EU-Asia* cooperation, where India is an important player.

| Programme | Objective |
|----------------------------------|--|
| Framework Programmes: FP7 | <p>The 7th Framework Programme for Research and Technological Development is commonly known as FP7 that lasts for seven years from 2007 until 2013 with five components, namely, Cooperation, Idea, People, Capacities and Nuclear Research. Two thirds of the overall budgets are allocated to the Cooperation programme that strengthens the research activities and cooperation between industry and academia across Europe and other partner countries. The two main strategic objectives of FP7 are:</p> <ul style="list-style-type: none"> – To strengthen the scientific and technological base of European industry – To encourage its international competitiveness, while promoting research that supports EU policies <p>Website: http://ec.europa.eu/research/fp7/index_en.cfm</p> |
| Erasmus Mundus | <p>This is a Scholarship and Academic Cooperation Programme that facilitates the mobility of students and academics between Europe and the rest of the world as well as to enhance quality in higher education.</p> <p>Website: http://ec.europa.eu/education/external-relation-programmes/doc72_en.htm</p> |

| | |
|--|--|
| <p>Asia-Link</p> | <p>It was set up by the European Commission in 2002 to promote regional and multilateral networking between higher education institutions in Europe and developing countries in Asia. The programme aimed to develop new and existing partnerships between European and Asian universities. From 2007 Asia-Link was merged with the former Erasmus Mundus External Cooperation Window. Website: http://ec.europa.eu/europeaid/where/asia/regional-cooperation/higher-education/index_en.htm</p> |
| <p>Asia-Europe Foundation (ASEF)</p> | <p>Among many initiatives, the ASEF has initiated several programmes that strengthen collaboration between education networks and academic institutions in Asia and Europe. These serve to promote academic discourse and intercultural exchanges. ASEF programmes under this theme emphasize the benefits of Asia-Europe cooperation, through workshops and seminars, conferences, web portals, newsletters and publications. The target groups include high school students, teachers, university graduates, academic researchers, senior representatives from institutions and organizations of higher education and government officials. Website: http://www.asef.org/</p> |
| <p>EUforAsia</p> | <p>It is a network of research institutes co-funded by the European Commission to promote better understanding of the Asian region within Europe, in particular of Asian middle-income countries. Website: http://ec.europa.eu/europeaid/where/asia/regional-cooperation/higher-education/eu-for-asia_en.htm</p> |
| <p>Trans-Eurasia Information Network (TEIN)</p> | <p>TEIN intends to bridge the digital divide of less developed countries in Asia by improving the Internet connectivity for research and education institutions. It provides large capacity Internet connection to universities, research centers and academic institutions to increase the exchanges of knowledge among them and make big international research projects real. Website: http://www.apiicc.org:90/tein/tein.jsp</p> |
| <p>New INDIGO – Networking Pilot Programme</p> | <p>New INDIGO is the Initiative for the Development and Integration of Indian and European Research and its Networking Pilot Programme aims at enhancing S&T cooperation of both sides and supporting high quality researches. Website: http://www.newindigo.eu/npp/</p> |

Programs and initiatives promoting cooperation of EU member states and India

India is also a contracting party of bilateral agreements with particular EU countries, especially Italy with which it has signed a number of S&T agreements in various areas.

The collaboration in the R&D field between Italy and India officially begun in 1978 when the Indian Science and Technology minister, in consultation with their respective research institutions, universities and industries, signed the Scientific and Technological Collaboration Agreement, which was then split into three yearly “Executive Programs” to identify priority areas for the development of bilateral collaboration and to define norms for implementing these programs.

The S&T collaboration was fostered by signing, on November 28th 2003, the new Agreement on Scientific and Technological Cooperation between the Government of Italy and India which, once approved by both the Governments became operational.

The main measures of this Agreement were to:

- Introduce new and more modern instruments (also financial) for collaboration;
- Participate in projects under the 6th and subsequent Framework Programmes of the EU;
- Form regulations for issues related to protection of patents and utilization of results of such projects (IPR);
- Introduce new initiatives such as “creation of joint centers and research laboratories and joint centers of excellence” and “creation of a virtual network of laboratories and scientific research academies”.

An MOU with the Indian Ministry of Science and Technology was signed to provide 150 PhD and post-PhD scholarships for Indian students for a total of 3 million euro each year, seven agreements for collaboration in Science and Technology and creation of Joint Research Laboratories for technologically advanced sectors such as Space IT, Neuro IT, Bio IT, MEMS, and WEB. These agreements, in addition to those existing with the internationally most prestigious research centers in the United States of America, Israel, China and Japan, consolidated the international policy on research adopted by Italy, which concentrates on bilateral collaboration, setting up of joint laboratories under equal terms from both scientific and financial point of view and, for the first time, indicated important scientific and economic outcomes for our country.

The other important agreement that should be mentioned is **the Intergovernmental scientific and technological collaboration agreement between Italy & India** (Annex I, Table 7). This agreement consists of the Executive Program (EP), in effect for period 2008 - 2010 signed in Delhi on 21 November 2008⁸. Also a number of other EU-India agreements and programmes promoting R&D cooperation should be mentioned, such as:

| Name of Agreement | Field | Area of Collaboration |
|---|-----------------|--|
| Collaboration agreement between the Sincrotrone of Trieste and the Department of Science & Technology (DST). | Nuclear Physics | In the field of nuclear physics, the on-going collaboration between the Sincrotrone of Trieste and the Indian institutions is much appreciable. This collaboration is not limited to carrying out joint research projects, but is also aimed at organizing training programs for Indian researchers, consultancy by Italian experts and the construction of an Indian beam-line at the Sincrotrone of Trieste. |

8. http://www.ambnewdelhi.esteri.it/Ambasciata_NewDelhi/Menu/I_rapporti_bilaterali/Cooperazione&scientifica/Accordo_di_cooperazione/

| | | |
|--|---|--|
| <p>ICGEB (International Centre for genetics and Biotechnology) agreement.</p> | <p>Genetics and Biotechnology</p> | <p>ICGEB plays an important role in the promotion of sustainable application and use of biotechnology and genetics. Amongst its various activities it includes a series of measure for dissemination of scientific information all over the world. The use of this information by the United Nations led to a specific agreement between the ICGEB and the UN Secretariat. The Centre also collaborates with important international organizations for programs related to the protection of biodiversity and bio safety (by making available a bibliographic data base on bio safety and risk assessment for genetically modified organisms, in the network.) and for the implementation of section 10 of the Agreement for banning biological weapons, activities carried out with the aim to guarantee international cooperation in these important sectors</p> |
| <p>ITPAR (India-Trento Program for Advanced Research) agreement</p> | <p>Microsystems, Telecommunications, Computer Science, Physics & Material Science Sectors</p> | <p>An important collaboration is under way since 2001 between the University of Trento and various Indian universities. The India-Trento Program for Advanced Research (ITPAR) is a part of the bilateral initiatives agreed upon at a governmental level during the “Fifth Session of Indo-Italian Joint Committee on Scientific and Technological Cooperation” held in Rome on March 12 2002, which envisages joining human resources (exchange of researchers for short and long term), finances (funds for research) and infrastructures (scientific instruments and/or common laboratories).</p> |
| <p>Agreement on scientific, technological collaboration</p> | <p>Applied Mathematics and Information science</p> | <p>The relevance of this Agreement on scientific, technological and cultural collaboration between the University of Udine and the Birla Science Centre, signed on 2 Oct 2001 in Hyderabad, which promotes organization of important scientific events annually in Italy and India in the field of Information Science. Amongst the most significant results of this agreement is an MOU between the University of Udine and the Birla Science Centre for establishing the International Institute for Applied Mathematics and Information Science, and an MOU between the Company EIDON (Ud) and the Birla Global Infotech Services Private Limited for the development and marketing of software. Every year a group of students or young graduates comes to Udine for training programs.</p> |

The following is a non-exhaustive list providing some examples of EU member state programmes and initiatives promoting R&D cooperation with India.

| Country | Programs and Funds |
|----------------|---|
| Germany | <p>Indo-German Science and Technology Centre</p> <ul style="list-style-type: none"> - Encourages joint research and development projects and the centre is co-financed with the Germany Federal Ministry of Education and Research and the Indian Ministry of Science and Technology. - http://www.research-in-germany.de/coremedia/generator/dachportal/en/06__Regions_20in_20Focus/Indien/Indo-German_20Science_20and_20Technology_20Centre.html <p>International Max Planck Research Schools Max Planck-India Fellowships</p> <ul style="list-style-type: none"> - Natural Sciences, Engineering and Technology - http://www.newindigo.eu/object/programme/675.html |
| Denmark | <p>The Danish Council for Strategic Research</p> <ul style="list-style-type: none"> - Memorandum of Understanding (MoU) on biotechnological research was signed in 2004 and a long term collaboration relationship was initiated. <p>Danish Agency for Science, Technology and Innovation</p> <ul style="list-style-type: none"> - http://en.fi.dk/news/denmark-and-india-expand-collaboration-on-biotechnological-research-1 |
| France | <p>Indo-French Centre for the Promotion of Advanced Research (IFCPAR)/ Centre Franco-Indian pour la Promotion de la Recherche Avancée (CE-FIPRA)</p> <ul style="list-style-type: none"> - The establishment of the centre is to increase the opportunity of research between both countries and managed by 10 members, five from each country. - IFCPAR - http://www.cefipra.org/aboutcentre.htm |
| Italy | <p>Indo-Italian Executive Programme of Scientific and Technological Co-operation</p> <ul style="list-style-type: none"> - A programme for scientists exchange from both countries co-funded by the Italian Ministry of Foreign Affairs and Indian Ministry of Science and Technology. - Embassy of Italy in New Delhi - http://www.ambnewdelhi.esteri.it/Ambasciata_NewDelhi/Menu/I_rapporti_bilaterali/Cooperazione&scientifica/Accordo_di_cooperazione <p>International Technology Transfer Programme</p> <ul style="list-style-type: none"> - The programme facilitates the promotion and activities of international technology transfer on behalf of the Ministry of Science and Technology. - Department of Scientific & Industrial Research - http://www.dsir.gov.in/tpdup/ittp/ittp.htm |
| United Kingdom | <p>The Research Council's Energy Programme</p> <ul style="list-style-type: none"> - The programme is funded by EPSRC. - http://www.epsrc.ac.uk/ResearchFunding/Programmes/Energy/Intro.htm |
| Switzerland | <p>Indo-Swiss Joint Research Programme</p> |

| | |
|----------------|---|
| Spain | <p>Indo-Spanish Joint Programme of Co-operation in Science and Technology SIP - India & Spain Innovating Program</p> <ul style="list-style-type: none"> - The programme covers areas of cooperation, such as health sciences, clinical medicine, civil engineering, other social sciences, history, agriculture, forestry, fisheries and allied sciences, chemistry, languages and literature, agricultural sciences, medical sciences, other engineering sciences, other humanities, mathematics and computer sciences, social sciences, veterinary medicine, natural sciences, economics, biology, electrical engineering, electronics, humanities, educational sciences, psychology, physics, earth and related environmental sciences, engineering and technology, basic medicine - http://www.newindigo.eu/object/programme/658.html |
| Poland | <p>India Poland Programme of Co-operation in Science & Technology</p> |
| Austria | <p>Research and Development Programme of the Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management (BMLFUW) 2006 - 2010</p> <ul style="list-style-type: none"> - The programme covers areas such as agriculture, forestry, fisheries and allied sciences, medicine, natural sciences, engineering and technology - http://www.newindigo.eu/object/programme/681.html <p>Lise Meitner Program Research grant, research allowance</p> <ul style="list-style-type: none"> - The programme covers areas such as social sciences, veterinary medicine, natural sciences, humanities, engineering, and technology - http://www.newindigo.eu/object/programme/679.html <p>National Research Networks NFN (FWF) Research allowance</p> <ul style="list-style-type: none"> - The Network activities focus on areas such as agriculture, forestry, fisheries and allied sciences, medical sciences, social sciences, veterinary medicine, natural sciences, humanities, engineering and technology - http://www.newindigo.eu/object/programme/680.html |

Useful links:

- EU-India Strategic Partnership - http://europa.eu/legislation_summaries/external_relations/relation_with_third_countries/asia/r14100_en.htm
- European Commission Research – International Cooperation Policy framework with India - <http://ec.europa.eu/research/iscp/index.cfm?lg=en&pg=india>
- Ministry of Science and Technology http://www.dst.gov.in/about_us/ar06-07/int-st-cop.htm

1.1.4. RUSSIA

A. Political or bilateral agreements between EU/EU member and Russian Federation

The **EU-Russia Partnership & Cooperation Agreement (PCA)**, signed on June 1994, and entered into force on December 1997. The aim of the Partnership and Cooperation Agreement (PCA) is to encourage political, commercial, economic and cultural cooperation between Russia and the EU. It includes a chapter on science & technology (article 62).

Further important agreements are:

Agreement for cooperation between the European Atomic Energy Community and the Government of the Russian Federation in the field of nuclear safety (2001). The agreement establishes legal foundations for accomplishing mutually beneficial cooperation in the field of the enhancement of nuclear safety.

Agreement for cooperation between the European Atomic Energy Community and the Government of the Russian Federation in the field of controlled nuclear fusion (2001); The agreement determined cooperation in the field of controlled nuclear fusion through regular consultations.

Roadmap for the EU-Russia Common Space in Research and Education including Cultural Aspects (2005). The aim of Roadmap for the EU-Russia Common Space in Research and Education is to put in place conditions which will increase opportunities for economic operators, promote trade and investment, facilitate the establishment and operation of companies on a reciprocal basis, strengthen cooperation in the field of energy, transport, agriculture and environment, reinforce economic cooperation and reforms and enhance the competitiveness of the EU and Russian economies.

B. Specific agreements concerning scientific cooperation

Agreement on scientific & technological cooperation between the European Community and the Russian Federation, concluded in 2000 and Agreement renewing the agreement on cooperation in science and technology between the Government of the Russian federation and the European Community (2003)⁹. The aim of the Agreement on scientific & technological cooperation between the European Community and the Russian Federation, is to pursue research and technological activities in a number of areas of common interest, and ensures that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits.

Issues regarding IPRs are regulated in Annex 2 to the Agreement. The Annex is applicable to joint research undertaken pursuant to the Agreement (except as otherwise agreed by the Parties). Among others, the Annex provides rules on the following standards:

- adequate protection of intellectual property (IP)
- taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants
- effective exploitation of results
- non-discriminatory treatment of participants from the other party as compared with the treatment given to its own participants
- protection of confidential information.

9. http://ec.europa.eu/research/iscp/pdf/russia_eu_st_cop_agreement_2003_en.pdf

C. Programmes and initiatives promoting R&D cooperation

This section presents some of the main programs and agreements promoting scientific cooperation among the EU, its member states and Russia.

As far as the EU's Sixth Framework Programme for Research & Technological Development (FP6) is concerned (2003-2006), Russia has been the most successful "third country" participant in terms of funding support from the European Commission and one of the most active third-country participants overall. For the totality of FP6 (2002-2006), more than 300 participants from Russia were involved in over 200 joint research projects in all thematic areas and sub-programmes of the FP6 worth over € 2 billion. In total the Russian Federation research entities obtained from the EC more than € 45 million.

EU Framework Programme for Research & Technological Development (FP7). The cooperation programme is sub-divided into ten distinct themes. Each theme is operationally autonomous but aims at maintaining coherence within the Cooperation Programme and allowing for joint activities cutting across different themes. Across these themes, support to trans-national cooperation is implemented through the following:

- Collaborative research: the bulk of EU research funding in FP7 goes to collaborative research, to establish excellent research projects and networks able to attract researchers and investments from Europe and the entire world
- Technology Platforms
- Coordination of national research programmes.
- Joint Technology Initiatives.

| Programme | Objective |
|----------------------------------|---|
| Framework Programmes: FP7 | <p>The 7th Framework Programme for Research and Technological Development .It is commonly known as FP7, it lasts for seven years, from 2007 until 2013, it has five components, namely, Cooperation, Idea, People, Capacities and Nuclear Research. Two thirds of the overall budgets are allocated to the Cooperation programme that strengthens the research activities and cooperation between industry and academia across Europe and other partner countries. The two main strategic objectives of FP7 are:</p> <ul style="list-style-type: none"> - To strengthen the scientific and technological base of European industry - To encourage its international competitiveness, while promoting research that supports EU policies <p>Website: http://ec.europa.eu/research/fp7/index_en.cfm</p> |
| Erasmus Mundus | <p>This is a Scholarship and Academic Cooperation Programme that facilitates the mobility of students and academic staff between Europe and the rest of the world, as well as to enhance quality in higher education.</p> <p>Website: http://ec.europa.eu/education/external-relation-programmes/doc72_en.htm</p> |
| TEMPUS | <p>Tempus is the European Union's Programme that supports the modernization of higher education in the partner countries, mainly through university cooperation projects.</p> <p>Website: http://eacea.ec.europa.eu/tempus/</p> |

The following is a non-exhaustive list of Russian R&D cooperation agreements with European countries:

| Country | Programs and Funds |
|-------------------------------------|--|
| Austria | The Austrian and the Russian Academies of Sciences cooperate in the framework of an academy agreement concluded in 1993. |
| Hungary | Governmental Agreement for cooperation in nanotechnologies in 2006. |
| Italy | A number of agreements have been signed by regional governments and other local institutions with regional authorities and local institutions in Russia. |
| Spain | The Agreement on Science & Technology Cooperation between the Kingdom of Spain and the Russian Federation (05 November 2001). |
| Netherlands | Memorandum of Understanding signed on April 2004. – Sets out the goals for a current scientific cooperation programme between the Netherlands and the Russian Federation |
| Bulgaria | The Agreement on Trade, Economic and Scientific & Technical Cooperation from 1995 – constitutes the legal basis for S&T cooperation between two countries |
| Poland | Agreement between the Government of the Republic of Poland and the Government of the Russian Federation for Cooperation in the field of Science and Technology from 1993 |
| United Kingdom and Northern Ireland | UK-Russian Agreement on Scientific and Technical Cooperation of 28 May 1996. – Joint Commission on Scientific and Technical Cooperation, set up under Article 9 of the UK-Russian Agreement on Scientific and Technical Cooperation |
| Germany | Strategic Partnership launched in 2005. – The joint initiative, coordinated by the BMBF, aims at bilateral activities in areas of science, education, economy and public administration. It focuses on research and innovation, training and qualification of executives in business and administration, and training of civil service executives. |
| Finland | Bilateral agreements between the Academy of Finland and the Russian Academy of Sciences. |
| France | Inter-governmental Agreements for Science and Technology from 1992 Inter-governmental Agreements for Space from 1996 – Cooperation under Agreements involves mainly the three biggest French institutes: National Scientific Research Centre (CNRS) for basic research, Commissariat for Atomic Energy (CEA) for nuclear and applied research, and National Space Research Centre (CNES) for space research. |
| Czech Republic | Agreement for Economic, Commercial, Scientific and Technological Cooperation between the Czech Republic and the Russian Federation – The inter-departmental Agreement for cooperation in Science & Technology (concluded in 1995, Ministry of Education, Youth & Sport of the Czech Republic and the Ministry of Education & Science of the Russian Federation). |

Russian Federal Government programmes focusing on collaboration with foreign countries:

- The Federal Targeted Programme **R&D in Priority Areas of Russia’s Scientific and Technological Development in 2007-2012.**
- The Federal Targeted Programme **Scientific and Scientific-Pedagogical Human Resources for Innovative Russia in 2009-2013.**

Russian national funds that support R&D and international collaboration:

- Russian foundation for basic research
- Russian foundation for technological development
- Russian humanitarian scientific foundation
- Foundation for supplying to development of small forms of the enterprises in scientific and technical sphere

Useful links and sources of information

- Compendium on Science & Research Cooperation between the European Union and the Russian Federation - <http://ec.europa.eu/research/iscp/pdf/russia.pdf>
- European Commission Research – International Cooperation: Policy framework with the Russian Federation - <http://ec.europa.eu/research/iscp/index.cfm?lg=en&pg=russia>
- Delegation of the European Union to Russia - <http://www.delrus.ec.europa.eu/en/publication.asp?id=2>
- Agreement renewing the agreement on Cooperation in Science and Technology between the European Community and the Government of the Russian Federation -http://ec.europa.eu/research/iscp/pdf/russia_eu_st_cop_agreement_2003_en.pdf
- Agreement on Cooperation in Science and Technology between the European Community and the Government of the Russian Federation - http://ec.europa.eu/research/iscp/pdf/russia_eu_agreement_cooperation_st_en.pdf

1.1.5. AGENCIES AND UNITS FACILITATING COOPERATION BETWEEN EU AND BRIC COUNTRIES

BRAZIL

| Agency | Objectives |
|--------------------------------|--|
| EC Delegation to Brazil | The Delegation of European Union to Brazil has the following objectives: <ul style="list-style-type: none"> - To promote the political and economic relations between the EU and Brazil - To monitor the implementation of the EU/Brazil Strategic Partnership - To inform the public of the development of the EU and the explain and defend individual EU policies - To participate in the implementation of the European Union’s assistance programmes Website: http://ec.europa.eu/delegations/brazil/index_en.htm |

| | |
|--|--|
| Brazilian Liaison Office with FP7 – BBICE | Created in 2005, the Brazilian Bureau for Enhancing the International Cooperation (Project B.Bice) with the European Union is to promote and improve the cooperation between Brazil and the European Union in Science, Technology and Innovation. Brazilian research institutions and enterprises could seek assistance from the B.Bice for the project submission to the EU. Website: http://www.bbice.unb.br/index/index/lan/en |
|--|--|

RUSSIA

| Agency | Objectives |
|---|--|
| EC Delegation to Russia | <p>The Delegation of European Union to Russia has the following objectives:</p> <ul style="list-style-type: none"> – To promote the political and economic relations between the EU and Russia – To monitor the implementation of the EU/Russia Strategic Partnership – To inform the public of the development of the EU and the explain and defend individual EU policies – To participate in the implementation of the European Union’s assistance programmes <p>Website: http://ec.europa.eu/delegations/russia/index_en.htm</p> |
| Joint-Community – Russia Committee | <p>A body that dedicates to and facilitates the cooperation under the Agreement of on Cooperation in Science and Technology between European Community and the Government of the Russian Federation.</p> <p>Website: http://cordis.europa.eu/erawatch/index.cfm?fuseaction=policy.documentAjax&uuid=E1AC8D51-F9B2-EE4F-DB7CA565C03A0135</p> |

INDIA

| Agency | Objectives |
|-------------------------------|---|
| EC Delegation to India | <p>The Delegation of European Union to India has the following objectives:</p> <ul style="list-style-type: none"> – To promote the political and economic relations between the EU and India – To monitor the implementation of the EU/India Strategic Partnership – To inform the public of the development of the EU and the explain and defend individual EU policies – To participate in the implementation of the European Union’s assistance programmes <p>Website: http://ec.europa.eu/delegations/india/index_en.htm</p> |

CHINA

| Agency | Objectives |
|------------------------|---|
| EC Delegation to China | <p>The Delegation of European Union to China has the following objectives:</p> <ul style="list-style-type: none"> - To promote the political and economic relations between the EU and China - To monitor the implementation of the EU/China Strategic Partnership - To inform the public of the development of the EU and the explain and defend individual EU policies - To participate in the implementation of the European Union’s assistance programmes <p>Website: http://ec.europa.eu/delegations/china/</p> |

1.2. Legal environment for intellectual property

1.2.1. INTERNATIONAL STANDARDS OF PROTECTION

The legal environment for IPR issues in international cooperation is characterized by international standards of protections such as the Paris or Berne Conventions, and bilateral agreements between certain countries.

The European Union is not a member of the Paris Convention or Berne Convention. Nevertheless, all of the EU member states are contracting parties to this Convention. At the same time, all BRIC countries are signatories to both Conventions. It is interesting to mention here, that the EU is currently negotiating a proposal for an Anti-Counterfeiting Trade Agreement (ACTA) with a number of countries. However, none of the BRIC countries is among the negotiating parties to the ACTA.

The following table shows the main international standards of protection and conventions that apply to BRIC countries:

International conventions

| | |
|---------------|--|
| Brazil | <p>Member of WTO.</p> <p>Adoption of a series of regulations including Law No. 9.279/96 - (Industrial Property Law -Invention Patents, Utility Models, Industrial Designs, Trademarks, Geographical Indications, Unfair Competition and Technology Transfer Agreements and Franchise)</p> <p>Law No. 9609/98 (Law of Computer Programs) and Law No. 9.610/98 (Law of Copyright and Related Rights).</p> <p>Other important laws: Law No. 9.456/1997 (Plant Variety Protection Act); Provisional Measure No. 2186-16/2001 (Protection of Traditional Knowledge Related to Genetic Resources).</p> |
| Russia | Not a Member of WTO |

| | |
|--------------|---|
| India | <p>Member of WTO since 1995.</p> <p>India has to a large extent complied with its obligation under TRIPS through a series of Amendments to its existing laws and through new legislations. They are:</p> <ul style="list-style-type: none"> - The Trade Marks Act, 1999 - The Design Act, 2000 - The Protection of Plant Varieties and Farmers' Right Act, 2001 - The Geographical Indication of Goods (Registration and Protection) Act, 1999 - The Patents Act, 1970 as amended by Patents (Amendment) Act, 2002 - The Copyright Act, 1957, together with International Copyright Order, 1999 |
| China | Member of WTO |

When analyzing the legal framework for IP, it is important to outline that Intellectual Property issues are a subject of bilateral agreements/initiatives between EU and BRIC countries. Some of them are presented in the following table:

Bilateral Agreements

| | |
|---------------|--|
| Brazil | <ul style="list-style-type: none"> - Agreement on scientific and technological cooperation between Brazil and the European Community in 2004. The draft Legislative Decree (PDC) 1423/04, presented by the Committee on Foreign Relations and National Defense, covers 13 specific fields, including biotechnology, information technology and communications, and management and sustainable use of environmental resources. The agreement aims to encourage cooperation activities in areas of common interest. These activities may take the form of joint projects of scientific research and technological development and exchange of visits from scientists, seminars, conferences and workshops, exchange and sharing of equipment and materials, and exchange of information policies on science and technology. - Bilateral agreements signed between the EU and the countries of the Southern Common Market (Mercosur), including Brazil. The framework agreement with Brazil entered into force in 1995 and was aimed at strengthening the cooperation, in the area of intellectual property, among others. The legal basis of the agreement is Council Decision 95/445/EC of 30 October 1995 concerning the conclusion of the Framework Agreement for cooperation between the European Economic Community and the Federative Republic of Brazil (Official Journal L 262 of 1.11.1995) - The Interregional Framework Cooperation Agreement between the European Community and its Member States, of the one part, and the Southern Common Market and its Party States, of the other part, concluded on March 22 1999, (OJ L 112 of 29.04.1999). <p>Related link: http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/latin_america/r14014_en.htm</p> |
|---------------|--|

| | |
|----------------------|--|
| <p>Russia</p> | <ul style="list-style-type: none"> - Agreement on scientific and technological cooperation between the European Community and the Russian Federation, concluded in 2000 and Agreement renewing the agreement on cooperation in science and technology between the Government of the Russian federation and the European Community (2003). IPR issues, regulated in the Annex to the Agreement, are applicable to joint research undertaken pursuant to this Agreement, except as otherwise agreed by the Parties. The Agreement provides the following rules regarding management of IPR in collaboration activities: <ul style="list-style-type: none"> - adequate protection of intellectual property (IP) - taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants - effective exploitation of results - non-discriminatory treatment of participants from the other party as compared with the treatment given to its own participants - protection of confidential information |
| <p>India</p> | <ul style="list-style-type: none"> - Agreement renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India <ul style="list-style-type: none"> - The Agreement emphasizes the importance of intellectual property rights in S&T activities by including a detailed regulation in the Annex on ownership, allocation and exercise of IPR, as well as protection of undisclosed information. |
| <p>China</p> | <ul style="list-style-type: none"> - The Agreement for scientific and technological cooperation between The European Community and the Government of the People's Republic of China - The EU-China Project on the Protection of Intellectual Property Rights (IPR2). It was launched in 2007 by the European Commission and the Government of China. With EUR 16.275 million in joint funding over 4 years to 2011 (EUR 10.85m from the EU and 5.425m from China), IPR2 reflects the EU and China's long-term commitment to developing a sustainable environment for effective IPR enforcement in China. IPR2 aims at strengthening the enforcement of intellectual property rights by targeting the reliability, efficiency and accessibility of the IP protection system in China. - EU-China Intellectual Property Rights Cooperation Programme S2 (in Trade-marks and Geographical Indications) - Cooperation Agreement on Galileo Global Satellite Navigation Services Programme, signed in 2004. - China-EU Co-operation Action Plan for Customs protection of intellectual property signed in 2009. |

1.2.2. TYPES OF IP RIGHTS IN EU & BRIC COUNTRIES

A. European Union

Intellectual property has a dual nature, i.e. it has both a national and an international dimension. The IPR system in the EU is governed by:

- EU regulations and directives in the area of copyright law and industrial property law,
- international regulations to which the EU is a party,
- national laws of the EU member states.

Within its area, the European Union is pushing for the harmonization of both IP and substantive and procedural laws. As far as sources of European law are concerned, it is important to distinguish two sources of the EU IP law: regulations and directives.

i. **REGULATIONS** - a regulation has a general application and binds in its entirety, and is directly applicable in all Member States. There are a number of EU regulations in the area of IP, which are of great importance and have regulations introducing uniform Community Designs and Community Trademark rights which enable to register Community rights binding in the territories of all EU members.

The EU system of granting the Community trademark and community design right, does not interfere in national systems of EU countries with regard to obtaining protection of trademarks and designs. An interested party is free to choose whether it opts for national protection, community protection or both.

ii. **DIRECTIVES** - a directive is binding to each Member State to which it is addressed, as to the result to be achieved, but leaves to the national authorities the choice of form and methods of the directive implementation.

A great number of EU directives in the area of IP law are aimed at the harmonization of the IP laws of different member states, with a view of achieving a uniform standard of IP protection across the European Union.

| Type of IPR | Name and date of respective law | Source of information/ possibility of download |
|---------------|---|---|
| Copyright | <ul style="list-style-type: none"> - Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs - Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society - Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property - Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission - Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights - Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights - Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original of an original work of art National legislation – Member States copyright acts | http://curia.europa.eu/ - there you can find actual text of European law acts (recommendation: searching by number of directive, e. g. directive 2009/24) |
| Patent | No regulation/directive on European level, only national legislation (national industrial property law acts or patent law acts) | |
| Utility Model | No regulation/directive on European level, only national legislation but not in every country (national industrial property law acts or utility model law acts) | As above |
| Design | <ul style="list-style-type: none"> - Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs - Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs | As above |

| | | |
|--------------------------------|---|---|
| Trade Mark | <ul style="list-style-type: none"> – Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community Trade Mark – Directive 2008/95/EC of the European Parliament and of The Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks | As above |
| Geographical Indication | Council Regulation (EC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs | As above |
| Plant variety | Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights | As above |
| Traditional knowledge | No regulation/directive on European level EU is a party to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions | http://ec.europa.eu/culture/portal/action/diversity/unesco_en.htm |
| Secret know how | No regulation/directive on European level only national legislation (e. g. in national combating unfair competition law acts) | As above |
| Other | Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products | As above |

Useful links

Complete source of national EU Member States IP laws:

- InnovaAccess: <http://www.innovaccess.eu/>

B. BRIC countries

All BRIC countries have a regulatory framework for IPR protection in place. In the following tables, we present a list of respective national IP laws in each of the BRIC countries, the names and dates of the laws and sources of information in English language.

B1. BRAZIL

| Type of IP | Name and Date of Respective law | Source of information/possibility of download |
|------------------|--|---|
| Copyright | Law 9.610, of February 19 th 1998 | http://www.wipo.int/clea/en/text_html.jsp?lang=en&id=514 |
| Patent | Law no. 9.279, of May 4, 1996 | http://www.sice.oas.org/int_prop/nat_leg/Brazil/ENG/L9279el.asp |

| | | |
|--------------------------------|---|---|
| Utility Model | Law no. 9.279, of May 4, 1996 | http://www.sice.oas.org/int_prop/nat_leg/Brazil/ENG/L9279el.asp |
| Desing | Law no. 9.279, of May 4, 1996 | http://www.sice.oas.org/int_prop/nat_leg/Brazil/ENG/L9279el.asp |
| Trade Mark | Law no. 9.279, of May 4, 1996 | http://www.sice.oas.org/int_prop/nat_leg/Brazil/ENG/L9279el.asp |
| Geographical indication | Law no. 9.279, of May 4, 1996 | http://www.sice.oas.org/int_prop/nat_leg/Brazil/ENG/L9279el.asp |
| Plant Variety | Law no. 9.456, of April 25th, 1997 | http://www.wipo.int/clea/en/details.jsp?id=517 |
| Traditional knowledge | Provisional measure No. 2.186-16, of 2001 | http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_5/wipo_grtkf_ic_5_9.doc |
| Secret know-how | Law no. 9.279, of May 4, 1996 | http://www.sice.oas.org/int_prop/nat_leg/Brazil/ENG/L9279el.asp |

B2. CHINA

| Type of IP | Name and Date of Respective law | Source of information/possibility of download |
|----------------------|--|---|
| Copyright | Copyright Law of the People's Republic of China on 27 October 2001, last revised in 26 February 2010 | http://www.fdi.gov.cn/pub/FDI_EN/Laws/GeneralLawsandRegulations/BasicLaws/P020100310354970932477.pdf |
| Patent | Patent Law of the People's Republic of China from March 12, 1984, last amended on 2008 | http://www.sipo.gov.cn/sipo_English/laws/lawsregulations/200804/t20080416_380327.html Amended version (unofficial translation) http://www.grain.org/brl/?docid=833&lawid=3068 |
| Utility Model | Patent Law of the People's Republic of China from March 12, 1984, last amended on 2008 | http://www.sipo.gov.cn/sipo_English/laws/lawsregulations/200804/t20080416_380327.html Amended version (unofficial translation) http://www.grain.org/brl/?docid=833&lawid=3068 |
| Designs | Patent Law of the People's Republic of China from March 12, 1984, last amended on 2008 | http://www.sipo.gov.cn/sipo_English/laws/lawsregulations/200804/t20080416_380327.html Amended version (unofficial translation) http://www.grain.org/brl/?docid=833&lawid=3068 |
| Trade Marks | Trademark Law (2001) | http://www.ccpit-patent.com.cn/references/Trademark_law_China.htm |

| | | |
|--------------------------------|--|--|
| Geographical indication | Article (16) of Trademark Law (2001) | http://www.ccpit-patent.com.cn/references/Trademark_law_China.htm |
| Plant Variety | Regulations of the People's Republic of China on the Protection of New Varieties of Plants , (entered into force October 1, 1997) | http://www.upov.int/export/sites/upov/en/publications/npvlaws/china/china.pdf |
| Traditional knowledge | Article 5 (2) and 27 (5) of the amended version of the Patent Law of the People's Republic of China from 2008 | Amended version (unofficial translation) http://www.grain.org/brl/?docid=833&lawid=3068 |
| Secret know-how | Article (10) of Anti-unfair competition law (1993) | http://www.saic.gov.cn/zcfg/fl/199309/t19930902_45760.htm http://www.en8848.com.cn/yingyu/33/n-92533.html (unofficial translation) |
| Other | Regulations on the Protection of Layout-designs of Integrated Circuits (2001) | http://www.sipo.gov.cn/sipo_English/laws/lawsregulations/200804/t20080416_380325.html |

Further to the specific laws, the following documents/regulations dealing with IP issues may be of particular interest for scientific and technological cooperation:

- National IP Strategy (2008)
- Regulations on Computer Software Protection (2001)
- Provisions on the Implementation of International Copyright Treaties (1992)
- Report submitted by the Ministry of Education and State Intellectual Property Office concerning further Strengthening IP WORK in HEI (2004)
- Regulation on National Science and Technology Rewards (1999)
- Provisions concerning IP management of research results from National scientific research projects (2002)
- Pilot projects of technological innovation (2006)
- Policy on exemption from individual income tax for the bonus of national innovative technology award (2004)
- Five policies on strengthening creation and IP protection (2006)

B3. INDIA

| Type of IP | Name and Date of Respective law | Source of information/possibility of download |
|------------------|--|---|
| Copyright | – Copyright Act, 1957 – Copyright Amendment Act, 1999 | http://copyright.gov.in/Default.aspx |
| Patent | – The patents (amendment) act 2005 effective from 1st January 2005 | http://www.patentoffice.nic.in/ |

| | | |
|--------------------------------|--|---|
| Utility Model | – Not Available in India | |
| Desing | – Design Act, 2000 – Design Act, 2001 | http://www.patentoffice.nic.in/ |
| Tarde Mark | – The Trade Marks Bill, 1993 | http://www.patentoffice.nic.in/ |
| Geographical indication | – Geographical Indication of Goods Act, 1999 came in force with effect from September 2003 | http://ipindia.nic.in/girindia/ |
| Plant Variety | – New Plant Variety and Farmers Rights Protection Act, 2001 | http://plantaauthority.gov.in/about-authority.htm |
| Traditional knowledkge | – The Biological Diversity Act of 2002 | http://www.tkdl.res.in/- http://www.nbaindia.org/act/act_english.htm |
| Secret know-how | Not Available in India | |

B4. RUSSIA

| Type of IP | Name and Date of Respective law | Source of information/ possibility of download |
|----------------------|---|---|
| Copyright | Law of the Russian Federation on copyright and neighbouring rights No. 5351-I of July 9, 1993, as amended July 20, 2004. | http://www.orwell.ru/info/unesco.html (unofficial translation) |
| Patent | Patent law of the Russian Federation of September 23, 1992, No. 3517-I, with changes and amendments, introduced by the federal law of February 7, 2003, No 22-FZ, in force as of 11.03.2003 (some provisions in January 1, 2004). | http://www.intellectpatent.ru/etc/patent_law_of_the_russian_federation.doc |
| Utility Model | Article 13 of the Patent law of the Russian Federation of September 23, 1992, No. 3517-I, with changes and amendments, introduced by the federal law of February 7, 2003, No 22-FZ, in force as of 11.03.2003 (some provisions in January 1, 2004). | http://www.intellectpatent.ru/etc/patent_law_of_the_russian_federation.doc |
| Desings | Not Available in Russia | |
| Trade Mark | Law of the Russian Federation No. 3520-1 on trademarks, service marks and appellations of origin of goods of September 23, 1992, in addition of December 27, 2002 | http://www.jpo.go.jp/shiryousonota_e/fips_e/pdf/russia/trademark_law.pdf |

| | | |
|--------------------------------|---|---|
| Geographical indication | Article 1516 of The Civil Code of the Russian Federation (with the Additions and Amendments of February 20, August 12, 1996, October 24, 1997, July 8, December 17, 1999, April 16, May 15, November 26, 2001, March 21, November 14, 26, 2002, January 10, March 26, November 11, December 23, 2003) | http://civil-code.narod.ru/ch69-art1516-1518.html (unofficial translation) |
| Plant Variety | Chapter 73 of The Civil Code of the Russian Federation (with the Additions and Amendments of February 20, August 12, 1996, October 24, 1997, July 8, December 17, 1999, April 16, May 15, November 26, 2001, March 21, November 14, 26, 2002, January 10, March 26, November 11, December 23, 2003) | http://civil-code.narod.ru/chapter73-right-breeding.html (unofficial translation) |
| Traditional knowledge | Article 1304 of The Civil Code of the Russian Federation (with the Additions and Amendments of February 20, August 12, 1996, October 24, 1997, July 8, December 17, 1999, April 16, May 15, November 26, 2001, March 21, November 14, 26, 2002, January 10, March 26, November 11, December 23, 2003) | http://civil-code.narod.ru/ch69-art1303-1304.html (unofficial translation) |
| Secret know-how | Chapter 75 of The Civil Code of the Russian Federation (with the Additions and Amendments of February 20, August 12, 1996, October 24, 1997, July 8, December 17, 1999, April 16, May 15, November 26, 2001, March 21, November 14, 26, 2002, January 10, March 26, November 11, December 23, 2003) | http://civil-code.narod.ru/chapter74-75.html (unofficial translation) |
| Other | Law of the Russian Federation on the legal protection of the topologies of integrated circuits No. 3526-1 of September 23, 1992, with changes and amendments introduced by the Federal Law No. 82-FL on July, 2002. | http://www.intellectpatent.ru/etc/on_the_legal_protection_of_the_topologies_of_integrated_circuits.doc (unofficial translation) |

1.2.3. MAIN CHARACTERISTICS OF INTELLECTUAL PROPERTY RIGHTS IN EU AND BRIC

In this section, we present the main characteristics regarding Intellectual Property Rights in the European Union and the BRIC countries. This information aims to serve as overview and guidance to any potential participant in R&D activities in EU and BRIC countries.

A. European Union

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|----------------------|---|--|--|--|--|
| Copyright | Automatically. There is no requirement for registration or even fixation | There is no office | Works of all kinds of art (e.g. musical, literary, choreographic) | no cost | 70 years after the death of the author Neighboring rights (e.g. artistic performance rights, phonogram) are protected shorter e. g. 50 years after creation |
| Patents | Registration | National Patent and Trademark Offices | Invention of technical character, which fulfill the criteria of novelty, inventive step and industrial application | Patent office administrative fees, costs of translation, costs of professional assistance (costs of patent attorney) | 20 years after filing patent application |
| Utility Model | Registration | National Patent and Trademark Offices (if the national law provides for protection of utility models) | Any new and useful solution of a technical nature affecting shape, construction or durable assembly of an object shall constitute a utility model. | | various, most often between 10 and 20 years after filing utility model application |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|-------------------------------|---|--|--|--|--|
| Design (registered) | Registration | National Patent and Trademark Office regards Community Design: The Trademarks and Designs Registration Office (OHIM) in Alicante, Spain | Any new industrial design that has individual character appearance of the whole, or a part of a product resulting from the features of, in particular, the lines, colours, shape, texture or materials of the product and its ornamentation. | Patent office administrative fees, costs of translation, costs of professional assistance (costs of patent attorney) | 20 years after filing design application |
| Designs (unregistered) | protection obtained automatically via first public disclosure of a design | | The same as in case of registered designs | No costs involved | 3 years |
| Trade mark | Registration | National Patent and Trademark Offices regards Community Trade-mark: Office for Harmonization of Internal Market (OHIM) in Alicante, Spain | Any sign capable of being represented graphically may be considered as trademark, provided that such signs are capable of distinguishing the goods of one undertaking from those of other undertakings. The following, in particular, may be considered as trademarks: words, designs, ornaments, combinations of colours, the three-dimensional shape of goods or of their packaging, as well as melodies or other acoustic signals. | Patent office administrative fees, costs of translation, costs of professional assistance (costs of patent attorney) | 10 years after filing design application but with the possibility of the prolongation of the protection without limitation |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|--------------------------------|------------------------------------|---|--|---|--|
| Geographical indication | Registration | National Patent and Trademark Office regards Community Geographical Indication: European Commission | Geographical indications are word indications which in an explicit or implicit manner designate the name of a place, locality, region or country (territory), which identify a good as originating in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to the geographical origin of that good. | | without time limitation |
| Plant Variety | Registration | national Plant Variety Office or special department in national Ministry of Agriculture regards Community Plant Variety: Community Plant Variety Office (CPVO) in Angers, France | Plant variety that is distinct, uniform, stable, new, and properly named. | Plant Variety Office administrative fees, costs of translation, costs of professional assistance (costs of patent attorney) | Most often 25 years (by some plant genus such vine and potatoes 30 years) after granting the plant breeders rights |
| Secret know-how | Automatically by keeping in secret | There is no office | The term “know-how” refers to undisclosed, practically applicable, economically valuable information, knowledge, methods that cannot be copyrighted or patented due to the lack of fulfilling statutory prescribed criteria of such kind of protection. | | During the period when know – how is kept in secret |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|--------------|---|---|---|---------------------|--|
| Other | <p>Database – automatically</p> <p>Topography of an integrated circuit – registration</p> | <p>Database: There is no office</p> <p>Topography: national Patent and Trademark Office</p> | <p>Any solution consisting of a three-dimensional arrangement of the elements, however expressed, at least one of which is an active element, and of all or some interconnections in an integrated circuit, are considered as a topography of an integrated circuit. An integrated circuit is any three-dimensional product having one or more layers, composed of elements of semiconducting material forming a continuous layer and of conducting interconnections and insulating spaces, inseparably interconnected, intended to perform electronic functions.</p> | no cost | <p>Database: 15 years after creation of the database</p> <p>Topography: 10 years after filling the topography application</p> <p>(with some exception)</p> |

B. BRIC countries

The Intellectual Property laws in the BRIC countries present similar level of protection to what is understood as international standard. With respect to the more important types of IPR rights such as copyright, patent and trademark, each country has an appropriate regulation and specific act of law. The way of obtaining protection is the same in each country. In the case of copyright, protection it is granted by virtue of law by creating the copyrighted work without obligation of registering it in a special office whereas in the case of industrial property law the exclusive law is granted by virtue of administrative act issued by a special office after conducting an appropriate procedure. There are, however, some differences regarding other IP rights such as utility models, plant varieties, traditional knowledge and secret know-how.

The following section presents the main characteristics of the IP rights in each of the BRIC countries.

B1. Brazil

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|-------------|---------------------------|---|---|---------------------|--|
| Copyright | Automatically | http://www.inpi.gov.br | The intellectual works which are protected are creations of the mind, whatever their mode of expression or the medium in which they are fixed, tangible or intangible, known or susceptible of invention in the future, specially: the texts of literary, artistic or scientific works; lectures, sermons; dramatic and dramatic-musical works; choreographic and mimed; musical compositions; audiovisual works, with or without accompanying sounds, including cinematographic works; photographic works; drawings, paintings, engravings, sculptures; illustrations, maps; drafts, mock-ups and art works relating to geography, engineering, topography, architecture; adaptations and translations; computer programs; collections or compilations, anthologies, encyclopedias, dictionaries, databases and other works which, by virtue of the selection, coordination or arrangement of the subject matter, constitute intellectual creations. | no costs | The term of protection of neighboring rights shall be 70 years from the first of January of the year following fixation for phonograms transmission, for the broadcasts of broadcasting organizations and public performance in other cases. |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|--------------------------------|---------------------------|---|--|---------------------|--|
| Patent | Registration | http://www.inpi.gov.br | An invention is patentable if it satisfies the requirements of novelty, inventive step, and industrial application. | € 67,00 | 20 years |
| Utility Model | Registration | http://www.inpi.gov.br | An object of practical use or part thereof is patentable as utility model if it is susceptible of industrial application, has a new form or arrangement, and involves an inventive act, which results in functioning improvement in its use or manufacture. | € 67,00 | 15 years |
| Desing | Registration | http://www.inpi.gov.br | An industrial design is considered to be an ornamental plastic form of an object or an ornamental arrangement of lines and colors which may be applied to a product, providing a new and original visual result in its external configuration and that may serve as a model for industrial manufacture. | € 67,00 | 10 years from the date of filing, being extendable for 3 successive periods of 5 years each. |
| Trade Mark | Registration | http://www.inpi.gov.br | Any distinctive visually perceivable signs that are not included in legal prohibitions shall be eligible for registration as a mark. | € 67,00 | 10 years from the date of granting of the registration, and the period may be extended for equal and successive periods. |
| Geographical indication | Registration | http://www.inpi.gov.br | A geographical indication is an indication of source or a denomination of origin. An indication of source is the geographic name of a country, city, region or locality in its territory, which has become known as a center of extraction, production or manufacture of a given product or of provision of a given service. | € 67,00 | |
| Plant Variety | Registration | http://www.inpi.gov.br | Regulate protection for plant varieties and legal form that may inhibit the free utilization of plants or of their reproduction or vegetative multiplication parts, in the Country which will be granted by Granting of the Plant Variety Protection Certificate. | | |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|------------------------------|---------------------------|---|--|---------------------|-----------------------|
| Traditional knowledge | | | <p>Besides the genetic heritage access, the provisional measure also aims at the protection to the traditional knowledge, which is associated with information or individual or collective practices of an indigenous or local community having real or potential value and associated with the genetic heritage;</p> <p>The law regulates access to traditional knowledge relating to the genetic heritage that is relevant to the conservation of biological diversity, the integrity of the Country's genetic heritage and the use of its components; the fair and equitable sharing of the benefits deriving from the exploitation of components of genetic heritage and the associated traditional knowledge;</p> | | |
| Secret know-how | | http://www.inpi.gov.br | Set as secret know-how. Knowledge information or confidential data, used in industry, commerce or services, excluding that which is of public knowledge or which is obvious to one skilled in the art, which had access through contractual or employment relationship, even after the expiration of the contract | | Time spent in secrecy |

B2. China

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|---------------|---------------------------|--|--|---------------------|--|
| Copyright | Automatically | National Copyright Administration http://www.ncac.gov.cn/cms/html/205/index.html | The protected “works” include, among other things, works of literature, art, natural sciences, social sciences, engineering and technology, which are created in any of the following forms: (1)written works; (2)oral works; (3) musical, dramatic, choreographic and acrobatic works; (4) works of the fine arts and architecture; (5) photographic works; (6) cinematographic works and works created by a process analogous to cinematography; (7) graphic works such as drawings of engineering designs and product designs, maps and sketches, and model works; (8)computer software; and (9) other works as provided for in laws and administrative regulations | | In respect of a work of citizen, the term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of the copyright law shall be the lifetime of the author and fifty years after his death. |
| Patent | Registration | State Intellectual Property Office http://www.cpo.cn.net/ | An “Invention-creation” protected under patent law includes inventions, utility models and designs. Any invention or utility model for which a patent right may be granted must possess the characteristics of novelty, inventiveness and usefulness. | RMB 950 | 20 years for inventions, counted from the date of filing. |
| Utility Model | Registration | State Intellectual Property Office http://www.cpo.cn.net/ | A “utility model” in the patent law means any new technical solution relating to the shape, the structure, or their combination, of a product, which is fit for practical use. | RMB 500 | 10 years, counted from the date of filing. |
| Desing | Registration | State Intellectual Property Office http://www.cpo.cn.net/ | A “design” in the patent law means any new design of the shape, pattern or their combination, or the combination of the color with shape or pattern, of a product, which creates an aesthetic feeling and is fit for industrial application. | RMB 500 | 10 years, counted from the date of filing. |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|--------------------------------|---------------------------|---|--|---------------------|---|
| Trade Mark | Registration | Trademark Office of the administrative authority for industry and commerce http://sbj.saic.gov.cn/ | A “registered trademark” may be a trademark used on goods, a service mark, a collective mark or a certification mark. Any visually perceptible sign, capable of distinguishing the goods or services of one natural person, legal person or any other organization from those of other persons, including words, devices, letters, numerals, three-dimensional signs, combination of colours as well as the combination of such signs are eligible for application for registration as a trademark. | RMB 1000 | 10 years starting from the date of registration. The period of validity of each renewal of registration shall be ten years. |
| Geographical indication | Registration | Trademark Office of the administrative authority for industry and commerce http://sbj.saic.gov.cn/ | A geographical indication is a sign which indicates a good as originating in certain region, where a given quality, reputation or other characteristic of the good is essentially attributable to the natural or human factors of the region. The application for a geographical indication may be filed as certification marks or collective marks. | RMB 1000 | 10 years starting from the date of registration. The period of validity of each renewal of registration shall be ten years. |
| Plant Variety | Registration | The administrative departments of agriculture and forestry under the State Council | A cultivated plant variety, or a developed one based on a discovered wild plant, which is new, distinct, uniform and stable, and whose denomination is adequately designated. | RMB 1800 | 20 years for vines, forest trees, fruit trees and ornamental plants and 15 years for other plants, counted from the date of grant |
| Traditional knowledge | | State Intellectual Property Office http://www.sipo.gov.cn/sipo2008/ | | | |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|---------------------------------------|---------------------------|---|--|---------------------|----------|
| Secret know-how | Automatically | the administrative authority for industry and commerce | Any technology information or business operation information which is unknown to the public, can bring about economic benefits to the obligee, has practical utility, and with respect to which the obligee has adopted secret-keeping measures. | | |
| Layout-designs of Integrated Circuits | Registration | State intellectual Property Office of P.R.C. http://www.sipo.gov.cn/sipo2008/ | Any layout-design under protection is original, that is, the intellectual achievement of the creator himself, and it is not commonplace among creators of layout-designs and manufactures of integrated circuit at the time of its creation. | | 10 years |

B3. India

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|-------------|--|--|--|---|--|
| Copyright | Registration of copyright is not an essential requirement for protection | Dy. Registrar of Copyrights, Copyright Division. Department of Higher Education Ministry of Human Resource Development B - 2/W - 3, Curzon Road Barracks Kasturba Ghandhi Marg New Delhi : 110001 Email: copyright@nic.in Telephone No.: (Office)91-11-23382436,(23382549, 23382458 Extn.:45 | Literary, dramatic or musical work, computer programs, artistic work, cinematography film, sound recording | Details of cost available at:- http://copyright.gov.in/formFeeDetailsShow.aspx | The term of copyright is the lifetime of the author plus 60 years from the calendar year following the year of the author's death. |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|----------------------|-----------------------------------|--|---|---------------------|----------|
| Patent | Registration | Office of the Controller General of Patents, Designs, Trademarks CGO Complex, C Block, Seminary Hills, Near TV Tower, Nagpur, Maharashtra - 440006 Email: niipm.ipo@nic.in, ipti-mh@nic.in Website: http://www.ipindia.nic.in Phone: (91) (0712) 2511380 / 2510088 / 2510535 Fax: (91) (0712) 2510186 / 2512040 | An invention relating either to a product or process that is new, involving inventive step, and capable of industrial application can be patented. However, it must not fall into the categories of inventions that are non-patentable under section 3 and 4 of the Act. Examples: A new chemical process or a drug molecule or an electronic circuit or a new surgical instrument or a vaccine constitutes a patentable subject matter. | Rs. 29,000/- | 20 years |
| Utility Model | Protection not available in India | | | | |
| Design | Registration | Office of the Controller General of Patents, Designs, Trademarks CGO Complex, C Block, Seminary Hills, Near TV Tower, Nagpur, Maharashtra - 440006 Email: niipm.ipo@nic.in, ipti-mh@nic.in Website: http://www.ipindia.nic.in Phone: (91) (0712) 2511380 / 2510088 / 2510535 Fax: (91) (0712) 2510186 / 2512040 | Features of shape, configuration, pattern or ornamentation applied or applicable to an article. | Rs. 2,000/- | 15 years |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|--------------------------------|---|--|--|---------------------|----------|
| Trade Mark | Registration | Office of the Controller General of Patents, Designs, Trademarks CGO Complex, C Block, Seminary Hills, Near TV Tower, Nagpur, Maharashtra - 440006 Email: niipm.ipo@nic.in, ipti-mh@nic.in Website: http://www.ipindia.nic.in Phone: (91) (0712) 2511380 / 2510088 / 2510535 Fax: (91) (0712) 2510186 / 2512040 | A distinctive sign, which identifies certain goods or services, or trademarks, or a combination of words, letters and numerals, drawings, symbols, three-dimensional signs such as the shape and packaging of goods, or colours used as distinguishing features. | Rs. 9,000/- | 10 years |
| Geographical indication | While registration of a Geographical Indication is not compulsory, it offers better legal protection for action for infringement. | Geographical Indication Registry, Intellectual Property Building, G.S.T. Road, Guindy, Chennai - 600 032 Phone: 044 – 22502091-93 & 98, Fax : 044 – 22502090 E-mail: gir-ipo@nic.in | Goods having special characteristics and quality originating from definite geographical territory. Examples:-Basmati Rice, Darjeeling Tea, Kanchipuram Silk Saree, Alphonso Mango, Nagpur Orange, Kolhapuri Chappal, Bikaneri Bhujia, etc. | Rs.2,800/- | 10 years |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? | Where to get protection? | Subject-matter protected | Costs of protection | Duration |
|------------------------------|---------------------------|---|--|---------------------|--|
| Plant Variety | Registration | Protection of Plant Varieties and Farmer's Rights Authority Govt. of India, Ministry of Agriculture, Department of Agriculture and Co-operation, NASC Complex, DPS Marg, Opp- Todapur Village, New Delhi-110 012 Tel: &91-11-25848127 Fax: &91-11-25840478 Email: chairperson-ppvfra@nic.in | PP Protection given for four types varieties as following:- New Variety Extant Variety Essential Derived Variety Farmers Variety For Example: Black Gram, Bread Wheat, Cotton (Tetraploid), Cotton (Diploid), Chickpea, Field Pea, Green gram, Jute, Kidney bean, Lentil, Maize, Pearl Millet, Pigeon pea, Rice, Sorghum, Sugarcane, Turmeric, Ginger | | 9 years in the case of trees and vines and 6 years in the case of other crops. |
| Traditional knowledge | Registration | Dr.P.L.Gautam, Chairman, NATIONAL BIODIVERSITY AUTHORITY 5th Floor, TICEL Bio Park, Taramani Road, Taramani, Chennai - 600 113 Tel: 91-044-2254 1805 Fax: 91-044-2254 1073 Email: chairman@nbaindia.in Shri. C.Achalender Reddy, I.F.S Secretary, National Biodiversity Authority 5th Floor, TICEL Bio Park, | Protection for knowledge that is related to biological diversity and is held by local people. | | 3 years |

B4. Russia

| Type of IPR | How to obtain protection? (registration or automatically) | Where to get protection? (provide link to the institution) | Subject-matter protected | Costs of protection | Duration |
|---------------|---|--|---|---------------------|---|
| Copyright | Automatically | For the arising, realization and protection of copyright, neither registration of the work nor observance of any other formalities is required. (Article 1259, Civil Code) | Intellectual rights to works of scholarship, literature, and art are copyright. The following rights belong to the author of a work: the exclusive right to the work; the right of the authorship; the right of the author to his name; the right to the inviolability of the work; the right to make a public performance of the work. (Article 1255, Civil Code) | - | The exclusive right to a work is effective for the whole lifetime of the author and 70 years from January 1 of the year following the year of the author's death. The exclusive right in a work created by co-authors is effective for the whole lifetime of the author who survives the other co-authors and 70 years from January 1 of the year following the year of his death. (Article 1281, Civil Code) |
| Patent | Registration | http://www1.fips.ru/wps/wcm/connect/content_en/en/main/ | The objects of patent rights are the results of intellectual activities in the area of science and technology and the results of intellectual activities in the area of artistic design. The following are not objects of patent rights: 1) human cloning techniques; 2) the techniques for modifying the genetic integrity of human embryo cells; 3) the uses of human embryos for industrial and commercial purposes; 4) the other solutions inconsistent with the public interest and humane and moral principles. (Article 1349, Civil Code) | RUR 2700 | The effective term of the exclusive right to an invention, utility model, industrial design, and of the patent certifying this right is counted from the day when the initial patent application was filed with the federal executive governmental body charged with intellectual property matters, and it is as follows, provided the requirements established by the present Code are met: 20 years for inventions; 10 years for utility models; 15 years for industrial design. (Article 1363, Civil Code) |
| Utility Model | Registration | http://www1.fips.ru/wps/wcm/connect/content_en/en/main/ | A technical solution relating to an apparatus is protected as a utility model. A utility model is given legal protection if it is novel and industrially exploitable. (Article 1351, Civil Code) | RUR 2400 | |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? (registration or automatically) | Where to get protection? (provide link to the institution) | Subject-matter protected | Costs of protection | Duration |
|--------------------------------|---|---|---|---------------------|--|
| Design | - | - | - | - | - |
| Trade Mark | Registration | http://www1.fips.ru/wps/wcm/connect/content_en/en/main/ | A designation serving for individualizing goods of legal entities or individual entrepreneurs. (Article 1477, Civil Code) | RUR 10000 | The exclusive right to a trademark is effective for ten years after the filing of the trademark state registration application with the federal executive governmental body charged with intellectual property matters. The effective term of the exclusive right to the trademark may be extended by 10years by application of the right holder filed during the last year of the right's effective term. (Article 1491, Civil Code) |
| Geographical indication | Registration | http://www1.fips.ru/wps/wcm/connect/content_en/en/main/ | The appellation of origin of a merchandise to which legal protection is granted means a designation being or containing a contemporary or historical, official or unofficial, full or abbreviated name of a country, urban or rural inhabited settlement, locality or another geographic object. Also a designation which is derivative from such name and which has become recognized as the result of being used in respect of a merchandise whose special properties are exclusively or predominantly defined by the natural conditions and/or human factors characteristic of the given geographic object. (Article 1516, Civil Code) | RUR 10000 | An exclusive right to use an appellation of origin registered by the federal executive governmental body charged with intellectual property matters, and also in other cases envisaged by an international treaty of the Russian Federation is effective on the territory of the Russian Federation. (Article 1517, Civil Code) |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? (registration or automatically) | Where to get protection? (provide link to the institution) | Subject-matter protected | Costs of protection | Duration |
|------------------------------|---|---|---|---------------------|---|
| Plant Variety | Registration (as a patent) | http://www1.fips.ru/wps/wcm/connect/content_en/en/main/ | The objects of intellectual rights to breeding achievements are the plant varieties and animal breeds registered in the State Register of Protected Breeding Achievements if these results of intellectual activity meet the requirements established by the present Code as applicable to such breeding achievements. (Article 1412, Civil Code) | RUR 2700 | 20 years (Article 1363, Civil Code) |
| Traditional knowledge | - | - | Scientific, literary and artistic works promulgated after they have passed into the public domain, in as much as it concerns the rights of publishers of such works. (Article 1304, Civil Code) | - | A work that has passed into the public domain may be freely used by any person without anybody's consent or permission and without paying out a royalty. In this case, the attribution, name of the author and integrity of the work are preserved. (Article 1282, Civil Code) |
| Secret know-how | Automatically | The administrative authority for industry and commerce. | The production secret (know-how) is information of any nature (production, technological, economic, organizational and others), including information on the results of intellectual activities in the area of science and technology and also information on the methods of carrying out professional activities which has a real or potential commercial value due to being unknown to third persons, which is not freely accessible to third persons on a legal ground, and which is covered by a commercial secret regime introduced by the owner of that information. (Article 1465, Civil Code) | - | The exclusive right to a production secret is effective as long as the confidentiality of the information making up its content exists. Once the relevant information is no longer confidential the exclusive right to manufacture secret is terminated for all right holders. (Article 1467, Civil Code) |

Environment for Scientific Cooperation & IP in EU and BRIC

| Type of IPR | How to obtain protection? (registration or automatically) | Where to get protection? (provide link to the institution) | Subject-matter protected | Costs of protection | Duration |
|---|--|---|---|----------------------------|---|
| The Right to Integrated Circuit Layout-Designs | Registration | http://www1.fips.ru/wps/wcm/connect/content_en/en/main/ | The integrated circuit layout-design (topology) is a spatial-geometric arrangement of an array of integrated circuit elements fixed on a material medium and the interconnections thereof. Here, the integrated circuit is a microelectronic article of a final form or an intermediate form intended for performing the functions of an electronic circuit whose elements and connections are integrally formed in, and/or on the surface of, the material on the basis of which the article is manufactured. (Article 1448, Civil Code) | RUR 2100 | The exclusive right to a layout-design is effective for ten years. (Article 1457, Civil Code) |

1.2.4. INTELLECTUAL PROPERTY IN HIGHER EDUCATION INSTITUTIONS AND PUBLIC RESEARCH ORGANISATIONS. RULES ON EMPLOYEES' CREATIONS

The IP-Unilink project is focused on scientific cooperation involving Higher Education Institutions (HEIs) from EU and BRIC countries, and this section offers insights in how Intellectual Property Rights are regulated in these organizations.

We offer an overview on EU policies on IP in Higher Education Institutions (HEIs) and Public Research Organizations (PROs), and IP regulations at HEIs in BRIC countries, which are of particular relevance to entities embarking in research cooperation with EU or BRIC Higher Education Institutions.

The information presented in this section is based on secondary research conducted by the IP-Unilink consortium partners. The results are presented following a set of questions which are of particular importance with regards to IP in research cooperation. For each question, the situation in the EU is described first (based on research conducted by the EU partners), followed by a table containing the relevant data for each of the BRIC countries (based on the information provided by the respective BRIC project partner).

1) Is there any specific regulation regarding the employees' creation in the IP field?

Generally speaking, there is no uniform EU regulation on employee's creations. However, the specific reference regarding ownership of right to a Community design created by an employee is included in the Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs. According to the rule expressed in Article 14 of the Regulation, where a design is developed by an employee in the execution of his duties or following the instructions given by his employer, the right to the Community design vests in the employer, unless otherwise agreed or specified under national law.

Specific provisions regarding employees' creations in IP field are included in copyright acts and industrial property acts or special regulations on employee creations of most EU member states.

In general, the question of ownership of IP generated with an HEI often depends on the agreements concluded in the case of a specific project. Even if they are special provisions regarding employees' creations or IP ownership within the HEI, in research collaboration initiatives, the parties usually sign an agreement regulating these issues for each specific project.

| | |
|--|--|
| <p style="text-align: center;">Brazil</p> | <p>The Article 92 of the Industrial Property Law No. 9.279/96 (IPL) extends the application of general rules (regarding ownership of IP) to the relationship between a self-employed person or a trainee and the contracting company and between contractors. The rules are as follow:</p> <ol style="list-style-type: none"> 1. Proprietary Employer This is the case in which the invention or utility model from the actual activity contracted, i.e., the inventive or creative activity is planned or due to the nature of the employee’s work (invention or utility model - Art.88 of the IPL). 2. Proprietary Employee It is required in this case that the creation should not be made in line with the employment or service contract, and yet, without the use of the resources, facilities, data, materials, facilities or equipment of the employer. (Art. 90 of the IPL). 3. Common Property This is the case in which the creations result from the employee’s personal contribution and the resources, media, data, materials, facilities or equipment of the employer (Art. 91 of the LPI). |
| <p style="text-align: center;">Russia</p> | <p>In regard to copyrighted works, the following rules apply:</p> <ul style="list-style-type: none"> – The copyright in a work created in the course of duty obligations or in the performance of an assignment expressly given by the employer (service-related work) belongs to the author of the work. – The exclusive right to exploit the service-related work belongs to the person to whom the author is bound by employment relations (employer), unless otherwise provided in the contract concluded by the said person with the author. – The amount of the remuneration of the author for each form of use of the service-related work, and the manner of the payment thereof, is specified in the contract concluded by the author and employer. <p>The employer has the right to mention his name or demand such mention in connection with any exploitation of the service-related work. (Article 14.1 Law of the Russian Federation on copyright and neighbouring rights No. 5351-I of July 9, 1993, as amended July 20, 2004.)</p> |
| <p style="text-align: center;">India</p> | <p>Employees’ creations are protected according to the IPR policy of the institution/organization.</p> |
| <p style="text-align: center;">China</p> | <ul style="list-style-type: none"> – An invention-creation, made by a person in execution of the tasks of the entity to which he belongs, or made by him mainly by using the material and technical means of the entity is a service invention-creation. – Such a provision applies in respect of an invention-creation made by a person using the material and technical means of an entity to which he belongs, where the entity and the inventor or the creator have entered into a contract in which the right to apply for and own a patent is provided for. – The entity that is granted a patent right rewards to the inventor of a service invention-creation and, upon exploitation of the patented invention-creation, gives the inventor or the creator a reasonable remuneration based on the extent to which the invention-creation is applied and the economic benefits it yields. |

2) Is there any national regulation (or specific provisions in general regulation) for IP generated within Higher Education Institutions (i.e. by HEI's employees)?

In the European Union, there is no common regulation in this regard. In the BRIC countries, the situation is as follows:

| | |
|---------------|---|
| Brazil | <p>The issue of innovation and IP issues in employment contracts in HEIs is regulated by Technological Innovation Act (Law No. 10.973,). It is optional for the Scientific and Technological Institution (ICT) to provide services to public or private institutions, compatible with the objectives of this Act, when innovation and technological development is done at production environment.</p> <p>§ 1. The provision of services under the heading of this article shall be subject to approval by the institution or the highest authority of the Scientific and Technological Institution.</p> <p>§ 2º. The Civil servants, military personnel or the public servant involved in the provision of services referred to in this article may receive remuneration directly from the Scientific and Technological Institution or supporting institution with which has signed an agreement in which he is paid as a percentage and only with funds raised within the contracted activity.</p> <p>The Law 10.973 also incentives scientific and technological research as it ensures the creator a minimum of 5% (five percent) and a maximum of 1 / 3 (one third) of the profits received by the Scientific and Technological Institution when a technology is licensed.</p> |
| Russia | <p>In general, each HEI in Russia regulates the IP rules in its internal institutional regulations but, as a matter of fact, they frequently reflect the federal regulations on IPR adopted for given HEI environment. The common roadmap of protection of IPR at HEI's is presented below:</p> <ul style="list-style-type: none"> - An inventor files an application with the department; - There is a consideration of the application at the department council; - The HEI files an application with the Federal Service for Intellectual Property, Patents and Trademarks (Rospatent); - A patent is issued. |
| India | <p>No reference found of this issue</p> |
| China | <ul style="list-style-type: none"> - Law of the PRC on Promoting the Transformation of Scientific and Technological Achievements (1996) - Regulation on IP Protection and management within HEI's (the Ministry of Education, 1999) - Regulations on Promoting of Sci-Tech Achievements' Transformation (the Ministries of Science and Technology, Education, Personnel, Finance, People's Bank of China, State Administration of Taxation and State Administration of Industry and Commerce, 1999) - Regulations on Management of IP Financed by National Projects Plan of Science and Technology (The Ministries of Science and Technology, Finance, 2002) - The Law of the PRC on Progress of Science and Technology(2008) |

3) Who owns the IP generated within the HEI's (including IP generated by non-employees like students, visiting professors, etc.)?

The general rule that applies in almost all EU countries is that, by virtue of law, the employer obtains the right to the intellectual property created by an employee under the employment contract. The employee (inventor/author) has the right to appropriate extra remuneration. However, in some countries (e.g. Sweden), the so-called "professor's privilege" is still in place, which guarantees that IP results are owned by the researcher/employee who created it. In any case, also under the regime of the "professor's privilege", the employment contract can stipulate a different regime, i.e. that the results belong to the employer.

The employee's creation regimes in particular BRIC countries are as follows:

| | |
|---------------|---|
| Brazil | <p>The ownership is attributed to the University, but co-ownership is possible. Technological Innovation Act (Law n° 10.973), Article 9 sets out that the co-ownership rights and stakeholder participation in the results may be provided in an agreement, and other requirements and details can be included in the contract. The contract has to use the terms "should be required in the contract" and "ensuring the signatories the right to license" (single license that you own or co-holder), assuring the co-ownership of intellectual property.</p> <p>Article 9. For Scientific and Technological Institution (ICT) partnership it is possible to establish agreements for joint activities of scientific and technological research and development of technology, product or process, between public and private institutions.</p> <p>§ 1. "Civil servants, military personnel or public employees of the Scientific and Technological Institution involved in carrying out activities under the heading of this article may receive a grant to stimulate innovation directly support institution or funding agency."</p> <p>§ 2. "The parties provide, by contract, ownership of intellectual property and profits of the exploitation of creations resulting from the partnership, ensuring the signatories the right to license, as set forth in § 4 and § 5 of art. 6 of this Law."</p> <p>§ 3. "Intellectual property and profits referred to in § 2 of this Article shall be assured, being in the contract in the same proportion to the amount of the value of existing knowledge at the beginning of the partnership and human resources, financial and material resources allocated contracting parties."</p> |
| Russia | <p>The ownership of IPR is attributed to the University, but co-ownership regime is possible under the contract.</p> |

| | |
|--------------|---|
| India | <p>As per the IPR Policy:</p> <ol style="list-style-type: none"> 1) The Institute will require to be assigned to it such intellectual property as is created by the creators through the use of Institute-supported resources. 2) Ownership of copyright of all copyrightable work rests with the author with the following exceptions: <ul style="list-style-type: none"> – Sponsored and/or collaborative activity – Software – Total or partial dependence on the degree of institute-supported resources 3) The Institute may accept assignment of intellectual property owned by others provided that such an assignment is found to be consistent with the public interest and the Institute’s academic mission. 4) When the creator discloses the generation of such intellectual property to the Institute, the sponsor will receive first refusal on an option to license the resulting intellectual property on terms to be negotiated on a case-by-case basis. |
| China | <p>The HEI owns the IP in most of the cases. Non-employees who take part in research and development cannot share the ownership of IP if there is no contract.</p> |

4) Can the ownership of IP be regulated internally within the HEI?

In principle, European HEI’s are free to implement their internal IPR policies, including ownership questions what is often the case. In BRIC countries, the situation looks as follows:

| | |
|---------------|---|
| Brazil | <p>The HEI follows the standards described in the national legislation.</p> |
| Russia | <p>Internal regulations on IP are created in each HEI. Most of them base rules set out in the federal law adapting them to the particular needs of an individual HEI.</p> |
| India | <p>In principle, the ownership can be regulated as far as it is defined in IPR regulation</p> |
| China | <p>No, although the ownership of IP can be provided for by regulations internally within the HEI, those regulations coincide with the relevant national regulations. The HEI has no rights to regulate IP ownership out of the national regulations. The ownership of IP generated from co-operation with non-employees and other HEI’s and research institutions can be regulated by contract.</p> |

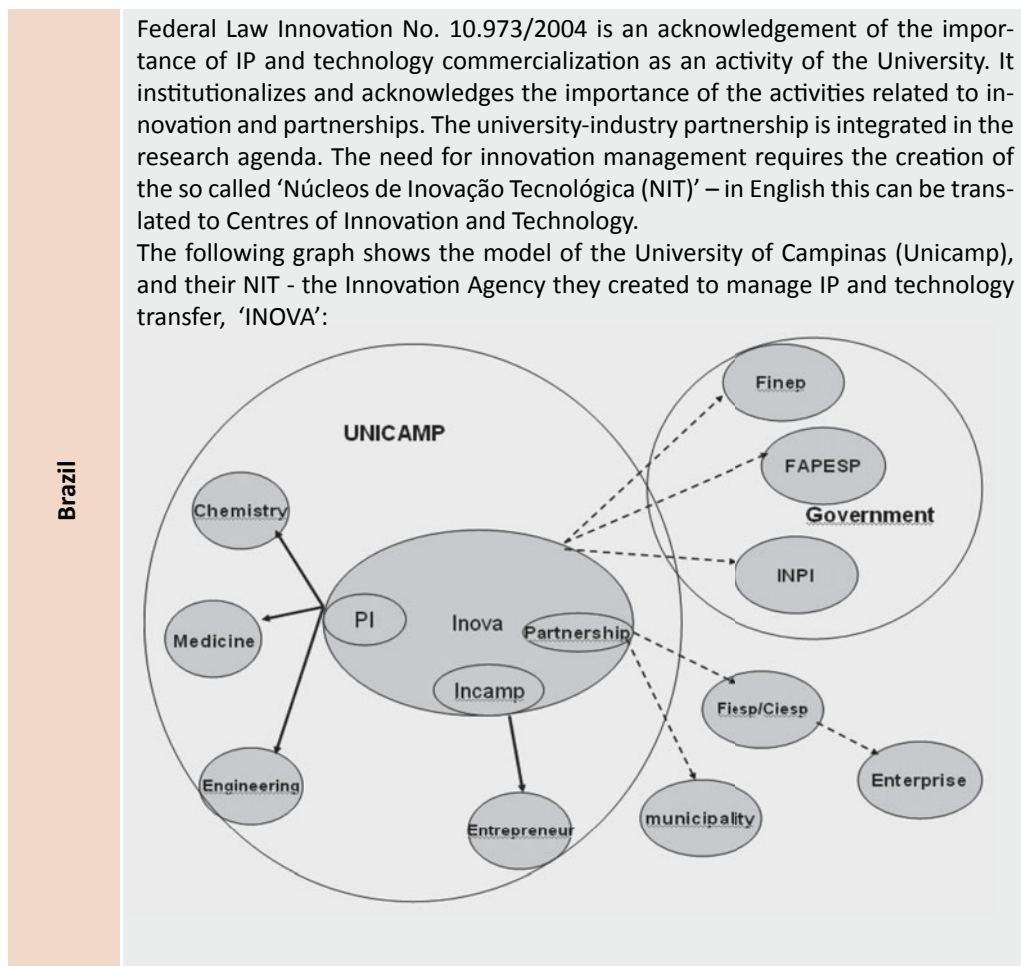
5) Is there any recommended model for IP and innovation management at universities, such as model regulations for the HEI’s supported by the state, or an association of HEI’s?

EUROPEAN UNION: At the EU level, guidelines in this regard are provided by the “**Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organizations**” (Brussels, 10/4/2008, C(2008)1329), adopted by the European Commission in 2008, following the European Council resolution. The Code of Practice, being part of the Recommendation, offers a model for IP and

innovation management at HEIs and PROs, as well as regarding collaboration of HEIs/PROs from EU and third countries.

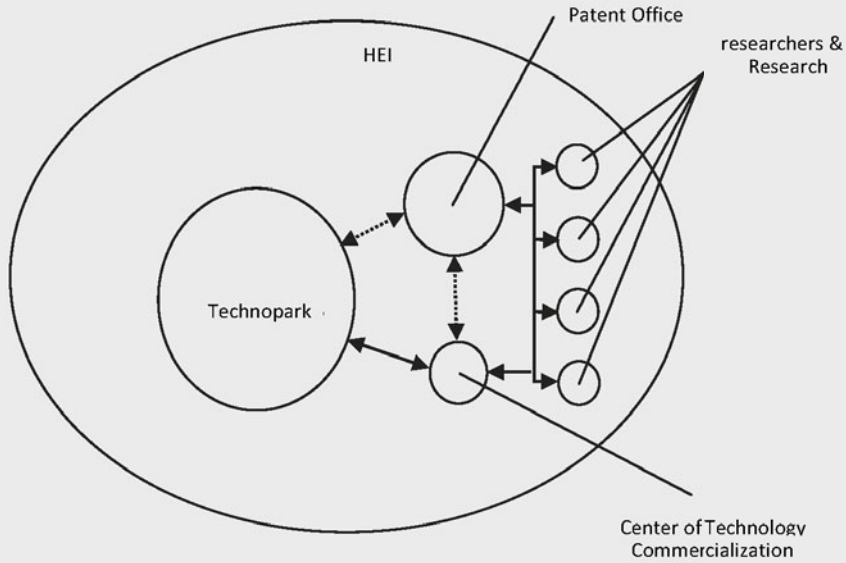
According to the preamble, the Recommendation seeks to provide Member States and their regions with policy guidelines for the development or updating of national guidelines and frameworks, and public research organizations with a Code of Practice, in order to improve the way public research organizations manage intellectual property and knowledge transfer. The Code of Practice should be used as a reference in the context of collaboration in the field of research and development as well as knowledge transfer activities between the Community and third countries. As declared, the collaboration should be based on clear and uniform recommendations and practices that ensure equitable and fair access to intellectual property generated through international research collaborations, to the mutual benefit of all partners involved.

With regards to IP management models and recommendations for higher education institutions in BRIC countries, the following models and initiatives are relevant:

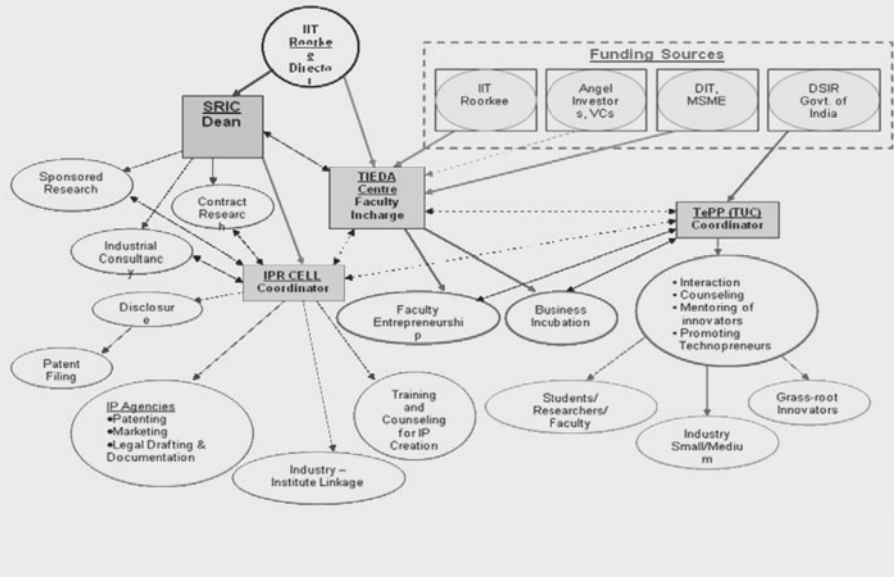


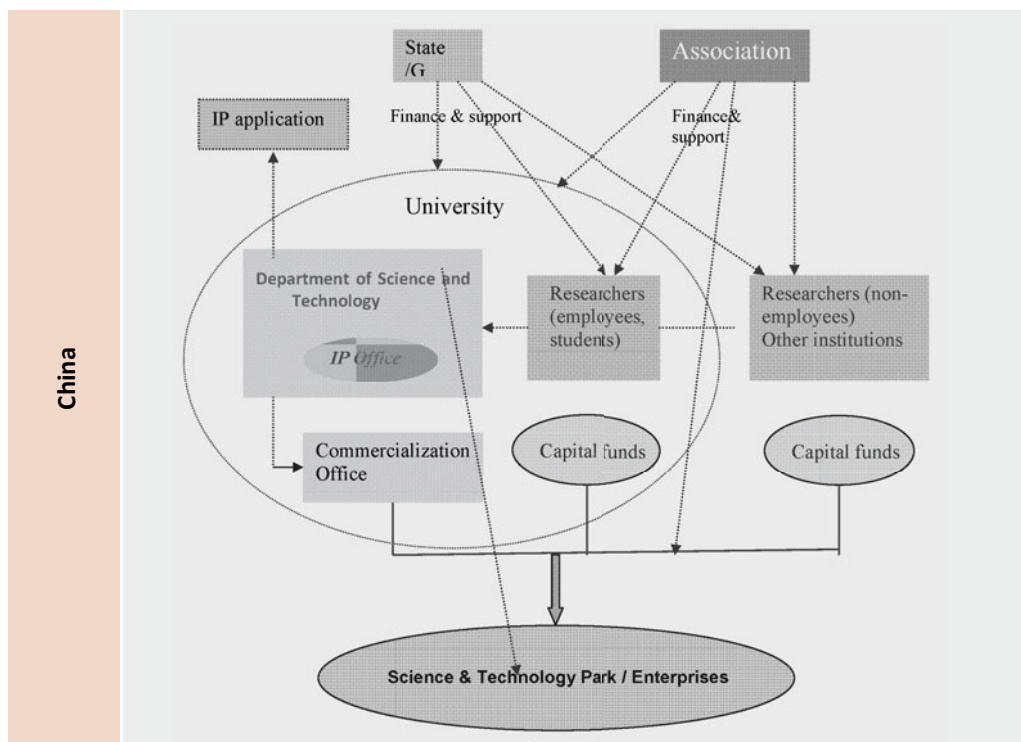
Russia

The common model for IP and innovation management at universities is based on a combination of the following functions, constructed at each university at a technology transfer office (or in a complex of departments):
 Research information; Managing R&D information; Context analysis - legal and market; Managing industry relations; Project Management; IP Portfolio management and evaluation; Identifying best exploitation route; Knowledge Transfer Management; Patent drafting and application; Defining profit/equity.
 In the case of Saint Petersburg Electrotechnical University “LETI” (ETU) the model of IP management is as follows:



India





6) If the research is financed by specific funds does it affect the ownership of IP generated? If so who is the owner of these research results?

At the EU level, special rules regarding ownership of IP generated under research financed from special funds are determined in Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006, laying down the rules for participation of research centers and universities in actions of the Seventh Framework Programme and for the dissemination of research results (2007-2013). As a general rule, the ownership of knowledge generated under FP projects belongs to the partner (entity) who generated the knowledge. In situations specified in the Regulation, the research results are owned by the Commission.

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| Brazil | The entitlement is from the University, but co-entitlement is possible. The Federal law for innovation 10.973/2004 in Government Decree 5563/2005 says that intellectual property and participation in the results mentioned in the second paragraph will be assured, since it is written in the contract, in proportion similar to the amount of the added value of the knowledge already existing at the beginning of the partnership and of the human, financial, and material resources allocated by the contracting party. |
| Russia | Governed by the IPR Policy of HEI. Commonly any intellectual property arising at the university should be assigned to HEI, unless intellectual property develops as a result of the sponsored research project. |

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| India | <p>It is governed by the IPR Policy of Individual HEI's. Following as per the IP Policy of IITR:</p> <p>Consulting Agreement: Any Intellectual property arising from consultancy should be assigned to the Institute in the interests of transparency and fair negotiation with consulting firms. The Institute will offer a first refusal option on the licensing of such Intellectual Property Rights to the consulting firm.</p> <p>Sponsored Projects: Unless the Institute decides otherwise on the merits of the case, agreements governing sponsored research provide that all intellectual property developed as a result of the sponsored research project belongs to the Institute.</p> |
| China | <p>The ownership of IP generated from the research financed by the state government belongs to the HEI, except when the research is regarded to national security, national profit, and important social public interests. The State government has the right of free usage, development and acquisition of profit under special conditions. (<i>Regulations on Management of IP Financed by National Projects Plan of Science and Technology</i>(The Ministries of Science and Technology, Finance, 2002)</p> |

7) What are the possible ways of commercialization of IP generated? Is there any regulation on that?

There are no binding EU standards in this regard. In principle, all options for IPR exploitation are possible, including for example transfer or licensing of IPR, and creation of spin-off companies. According to the Commission Recommendation on IPR management in HEIs described in point 5 above, any HEI in the EU should guarantee that the research results generated are transferred and exploited to benefit society at large. Furthermore it is recommended, that exclusive licenses should be avoided.

The situation in the BRIC countries is as follows:

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| Brazil | <p>According to Technological Innovation Act (Law No. 10.973), Article 6º, the Scientific and Technological Institution can establish technology transfer and licensing contracts to guarantee the users and exploitation rights for the developers.</p> |
| Russia | <p>Commercialization through licensing of IP rights by the University. Commercialization through creating a firm, with the assistance of University that takes a part in the authorized capital.</p> |
| India | <p>Commercialization through licensing of IP rights by the Institute. Commercialization through licensing of rights by third parties.</p> |
| China | <p>After the grant of the patent right, except where otherwise provided for in the patent law, no entity or individual may, without the authorization of the patentee, exploit the patent. Except as provided by the patent law, any entity or individual exploiting the patent of another owner must conclude a written licensing contract with the patentee and pay a fee for the exploitation. The licensee does not have the right to authorize any entity or individual other than that referred to in the contract to exploit the patent. – <i>Patent Law, Regulations on Promoting of Sci- Tech Achievements' Transformation</i>(the Ministries of Science and Technology, Education, Personnel, Finance, People's Bank of China, State Administration of Taxation and State Administration of Industry and Commerce, 1999.</p> |

8) Who decides on the way of commercialization?

In general, in most EU HEIs, the unit or department of the HEI which generated the result, or the university Technology Transfer Office, in consultation with the governing body of the HEI are responsible for deciding about the commercialization of IP results.

In BRIC countries, there are the following standards in this regard.

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| Brazil | In Brazilian Higher Education Institutions, the NITs (Technological Innovation Centers) are responsible for exploiting the results generated in the HEI. An example of NIT is the Inova Unicamp (Innovation Agency of the State University of Campinas), responsible for making contracts for innovations, partnerships between universities and businesses, to transfer to the market the creations made within Unicamp, and offering support to the researchers. |
| Russia | The researchers or the 'customer' of the works. |
| India | The researchers. |
| China | The HEI decides about the way of commercialization, and the HEI generally has a special unit (the IP office or another unit in charge of the IP management) which is responsible for the IP management and taking this decision. If HEI cannot decide and carry out commercialization in time, the inventor (employee) can commercialize the IP which is generated from the assignment and acquire profits under the contract between the inventor and the HEI. (<i>Regulations on Promoting of Sci-Tech Achievements' Transformation (the Ministries of Science and Technology, Education, Personnel, Finance, People's Bank of China, State Administration of Taxation and State Administration of Industry and Commerce, 1999)</i>) |

2. PRACTICAL GUIDELINES FOR INTELLECTUAL PROPERTY MANAGEMENT

One of the main purposes of this report is to provide Higher Education Institutions, and other organisations involved in scientific cooperation from EU and BRIC countries, with (2.1) practical examples of how IP management in HEIs can be structured, managed, controlled and made more successful, and (2.2) identify good practice guidelines for successful IP management in research collaboration projects:

2.1: presents good practices in IP management at HEIs level

This part presents good practices in IP management identified in the macro- and micro-level analysis carried out in the framework of the IP-UniLink project and is based on the experiences from the partners of this project and from other leading universities in EU and BRIC countries in the field of IP management.

2.2: offers recommendations for pertinent IP management in R&D collaboration

This chapter presents a set of concrete recommendations for IP management in collaboration projects between institutions from EU and BRIC countries. The recommendations are formulated as ‘good practices’ and ‘bad practices’, and have been elaborated on the basis of data and experience gathered within the IP-UniLink project activities.

2.1. Good practices of Intellectual Property management at Higher Education Institutions

It is always exciting to search for and to find examples around the world of the good or even the best practices in innovation and IP management. However, as we all know, just because a process or practice exists in one university, it does not mean it is easy to simply copy or ‘borrow’ their practice.

In this section of the report, we tried to recognize some of the most interesting practices from EU and BRIC countries, based on examples provided by IP-UniLink project partners; what is behind each practice and process, including factors that either support it and energize it to succeed or hinder it or make it difficult for it to be introduced or maintained.

Based on that approach, below we provide a description of the selected examples of good practices in the field of IP management at HEIs, identified during the IP-UniLink project activities. **This section presents practical information to Higher Education Institutions from EU and BRIC countries on how different aspects of IP management may be implemented and improved in practice.**

The IP management processes have been structured according to the following stages of IP management particular to higher education institutions:

1. education and IP awareness raising
2. identification and assessment of intellectual property generated
3. obtaining the protection for research results
4. exploitation of research results
5. dispute resolution system
6. general management issues

2.1.1. GOOD PRACTICE REGARDING EDUCATION AND IP AWARENESS RISING

| <i>Researcher Training Program in IP and Commercialization of Research Results</i> | | # | y |
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| Description of the practice | <p>This practice is part of raising awareness on the importance of IP management and the opportunity to create innovations based on research results. The training program consists of a voluntary training course for all university researchers. The duration of the course is 9 hours, spread out over 3 days, i.e. 3 hours per day. The topics of the course are the following:</p> <ol style="list-style-type: none"> 1. IP and Patenting <ol style="list-style-type: none"> a. focusing on patents and the problem of publishing vs. patenting 2. Business idea identification <ol style="list-style-type: none"> a. How to find the value in research b. Help the researchers talk in terms of benefits and advantages and not only the technical details – e.g. this radar is faster, more energy efficient – and in financial terms – e.g. you can save 700 dollars 3. Financing <ol style="list-style-type: none"> a. How to find money for business development – and how to prepare applications b. How to start a spin-off company <p>In order to attract the interest of the researchers, it is important to get the interest of the Dean of each department. If he/she understands the importance, he/she will promote the course and facilitate the work of raising awareness.</p> | | |
| HEI' units involved | <ul style="list-style-type: none"> – The university incubator as the unit responsible – Business coaches from the university incubator – 15-20 researchers per training course | | |
| Expected effect | More researchers are aware of the necessity to apply for protection before patenting as well as about the opportunity to engage in innovation activities and create commercial products and services based on their research | | |
| Other information | Trainings are organized 1-2 times per semester, (3-4 times per year) | | |

| <i>IP awareness program</i> | | Indian Institute of Technology Roorkee |
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| Description of the practice | <p>Awareness program at the Indian Institute of Technology. The IPR Cell of the Institute has started a short term training program for the new research scholars joining the institute in each semester with an objective to train the research scholars:</p> <ul style="list-style-type: none"> – To organize their research work through patent search, – For record keeping of the research work and – On submission of disclosure for patent filing. <p>IPR Cell has initiated a program to meet the principal investigators (PIs) and scholars of various ongoing research projects of every department/ centre of the institute to discuss about the state of the art and objectives of their studies. This is in order to explore the possibility to organize their work towards the creation of IP in which an IPR cell can extend its relevant support appropriately. The interaction has been taken up as a step towards confidence building, counseling and analyzing the merits of the project work with respect to the creation of IPR.</p> | |
| HEI' units involved | The IPR cell is responsible for the good practice. The coordinator and selected members of IPR Cell are specifically involved. | |
| Expected effect | It has created awareness about the process of IP creation among researchers. The direct outcome is an increase in the number of the disclosures filed. | |
| Other information | The practice has been used for 3 years. | |

| <i>Inter-disciplinary trainings</i> | | Saint-Petersburg Electrotechnical University |
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| Description of the practice | <p>Saint Petersburg Electrotechnical University "LETI" (ETU) is focusing on target-oriented specialists training, including specialists in IP management. This short term course bases on a comprehensive inter-disciplinary programme in Intellectual Property which bridges law, technology, science, engineering and management. It is jointly offered by the Faculty of Innovative Management and the Faculty of Total Quality Management.</p> <p>The programme is targeted at mid to senior management, executives and professionals with a background in science, technology or engineering who wish to specialize in the management of IP in a technology-related business. This course has the following aims:</p> <ul style="list-style-type: none"> – Raise awareness of the principal concepts of Intellectual Property Management (IPM) and its importance as a spur to human creativity and the advancement of economic and social development, – Explain what constitutes IPM. – Explain the economic rationale for IPM. – Explain the process of innovation and value transference in the protection of IP. – Explain the issues related to the commercial exploitation of IP. – Raise awareness of the issues facing a manager in the management of IP in an on-line environment. – Explain how to develop and implement a successful IPM strategy. | |

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| | <p>The parts of this course offer a sequence of learning opportunities that address the interdisciplinary nature of IPM:</p> <ul style="list-style-type: none"> - Guide to Studying the Course - Introduction and an Overview of Intellectual Property Management - Economic Perspectives on Intellectual Property - Innovation and Intellectual Property Protection - Intellectual Property Value and Finance - Intellectual Property and Commercialization - On line Intellectual Property Management - Strategy for Intellectual Property Management - Case Studies for Intellectual Property Management |
| HEI' units involved | <ul style="list-style-type: none"> - University's techno park - Patent office - Economy faculty |
| Expected effect | More researchers are aware of the IP protection and understanding how to create a commercial product on their research. |
| Other information | Trainings are organized 1-2 times per year. |

| <i>IP law courses and commercialization training</i> | | Kunming University of Science and Technology |
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| Description of the practice | <p>Kunming University of Science and technology always focuses on cultivation of IP awareness of all researchers; programmes concerning the enhancement of researchers' IP awareness include:</p> <ol style="list-style-type: none"> 1. IP Law courses <ul style="list-style-type: none"> long-term IP Law courses for students (undergraduates and graduates) short-term IP Law courses for teachers, researchers 2. Commercialization awareness and practice training for all researchers <ul style="list-style-type: none"> - A yearly IP festival to include short-term training courses of IP Law and new policies and lectures given by researchers who made successful commercialization of IP, and to offer good opportunities for communication between researchers and investors. This is a planned programme that hasn't been carried out yet. | |
| HEI' units involved | <ul style="list-style-type: none"> - Division of Research and Development - Law faculty | |
| Expected effect | All researchers can obtain more knowledge and information about IP from the programme, and substantially improve their correct understanding of IP. | |

2.1.2. GOOD PRACTICE REGARDING IDENTIFICATION AND ASSESSMENT OF IP GENERATED

| <i>Verification of New Technologies</i> | | Chalmers University of Technology |
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| Description of the practice | In order to assess possible ways of commercializing research results and new technologies, a verification project is performed. The technology is evaluated from a technical, market, intellectual property and business perspective. The technical verification is often performed by the researchers themselves in cooperation with Chalmers Industrial Technologies Foundation (CIT), while CIT performs the market, IP and business verification to find possible ways for commercialization. The process is often funded publicly, through the means of competitive funds. | |
| HEI' units involved | <ul style="list-style-type: none"> – Chalmers Industrial Technologies Foundation (CIT) as unit in charge – Researchers behind the idea – Experienced professionals at CIT | |
| Expected effect | New applications and innovations are created from research results. Technologies are verified before any spin-off company or similar is created, which increases the chances of success. | |
| Other information | The practice is used whenever applicable. | |

| <i>Internal technology audits</i> | | University of Alicante |
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| Description of the practice | Technology Transfer Office staff regularly visits research departments to talk with the researchers and find out the state of the art of their work. Through this practice, they acquire information that can be useful when compared to the needs of companies and thus may lead to R&D cooperation projects; on the other hand the TTO may detect any possibilities to receive additional funding (from national/international programmes) for further research, etc. | |
| HEI' units involved | Technology Transfer Office as unit in charge | |
| Expected effect | Actively seeking for information and maintaining contacts with research groups | |
| Other information | The practice has been in use for 3 years | |

| <i>Disclosure of the creation of copyrightable works</i> | | Jagiellonian University |
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| Description of the practice | The specific disclosure process has been established for copyrightable works created within an HEI due to specific regime foreseen for such works in the Polish copyright law There are three categories of copyrightable works distinguished with different regulations related to them: <ul style="list-style-type: none"> – non scientific works, – scientific works, – software, e-learning materials, copyrightable databases and research registers. | |

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| | <p>The university employee is obliged to notify by the disclosure form the work capable for further commercial exploitation to the head of his unit within 14 days from creation of the work, if the University may acquire the rights to the work on the basis of the Rules and the law in force.</p> <p>The obligation of reporting applies to software and databases works. It is also incumbent upon a person who has created the work to which the University is/or might be entitled on the basis of copyright law or to which the university has the priority of publication.</p> <p>The obligation of reporting of the work other than mentioned above concerns an employee, only when the director of a unit or the Rector announces a will of using University powers to an author, category of authors or to a university unit.</p> <p>Reporting is done through a specific disclosure form containing personal data of the creator and the description of the work.</p> <p>The head of the university unit has 6 months for the adoption of the work. In the case of adoption a statement from the head of the unit is needed.</p> |
| HEI' units involved | <ul style="list-style-type: none"> - Centre for Innovations, Technology Transfer and University Development as responsible unit - Dean of Faculty concerned - Researchers concerned |
| Expected effect | The practice allows to better monitor and control of the creation of specific copyrightable research results which might be in consequence exploited by the University |

| <i>An expert panel for identification and assessment of IP</i> | | Kunming University of Science and Technology |
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| Description of the practice | <ul style="list-style-type: none"> - assessment initiatively: the DRD collects information of the research in progress by going to the research centers and faculties or during meetings with researchers, make a preliminary identification and assessment of IP, organize an expert panel to make further identification (if necessary) and assessment. - assessment by application: the expert panel will be initiated by DRD when researchers ask for assessment | |
| HEI' units involved | <ul style="list-style-type: none"> - Division of Research and Development - All faculties | |
| Expected effect | The established mechanism of IP identification and assessment will operate well | |
| Other information | The member of expert panel can be recommended or selected by researchers who apply for assessment | |

| <i>The Intellectual Property Assessment Committee (IPAC)</i> | Indian Institute of Technology Roorkee |
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| Description of the practice | <p>In order to facilitate assessment, IIT Roorkee has formed the IP Assessment Committee (IPAC) consisting of a chairperson, an IPR Coordinator and at least 3 faculty members with domain expertise or familiarity/experience in the areas related to creative work.</p> <p>IPAC undertakes economic and technical feasibility analysis to determine the need for protection.</p> <p>Experts from the area of disclosure are selected which enables the process of IP protection in the institute.</p> |
| Other information | <p>From 2005, till now 32 files have been received and 19 are filed up.</p> |

2.1.3. GOOD PRACTICE REGARDING OBTAINING PROTECTION FOR IP GENERATED

| <i>Development of patent protection strategy</i> | Chalmers University of Technology |
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| Description of the practice | <p>The development of a patent protection strategy for a specific technology developed at the university consists of 3 major phases:</p> <p>The first step (1) is to create a preliminary US patent application. If successful then the university enters into (2) PCT. The third phase (3) is to solicit national patent applications in the USA, the EPO (England, Germany, etc.) and Japan. For high-tech inventions these are the most prominent markets to seek patent protection.</p> <p>The decision criteria for deciding whether to enter into a phase are the following:</p> <p>1) USPPA</p> <ul style="list-style-type: none"> a. The University has a notion about the patentability of the invention and a general market overview <ul style="list-style-type: none"> i. Entering into the USPPA is cheap so entering is quick and happens often <p>2) PCT</p> <ul style="list-style-type: none"> a. Patentability b. Market potential <ul style="list-style-type: none"> i. Monetary, but not seeking any specific Return of Investment (ROI)– the minimum is to achieve ROI of the patent investment ii. The invention must be of interest for society growth since the University has a mission to be of benefit to the society iii. A local market interest exists – i.e. that a company or an organization in its own country sees its own interest c. University strategy <ul style="list-style-type: none"> i. The exploitation of the invention has relevance to the mission of the University – e.g. it was invented by a strong focus group of researchers |

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| | <p>d. Inventors co-operability</p> <p>i. The inventor is available and willing to contribute in the commercialization process. Due to the high demand on scientific and technological know-how about the invention, it is not possible to proceed if the inventor is not interested in taking part of the commercialization process.</p> <p>3) US, EPO, Japan – National phase</p> <p>License agreement with a partner is near confirmation or already in place</p> |
| HEI' units involved | <p>The IP Office of the University as the unit responsible</p> <p>The research center which developed the technology</p> <p>External patent bureaus</p> |
| Expected effect | The university ensures that it obtains proper protection over inventions that are worth protecting in accordance with defined criteria |
| Other information | This practice is applied repeatedly, whenever there is a new technology created with a potential value for the university and society |

| <i>University monitor application of IP</i> | | Kunming University of Science and Technology |
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| Description of the practice | <ul style="list-style-type: none"> – The Division of Research and Development (DRD) will make a judgement whether the invention result can be protected under the current rule system – The DRD supports researchers in developing a technical description report and helps them to draft the application of an invention deliver to the National Patent Office – The DRD will monitor these activities | |
| HEI' units involved | The Division of Research and Development | |
| Expected effect | Researchers can get help from the university as much as possible | |

2.1.4. GOOD PRACTICE REGARDING EXPLOITATION OF IP GENERATED

| <i>Linking education and entrepreneurship</i> | | Chalmers University of Technology |
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| Description of the practice | <p>The students at the Masters Program 'Chalmers School of Entrepreneurship' are trained in how to evaluate ideas and to look for potential value. Some of these ideas originate from research performed at the university. The students work in teams of 2-3 and during their second year, they drive a real-life innovation project with the goal of creating a sustainable business.</p> <p>The projects are supported by Incubator (a pre-incubator linked to education), who provides physical space and resources as well as business advice and coaching by experienced professionals.</p> | |
| HEI' units involved | <ul style="list-style-type: none"> – The department of Management of Organization Renewal and Entrepreneurship (MORE) and Incubator (a pre-incubator) – Professors, students, staff of the pre-incubator and idea providers | |

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| Expected effect | <ul style="list-style-type: none"> – Researchers can bring their ideas and have a team of students work with developing a business around them – Students acquire real-life business development experience as part of their education |
| Other information | Chalmers School of Entrepreneurship started in 1997 |

| Technology Incubation and Entrepreneurship Development Activity (TIEDA) Centre | | Indian Institute of Technology Roorkee |
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| Description of the practice | <p>The Technology Incubation and Entrepreneurship Development Activity (TIEDA) centre is set up at IIT Roorkee to encourage the students, the alumni and the faculty members of the institute to convert their ideas and concepts into products and technologies for their viable commercialization through start-up companies.</p> <p>The centre will primarily shelter and support the ideas with a clear planning for taking off from the centre within 3 years.</p> <p>Two policies are framed with respect to TIEDA. They are:</p> <ul style="list-style-type: none"> – Faculty Entrepreneurship Policy <p>To provide motivation and opportunity in commercializing new and futuristic technologies and facilitate the entrepreneurial practice, IIT Roorkee encourages the interested faculty members to open companies, to be on the board of such companies in the capacity of a Director, the Chairman or any such role. It is expected that the faculty members entering this system will make all efforts to balance their academic responsibilities while assuming this role.</p> <ul style="list-style-type: none"> – Technology And Business Incubation Policy <p>This policy will encourage the students, faculty members and alumni of the institute to convert their ideas and concepts into technologies and products for viable commercialization by promoting incubation and start-up ventures. This policy will primarily provide the shelter and support to the ideas culminating in start-up ventures with a clear planning for taking off from the institute after being nurtured from many provisions of the policy.</p> | |
| HEI' units involved | TIEDA | |

| Promotion of research results | | University of Alicante |
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| Description of the practice | <p>The TTO actively promotes the research results and IP generated at the universities through regional, national and international networks. Offers are published at EU level for example through the EEN Network and thus accessible to enterprises and universities in the EU and abroad.</p> <p>On the local level the results are published.</p> | |
| HEI units involved | <ul style="list-style-type: none"> – Technology Transfer Office as the unit in charge – Researchers – Networks | |
| Expected effect | The possibilities to find the right partners to exploit or further develop research results created at the university are enhanced through networking and active promotion. | |

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| Other information | The practice has been in used for some 8 years |
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| Legal advice (contract negotiation and preparation) | | University of Alicante |
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| Description of the practice | Once the researcher notifies the Technology Transfer Office about an invention / possible cooperation with industry, an IP expert (legal expert) at the university works together with the researchers in all phases of the contract preparation phase. When entering international cooperation projects, the IPR experts help developing an exploitation plan and defining the IP issues in a consortium agreement. | |
| HEI units involved | <ul style="list-style-type: none"> – IP section from Technology Transfer Office as the unit in charge – Researchers | |
| Expected effect | Avoid the situation where the company impedes research results to be used for further research and publication; avoid exclusive licenses, etc. | |
| Other information | The practice has been in use for 3 years | |

| TePP Outreach Centre | | Indian Institute of Technology Roorkee |
|------------------------------------|---|---|
| Description of the practice | <p>The main objectives of TePP outreach centre in IIT Roorkee were:</p> <ul style="list-style-type: none"> – To promote and support untapped creativity of individual innovators. – To assist the individual innovators to become technology based entrepreneurs. – To assist the technopreneur in networking and forge linkages with other constituents of the innovation chain for commercialization of their developments. <p>The IIT Roorkee is responsible in setting up TePP outreach centre in its campus to provide funds and encouraged the science and technology students for their innovative ideas.</p> <p>TePP helps in initializing the commercialization of any innovations. So far 2 proposals are in consideration and 6 proposals are under screening and counseling.</p> <p>A number of meetings with the faculty and students of IIT Roorkee and other nearby technical colleges, local industrialists and members of Roorkee Small Scale Industrial Association (RSSIA) are being organized to promote innovation and technopreneurship. TePP Outreach Centre of IIT Roorkee has processed several projects for funding under TePP scheme.</p> | |
| HEI' units involved | The coordinator and selected members of IPR Cell are involved in the process | |

| <i>Intellectual Property Support</i> | | Saint-Petersburg Electrotechnical University |
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| Description of the practice | Professional IP support through University Innovation Complex provides: <ul style="list-style-type: none"> – Consultation and support for Inventors at the University – Motivation of scientists to utilize the patent system – Attendance and consultation for areas relevant to inventions made at the University through personal contacts – Consultation of Inventors in discovering patentable content in results of scientific research – The link between the University, the Inventor, and the Patent Office – Organization of presentations and lectures – Setting up of consultation hours and individual consultations – The role of the Patent Office – Treatment of inventions according to Law and Regulations and legal agreements among the parties – Evaluation of inventions (patentability, search for relevant publications, technical feasibility, economical exploitability), recommendation to the University for claiming or release of the service invention (alternatively, transfer of rights from free inventors) – Coordination with the University of the patenting strategy (which kind of protection to apply for, in which countries, keeping applications and patents alive) – According to business- and market-specific criteria – Education of the inventor consultants and coordination of their tasks – Organizing all Information relevant to inventions, patents and licenses and storing it in a database. | |
| HEI units involved | The University Innovation Complex as unit responsible | |
| Expected effect | A clear policy of IP Management in the university for inventor’s support. | |
| Other information | The practice has been in use for 7 years | |

| <i>Commercialization plan and fund seeking</i> | | Kunming University of Science and Technology |
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| Description of the practice | <ol style="list-style-type: none"> 1. Except that some of the inventions were invested by organizations from the beginning of the research, the DRD and the Commercialization Office seek funds from several channels early in the IP identification and assessment phase 2. The DRD and the Commercialization Office make a business plan for the invention together with the inventor and faculties, and focus on how to transfer the invention into productivity <ul style="list-style-type: none"> – The Commercialization Office as an incubator inside the university helps the inventor to start a company and operate the capital | |
| HEI’ units involved | <ul style="list-style-type: none"> – DRD – Commercialization Office | |

2.1.5. GOOD PRACTICE REGARDING SOLVING CONFLICTS AROSE ON IP GENERATED

| | <i>IP dispute resolution process</i> | Jagiellonian University |
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| Description of the practice | <p>The process for dispute resolution system has been established in an internal IP regulation entitled Rules on Intellectual Property and Legal Protection of Intellectual Goods at the Jagiellonian University. IP dispute resolution processes are undertaken before the University Commission for Intellectual Property, which, under the Rules is responsible for resolving disputes:</p> <ul style="list-style-type: none"> – whereas the IP subject-matter has been created within the performance of employee’s duties, – disputes over conflicts of interests in the context of commercialization. <p>For instance, disputes might proceed before the Commission on ownership of results generated during internal research, the distribution of revenue generated through commercialization, etc.</p> <p>The disputed issue once occurred is presented to the Commission which takes a decision regarding its resolution immediately and in writing, with all facts of the case and reasoning. The Commission decisions are taken in the form of a resolution. An approval of the resolution requires an absolute majority of votes.</p> | |
| HEI’ units involved | <ul style="list-style-type: none"> – The University Commission for Intellectual Property as the unit responsible – University department concerned – Researchers concerned in a given case | |
| Expected effect | Settling the case out of court – internally and amicably | |
| Other information | The practice has been used for the past 3 years | |

2.1.6. GOOD PRACTICE REGARDING GENERAL IP MANAGEMENT ISSUES

| | <i>INOVA (Unicamp Innovation Agency)</i> | Unicamp |
|------------------------------------|--|---------|
| Description of the practice | <p>The Unicamp Innovation Agency - Inova was created by the GR Resolution # 51 of July 23rd 2003 and had its institutionalization process updated by the CAD-A-2 deliberation of November 12th 2004. This innovation agency has as its mission “strengthening Unicamp partnerships with companies, government agencies and other civil society organizations, creating opportunities for teaching and research activities in order to benefit from these interactions and contributing for the economic and social development of the country.” In this context, the Inova vision is “generating concrete benefits for Unicamp and society, consolidating Inova as a self-sustaining model of partnership creation”.</p> | |

The main activities of the Innovation Agency are: technology commercialization, intellectual property, local systems of innovation and entrepreneurship: environments of pre-incubation and incubation of technology-based companies, contracts and arrangements, communications, management of financed projects, information systems, administrative management and infrastructure, dissemination of Inova experiences, cooperation and training of TIC (Technological Innovation Center) professionals and managers.

Its main activities are:

- i) Managing Intellectual Property of Unicamp.
- ii) Acting as an interface between the University, private companies and government agencies:
 - Negotiation of collaborative projects.
 - Supporting the project development for financing
 - Designing provisions for contracts and arrangements.
 - Promoting the licensing of patents and technologies of Unicamp
- iii) Encouraging the creation of new technology-based companies
- iv) Support for the Science and Technology Park in Campinas

Inova has as its main programs:

- Inova in the municipalities
 - TIP – Technological Investigation Program (Programa de Investigação tecnológica- PIT)
 - InovaNIT– Cooperation and Training of Technological Innovation Center
 - Encouragement to the creation of technologic-based companies
1. Incamp – Unicamp Incubators
 2. Pre-incubation
 - Development and implementation of the Campinas Science and Technology Park

The Unicamp Innovation Agency (INOVA) acts through the following actions:

- Encouraging new partnerships and articulating the activities already existing at Unicamp with society: companies, public sector, institutes and foundations;
- Increasing and extending the synergy of the actions of the several agencies at Unicamp that keep outside relationships. Extension and specialization courses, cooperative R&D projects, consultancies, technical assessments, patent licensing, essays and certification, hiring of people graduated from Unicamp and offering qualified periods of probation are usual forms of relationships between the University and companies and government.
- Extending these forms of cooperation and facilitating access to companies and public agencies for activities which the University performs or can perform, trying to make this relationship more effective and profitable for everyone, encouraging the presentation of demands and the identification of new common interest opportunities, developing a true system of strategic partnerships, including through more specialized attention and in the assistance in the creation of agreements.

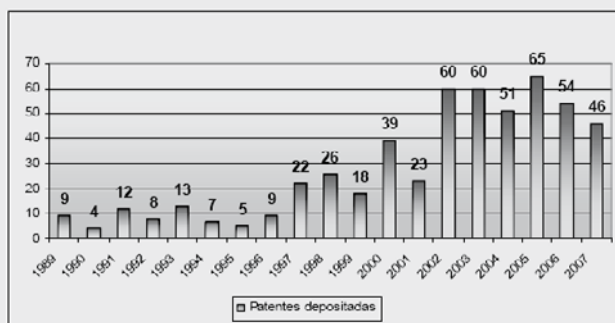
- Accounting for the management of intellectual property (IP) generated within Unicamp – protection of brands, products, processes and creation of license agreements – and for the creation of a proposal of IP politics at Unicamp, which emphasizes its strategic characteristics for the University. This is an action targeted mainly at the search of opportunities of licensing and partnership with companies and at encouraging the research activities of the University.
- Helping the researchers in the licensing of the innovations also in the writing and patent files, in software registration and in other forms of IP, in the identification of products or patentable and licensable processes, trying to reinforce the culture of protection of technology and simplifying the commercialization and registration of IP procedures, also accounting for partnership activities with the government and private sector in the encouragement of the creation of technology-based companies, and in the strengthening of R&D activities of the private sector, by working along with agencies and venture capitalists, as well as for the action of incubation of companies and acting on behalf of Unicamp in the implementation and development of the technology park around the University.

Note: The Innovation Agency has professionals specialized in writing patents and in the procedures of registration and inventions. Today the service is of support to Unicamp researchers and will be available for companies and the external public in the near future.

HEI' units involved INOVA

Expected effect With the agency for innovation at the University of Campinas - UNICAMP, the number of patents and contracts for the transfer of technology has increased exponentially. The reason is that researchers and teachers do not have to worry about paperwork on registration of property rights and contractual issues since the agency provides full support and does so with excellence. It also propagates information on IP through courses, workshops and seminars, participating students, teachers, researchers and officials of other educational institutions who are learning good practice.

Unicamp Patents Filed



509 active patents at INPI (July 2008)

| | |
|--------------------------|--|
| Other information | <p>Description of the results that the innovation agency has brought to Inova Unicamp in recent years:</p> <ul style="list-style-type: none"> - 186 technology transfer agreements - 31 technology licensing contracts (58 patents, 3 know-how and 2 trademarks) - 225 new patent deposits at INPI - 16 new international deposits via PCT - 35 new trademarks deposits - 35 new software deposits - 11 graduated start-up companies - Contact with &10.000 institutions worldwide - &R\$29 MM for Research Projects. |
|--------------------------|--|

| Intellectual Property Policy | | University of Alicante |
|-------------------------------------|---|-------------------------------|
| Description of the practice | <p>The university of Alicante does have an institution wide IP policy, defining clearly:</p> <ul style="list-style-type: none"> - the rights and obligations of all parties, - ownership regime, - who bears the costs of IP protection, - distribution of benefits among university – department – researcher; costs of extension - other issues <p>In addition to the policy, processes have been defined for all phases of IP management, defining the individual steps to be undertaken and who is responsible for each step. Besides, template documents for specific purposes have been developed and published on the website of the technology transfer office.</p> <p>Furthermore, for each invention, an exploitation plan is being developed, following a specific methodology (TRIPS) for evaluating market opportunities and exploitation options and facilitate decision making.</p> | |
| HEI units involved | <ul style="list-style-type: none"> - University management, Technology Transfer Office as the units responsible - University leaders - Researchers concerned in a given case | |
| Expected effect | <p>A clear policy on institutional level avoids conflicts and problems at all stages of IP Management at the university and demonstrates to third parties and potential collaborators that that relevant issues are regulated in the institution</p> | |
| Other information | <p>The policy was implemented in 2008.</p> | |

| | <i>General IP management</i> | Indian Institute of Technology Roorkee |
|------------------------------------|---|--|
| Description of the practice | <p>Some of the Major Good Practices of IP Management Established by IIT Roorkee are:</p> <ol style="list-style-type: none"> 1. Education on IP Rights and IP management. <ul style="list-style-type: none"> – Running courses for the UG and PG students. – Conferences, Workshops, Training Program. – Organizing short term awareness courses and orientation program on IPR. 2. If the Institute opts to protect the creative work, <ul style="list-style-type: none"> – It provides an IPR Advisor/Patent Attorney for drafting the IP application as appropriate. – The Institute bears all costs of drafting and filing an Indian IP application. – The Institute personnel and non-Institute personnel associated with any activity of the Institute regard all IP related information as confidential. – The Intellectual Property Assessment Committee (IPAC) is an expert technical panel that assesses the technical and economic viability of the invention 3. Institutes provide support to researchers to create business plan for their inventions. <ul style="list-style-type: none"> – A panel of IP agencies and consultants to advice on patent filing as well as commercialization and exploitation of IP. – Technopreneurs Promotion Program (TePP) provides funding for prototype development of innovation. – Technology Incubation & Entrepreneurship Development Activity (TIE-DA) Centre proposes to provide support for entrepreneurships development and Business incubation to start-up companies. | |

2.2. INTELLECTUAL PROPERTY MANAGEMENT AT A COOPERATION LEVEL; ITS “DO’S AND DON’TS”

Although each international R&D project between EU and BRIC countries will be shaped by regulations determined in the specific project contract or agreement, we can identify some recommendations for good practices in IP management that might be applied in all cases. Based on their own experiences and backed by the interviews which were conducted in the course of the project with other HEI’s in EU and BRIC countries, in this section the IP-UniLink partners provide their suggestions and recommendations with regard to good practices in IP management in international research collaborations. The recommendations are presented in the form of good and bad practices - “Do’s and Don’ts” - to illustrate the common mistakes and problems, offering some practical advice and recommendations.

The recommendations are structured according to the common project phases:

- Project preparation
- Negotiation
- Execution

| DOs | DONTs |
|---|--|
| At a preparation phase | |
| <p style="text-align: center;">Formulate clear goals</p> <p>When considering starting up an EU-BRIC collaboration project, the first thing to do for both partners is to seriously consider what you want to get out of the collaboration. As one European professor with several years experience of collaborations with China put it: <i>“...thus avoiding an all too common situation in Sino-foreign collaborations where the partners have wildly differing opinions on the nature as well as desired outcome of the collaborations, sometimes summarized by using the old Chinese saying 同床异梦” (same bed, different dreams).”</i></p> | <p style="text-align: center;">Do not repeat surveys</p> <p>While formulating the specific research aims for the project do not repeat research already done by someone else. Avoid redundancy. The best way in order to avoid this risk is to do the patent search. Publicly accessed patent applications gathered in databases contain the developed information about the given technical field. In other words they are the best source of the so-called state of the art, i.e. the status of what has been done in a particular research area. Moreover, patent search eliminates the risk of further allegation of infringing someone else’s patents.</p> |
| <p style="text-align: center;">Choose your partner carefully</p> <p>Any collaboration should of course strive to achieve a ‘win-win’ situation in which both parties gain something from the collaboration and choosing a partner that performs research of a comparable scientific quality helps to make this possible. Some partner search tools and criteria could be pointed to, i.e. 1) scientific excellence, 2) language skills and 3) experience in international cooperation.</p> | <p style="text-align: center;">Do not neglect partner selection process</p> <p>The process of establishing research consortium should not be a result of chance, coincidence, country attractiveness, etc. Do not invite a partner from a certain country because it adds strength to the project proposal – instead one should do a research and try to get the most adequate partner with international experience.</p> |

Create a Background-Foreground map

Before entering into an agreement it is essential to define and map (it is recommended to visualize it clearly) the information, IP, know-how, etc. that each partner possesses before entering into the agreement (background) and the results that will be generated during the project (foreground).

This will be the basis for contract negotiations and it will prevent conflicts related to IP issues and ownership of research results during and after the collaboration project.

If the competence for creating a background-foreground map does not exist within the respective partner institutions, the service can be bought by third party actors.

Background and foreground are defined in the following way:

Background – Information and intellectual property rights (granted or applied) held by the participants prior to their accession to the grant agreement and which are needed to carry out the project or to use foreground.

Foreground – All the results, whether or not they can be protected, that are generated under a project. Such results include information and related intellectual property rights.

Do not leave the issue of access rights to projects results unclear

The term ‘access rights’ refers to the right to use (usually given by licence) someone else’s IP rights or research results for further research and development. They allow partners in the project to share and exploit knowledge generated during the project and/or the knowledge owned by partners before their participation in the project.

Access rights should be clarified by the parties as early as possible in the research project, ideally before it starts. Where necessary, for the purpose of conducting the research project or for the exploitation of a party’s foreground, access rights to other parties’ foreground and background should be available under conditions which should adequately reflect the parties’ respective interests, tasks, and financial and other contributions to the project.

Furthermore, you should address the issue of how background intellectual property will be used during the collaboration. In this context, the most important issue is to set whether the project partners are entitled to use the knowledge possessed by others (to what extent and how look the conditions like)

At negotiations phase

Negotiation in detail is necessary before signing the contract

Through negotiation, many details will be set down, such as who will take charge in the project, the cost of researching, who has the right of application and ownership and so on. For the partners it is worthy negotiating details which may become important in the future before signing the cooperation contract.

Do not sign the contract when any question have not been resolved

Make sure that all partners understand the effects of the contract and agree to all of the terms stipulated. In the context of IP, the most important issue is to ensure acceptance for the ownership and the chosen way of commercialization.

The confidentiality clause must include substantive content

The commercialization of the project results depends on the confidentiality in the process of research and development. Although each partner realizes that the confidentiality clause of the contract is very important, the clause becomes a form which is at times meaningless; apparently, the clause may also constrain the activity of the partners

Do not rush into an agreement

It is important to take time to carefully analyze all agreements and contracts and to ensure that you understand all aspects and implications of the agreement, especially from the IP point of view. It is recommended to establish, on a legal level, what research data should be shared, by whom, and what may be done with the data, i.e. it should be clearly stated in the agreement and signed by all partners.

Once the agreement or contract enters into force, it may prove difficult to make amendments, and you may have agreed to conditions or demands that you are not satisfied with, so take your time.

Prepare a plan for the protection of knowledge generated

It is necessary to consider what sort of IP right could protect your project's results best. Moreover, in this plan you should settle the issue of the ownership of future results (who will be entitled to obtain protection) and who will bear the costs of protection.

Do not take anything for granted

Don't be afraid to raise questions, ask for clarifications, and discuss various issues before entering into agreements, as well as during the course of the project. This will help you ensure that you do not agree to anything that is not in line with your goals. Clarifying all aspects and putting all conditions into writing is also important. If it is not clearly stated in writing, it is very hard to prove that what you think you agreed upon is true.

At execution phase

Coordinate the responsibility of each partner

In the process of the project execution, when some specific situation appears which has not been included in the contract, the partner who is in charge of the project has to coordinate the work of other partners.

Do not mix the process of commercialization and R&D

In many processes, the distribution of the profit, the application rights, and IP ownership may be different; keeping those things apart may help eliminate possible obstacles and disputes during the processes.

Build your relationships

An already existing relationship of some sort with the potential partner is very valuable when starting up a collaboration project. This makes it more likely to achieve a consensus of the shape and aims of the collaboration. A more personal relationship between the principals of the collaboration (e.g. the founders, chief scientists, co-directors) is of course very valuable when difficulties arise. If no personal relationship exists, try to build one before engaging in a more serious collaboration.

Make sure to get as many people as possible on both sides involved in the collaboration and make sure that personal relationships on all levels between the European and BRIC groups get a chance to be established. This will make the collaboration more likely to become successful and it will also make it less dependent on key staff.

Make sure you know the national rules of public records

In some countries (e.g. Sweden) universities are under the same rule as other public institutions, meaning that the public has free access to public records. This can go as far as to include emails sent through university email accounts. In such cases, it is advisable to take great caution and not share sensitive or confidential information through email, unless you are certain that it does not fall under the principle of free access to public records.

Do not be discouraged by poor communication

The possibility of communication issues/problems should be taken into account due to the differences in corporate and national cultures. First, try to understand that some working habits and social rules might be different than yours. This also applies to the perception of the nature and the role of intellectual property.

FINAL REMARKS

The report: ‘How proactive Intellectual Property management can improve research collaborations: Good Practices by EU and BRIC Higher Education Institutions’ aims to present a reference document for individuals and organizations involved in EU - BRIC research cooperation, offering a detailed explanation of the Environment for Scientific Cooperation & Intellectual Property in EU and BRIC on the one hand, and Practical Guidelines for Intellectual Property Management on the other hand.

To conclude, we offer a summary of the main findings discussed in this report:

In section 1 we saw that all BRIC countries have long standing political relations with the European Union, and the individual member states. In the area of EU cooperation with third countries, especially in the field of science and technology (S&T), BRIC countries play an increasingly important role. In general, S&T cooperation between EU and BRIC countries is undertaken in the framework of continuously renewed *agreements on scientific and technological cooperation*, and supported by a number of programmes (e.g. FP7, Erasmus Mundus, Alfa), projects and initiatives. Furthermore, the cooperation between EU and BRIC countries is facilitated and supported by number of agencies and units, including Delegations of EU in each of BRIC country.

Intellectual Property Rights issues in S&T cooperation among EU and BRIC are to some extent regulated in the specific agreements on scientific and technological cooperation which each country maintains with the EU, and on the level of the specific programmes which finance cooperation. In most cases funding programmes provide more or less developed provisions on IP issues (mainly ownership of results generated under cooperative actions, confidentiality provisions). General standards of IP protection are recognized by national IP laws of each of the BRIC countries, as they are member states of Paris and Berne conventions, and other international agreements in the field of IP, which oblige them to recognize and protect IP rights within their territories. Protection of intellectual creations generated in R&D activities is ensured by various kinds of IP rights. All BRIC countries provide protection through copyright, patents, and trademarks. Protection of industrial designs is not available in Russia, while utility model protection, as well as know-how is not recognized by Indian IP law. In Brazil, China and India special attention is pursued to the protection of traditional knowledge. Similarly as in the EU, copyright protection is granted without any formalities and costs, while the protection of most industrial property rights is formally granted through registration, and involves costs.

Regarding IPR management in the sphere of Higher Education Institutions, some of the BRIC countries seem to have specific national regulations or provisions for IP generated within HEIs. Some examples of regulations on IP in HEIs are: Brazilian Law on Technological Innovation, as well as number of Chinese regulations, including: Law of the PRC on Promoting the Transformation of Scientific and Technological Achievements, Regulation on IP Protection and management within HEI’s, Regulations on Management of IP Financed by National Projects Plan of Science and Technology.

Section 2 of the report focused on practical examples and guidelines for intellectual property management on the level of higher education institutions, as well as on the level of research cooperation initiatives. Through the research carried out in the framework of the IP-Unilink

project, the partners found that in general, universities in both EU and BRIC countries are aware of the importance of IP management and have implemented policies and processes to allow for exploitation of IP generated in their institutions. Evidence shows that the most developed IP management practices refer to creating awareness of IP among researchers, staff and students of the HEIs in the form of specific trainings, workshops, and programmes.

In general, IP management is mainly in the responsibility of specialized units related to the HEIs. While some HEIs manage intellectual property issues internally (through a unit within the university such as a technology transfer office), other HEIs have 'outsourced' this task to specialized agencies outside the university structure, but closely related to the university. Through the IP-Unilink project, we could identify some specific and very interesting practices of IP management, as for example IP assessment panels/groups which evaluate the innovative technologies, and IP problem solving by special commission. Recognizing that not all good practices which we identified may be easily transferred or adapted by other institutions, we are confident that the examples provided in section 2.1 present a valuable source of ideas and examples for organizations and managers striving to continuously improve their IP management processes. Finally, with the recommendations for IP management in research cooperation presented in section 2.2, we aim to offer general guidelines to any entity embarking on R&D cooperation with EU or BRIC higher education institutions. The recommendations are applicable to any cross-border research collaboration initiative.

“IP-UniLink: Enhancing IP management in EU and BRIC countries to boost Higher Education and business links and technology transfer, with a view to promote economic and technological cooperation”

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