



QUICK GUIDE FOR DISSEMINATION OF THE JPI AMR RESEARCH PROJECTS RESULTS

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The aim of this Quick Guide is to provide an overview of the Intellectual Property and Open Access issues to be taken into account within the JPI AMR funded projects.

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BACKGROUND NOTE ON JPIS AND IP MANAGEMENT

Research efforts can be essential to address major societal challenges. In some cases these are so great that national research programmes cannot tackle them effectively on their own. Yet, the vast bulk of research programmes in Europe are run in an isolated way, leading to unwanted fragmentation or ineffectiveness. Joint programming aims to remedy this situation.

Based on this idea, in 2008 the European Council launched the Joint Programming process with the aim of reducing fragmentation of research efforts and as a way of maximizing the impact of research.

Thus, the ultimate goal of Joint Programming is to bring together national research efforts in order to make better use of Europe's public R&D resources and to tackle common European challenges more effectively in selected key areas.

The Council charged the GPC¹ (Groupe de haut niveau pour la Programmation Conjointe), a dedicated configuration of the European Research Area Committee (ERAC²), to steer the process identifying the key themes for possible JPIS, and to develop guidelines on framework conditions for Joint Programming. Antimicrobial resistance was one of the key areas identified by the GPC as matching the prerequisites for a Joint Programming.

Antimicrobial Resistance (AMR)

Even if it is a global problem, the European research on antimicrobial resistance is dispersed and shows little collaboration between member states and associated countries. As shown by a recent mapping exercise within JPIAMR, few countries appear to have a program addressing antimicrobial resistance; rather, countries are financing separate projects that have been selected in competition with projects from other research areas. The aim of the JPIAMR is thus to integrate relevant scientific fields across national borders and to create a common European research agenda with a shared common vision.

The need for this initiative is obvious – bacteria and other infecting agents know no borders and therefore trans-national cooperation is crucial. Joint actions are desperately needed and JPIAMR provides the forum and platform for initiating and coordinating these actions.

Framework Conditions on Joint Programming

At the end of 2010, the GPC adopted the Guidelines³ for Framework Conditions on Joint Programming conceived as a tool to facilitate the implementation of JPIS by providing advice on administrative, normative and regulatory factors considered essential for the effective implementation of Joint Programming in Research such as:

- Peer Review Procedures
- Foresight Activities
- Evaluation of Joint Programmes
- Funding of Cross-border Research by National or Regional Authorities
- Optimum Dissemination and Use of Research Findings
- Protection, Management and Sharing of Intellectual Property Rights

¹ <http://ec.europa.eu/research/era/docs/en/ec-joint-programming-1.pdf>

² ERAC (formerly CREST) is a policy advisory body assisting the European Commission and the Council of the European Union in the field of research, innovation and technological development.

³ http://ec.europa.eu/research/era/docs/en/voluntary_guidelines.pdf

The Voluntary Guidelines state that *“Dissemination and take-up of research results are critical issues to be addressed, so as to ensure transparency, promote good science, engage society and raise public awareness. This is especially important for publicly funded research, for which accountability to the taxpayers is necessary, and consequently Joint Programming Initiatives should put appropriate strategies in place to meet these needs.”*

Dissemination, Intellectual Property and Innovation are all three related to the transfer of research results to final users or beneficiaries. Addressing one of them involves the other because they are mutually dependent. Together they form the frame for the implementation of knowledge and research findings emerging from JPIs. They are thus pivotal in achieving the ultimate goal of JPIs: to tackle grand societal challenges.

Intellectual Property Rights

The ten JPIs address major societal challenges facing Europe and worldwide. The common core is not primarily economic growth but to contribute to solutions to problems that threaten human health and life. It is therefore of utmost importance that the research results from the JPI will be used. The gap between science and practice must be filled with tangible contributions in each societal challenge. Therefore an IP management strategy should be developed at the JPI level.

Intellectual Property Rights (IPR) is a key issue for JPIs when transferring research results to final users or beneficiaries. IPR is a complex, legal concept that often differs from nation to nation but has a common core. The Voluntary Guidelines on framework conditions stresses the importance of participants protecting their results by setting up of an intellectual property rights (IPR) strategy. This is to ensure both that the research results are properly protected, and that they are efficiently exploited.

GPC notes that JPI activities are “expected to contribute effectively to socio-economic growth, the results of the research activities must be exploited. This requires appropriate identification and protection of the Intellectual Property (IP) being generated and an effective Knowledge Transfer (KT). Ownership and transfer of newly developed IP, as well as access to existing one should be properly managed and any arrangement would need to comply with relevant national and/or European legislation.”

Open Access

Open access can be defined as the practice of providing on-line access to scientific information that is free of charge to the end-user and that is re-usable.

In the context of research and innovation, 'scientific information' can refer to (i) peer-reviewed scientific research articles (published in scholarly journals) or (ii) research data (data underlying publications, curated data and/or raw data).

Even though, open access does not affect the intellectual property generated by research results, because the decision on whether to publish open access documents comes after the more general decision on whether to first seek protection for intellectual property rights, policies on open access have to be compatible and coherent with intellectual property rights. Antimicrobial Resistance Strategic Research Agenda (SRA)

The SRA is the first step to draft future research programmes and will be the framework upon which the Joint Programming Initiative (JPI) will launch joint actions. Joint actions will be implemented through co-operative activities that realign or link national investments in order to achieve increased impact and to stimulate the provision of new funding.

The Strategic Research Agenda of AMR JPI is also in line with the importance of having a right IP management strategy in place and it establishes that “...the open exchange of knowledge is crucial, and thus the development of a meticulous strategy on intellectual property rights by JPI AMR is an important task “

INTRODUCTION

According to the World Intellectual Property Organization (WIPO)⁴, Intellectual Property (IP) includes the rights relating to:

- literary, artistic and scientific works,
- performances of performing artists, phonograms, and broadcasts,
- inventions in all fields of human endeavour,
- scientific discoveries,
- industrial designs,
- trademarks, service marks, and commercial names and designations,
- protection against unfair competition,
- and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields

Common types of intellectual property include copyrights, trademarks, patents and industrial design rights.

Ownership and transfer of newly developed IP, as well as access to the existing one should be properly managed and any arrangement would need to comply with relevant national and/or European legislation.

IP issues are a core part of a project success and participants should pay due attention to the management of IP issues and be aware of this from the very beginning. Participants should take into account that they need to bring and share IP resources in their daily work in the project, and that this often has an impact on the results obtained and their use.

According to the Treaty⁵ on the Functioning of the European Union, the Union shall have the objective of strengthening its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and technology circulate freely, and encouraging it to become more competitive. And specifically under article 180 measures for the 'dissemination and optimisation of the results of activities in Union research, technological development and demonstration' shall be implemented for the purpose of strengthening European research policy.

The targets set by the Europe 2020 strategy (the EU's growth strategy for the decade) are set in 7 flagship initiatives. In particular 'Digital Agenda for Europe' and 'Innovation Union' initiatives include objectives such as to optimise the impact of publicly-funded scientific research, both at European level and at the member state level.

We live in a digital age that has opened up unprecedented opportunities for the dissemination of scientific knowledge. Sharing this knowledge efficiently is crucial for the future of European research.

⁴ Article 2 of the Convention establishing the World Intellectual Property Organisation, signed at Stockholm on 14 July 1967: http://www.wipo.int/treaties/en/text.jsp?file_id=283854#P50_1504

⁵ http://europa.eu/eu-law/decision-making/treaties/pdf/consolidated_versions_of_the_treaty_on_european_union_2012/consolidated_version_s_of_the_treaty_on_european_union_2012_en.pdf

⁶ <http://ec.europa.eu/europe2020/>

From this perspective Horizon 2020, the Framework Programme for Research and Innovation (2014-2020), establishes rules governing the exploitation and dissemination of results to ensure that participants protect, exploit and disseminate those results as appropriate, and to provide for the possibility of additional exploitation conditions in the European strategic interest.

In conclusion, a wide dissemination of scientific information and an adequate protection, exploitation and dissemination of research results create the foundation for further European research and innovation.

⁷ <http://ec.europa.eu/programmes/horizon2020/>

INTELLECTUAL PROPERTY RIGHTS: PROTECTION AND MANAGEMENT

IP affects all phases of a project. At the proposal stage, potential participants should know what they bring, what they may need from others, what the state of the art is in the field of the project, and should foresee what they may obtain from the project they want to be funded. During the implementation of the project, participants may need to give access to their knowledge, such as relevant IP, if necessary for other partners' project work.

In order for Joint Programming activities to contribute effectively to socioeconomic growth, the results of the research activities must be exploited. This requires appropriate identification and protection of the intellectual property being generated and an effective knowledge transfer.

Regarding the Joint Transnational calls, the Management Board has agreed to include an IPR specific section in the Call text and in Guide for Applicants. The Guide for Applicants will include the present report.

Any particular protection and exploitation strategy should be agreed before the research activities start.

In a context where Joint Programming involves pooling of money and intellectual resources, the following key aspect should be taken into account:

Key terminology

The following information has been extracted from the Regulation (EU) No 1290/20138 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)":

Results: means any tangible or intangible output of the action, such as data, knowledge or information, that is generated in the action, whatever its form or nature, whether or not it can be protected, as well as any rights attached to it, including intellectual property rights;

Access rights: means rights to use results or background. Unless agreed otherwise, do not include the right to sub-license.

Ownership of results: Results shall be owned by the participant whose employee(s) and non-employees (researchers, students) generated them; each participating organisation should reach an agreement with its personnel.

JPIAMR doesn't own any intellectual property generated by research it funds, instead this belongs to the researchers and universities doing the work.

Joint Ownership / Co-Ownership: Where participants in a project have jointly generated results, and where their respective contribution to the joint results cannot be ascertained, or where it is not possible to separate such joint results for the purpose of applying for, obtaining or maintaining the relevant intellectual property rights protection, they shall have joint ownership of those results.

⁸ http://ec.europa.eu/research/participants/data/ref/h2020/legal_basis/rules_participation/h2020-rules-participation_en.pdf

The joint owners should establish an agreement regarding the allocation and terms of exercise of that joint ownership in accordance with their obligations under the project. To avoid or resolve ownership disputes, beneficiaries should keep documents such as laboratory notebooks to show how and when they produced the results.

Protection of results: Each participant should examine the possibility of protecting its results and must adequately protect them - for an appropriate period and with appropriate territorial coverage - if:

- the results can reasonably be expected to be commercially or industrially exploited and
- protecting them is possible, reasonable and justified (given the circumstances)

Exploitation of its results: Each participant should take measures aiming to ensure 'exploitation' of its results (either directly or indirectly - through transfer or licensing) by:

- using them in further research activities (outside the project);
- developing, creating or marketing a product or process;
- creating and providing a service, or
- using them in standardisation activities.

Access to Background knowledge: 'Background' means any data, know-how or information - whatever its form or nature (tangible or intangible), including any rights such as intellectual property rights - that:

- is held by the beneficiaries before they acceded to the project, and
- is needed to implement the action or exploit the results.

Examples of it are prototypes; cell lines; patents; database rights.

Although not obligatory, participants are strongly advised to agree on background before the project starts about the terms and conditions to utilize the background knowledge of other partners

Sharing the results: Each participant may transfer ownership of its results. When transferring ownership, participant must consider the other participants' legitimate interests.

The participants may also grant licences to their results. They must however ensure that access rights can be exercised and that any additional exploitation obligations are complied with.

Confidentiality: Participants should not disclose confidential information to a third party without the agreement of the partner from whom the confidential material originates. Two approaches considered: explicit identification of confidential material, or 'assumed confidence'.

IP Provisions in case of Mobility of Researchers: Each participating organisation should reach an agreement with its personnel, establishing if the latter is entitled to claim rights to research results. It is recommended that an 'ad hoc' agreement be signed between the host organisation and the researcher (or student) concerned).

New Parties joining: Suitable measures aiming at unreasonably restricting new parties' rights should be avoided. Equally, care should be paid in safeguarding the interests of the original partners.

Code of Practice ⁹for universities and other public research institutions: European Commission Recommendation on the management of intellectual property in knowledge transfer activities for universities and other public research institutions. The Code consists of a set of general principles aiming to improve IP management and knowledge transfer by exploitation and dissemination of research results.

Main types of agreements in the framework of transnational and multilateral European research collaboration

The main types of agreements signed in the framework of transnational and multilateral European research collaboration are:

Consortium agreement (CA): signed between the project participants aiming at supplementing the standard grant agreement; it can cover management issues with particular reference to IP rights.

IPR rules should be set at a project level through the development of multilateral agreements. The consortium agreements will be signed in the framework of the projects of JPI AMR, and the points that must be addressed are:

- common start date and duration of the research project
- organization and management of the project
- role and responsibilities of each partner resources and funding
- confidentiality and publishing
- intellectual Property Rights
- decision making within the consortium
- handling of internal disputes
- the liabilities of the research partners towards one another (including the handling of default of contract).

The DESCAs model agreement¹⁰, adapted to the JPI scheme, is recommended to be the basis of the consortium agreement for dealing with IPR and other legal issues.

Confidentiality agreements / Non-disclosure agreements: designed to ensure a safe and secure exchange of information, materials and samples. Parties must be clearly identified and the usage of material designated confidential clearly stipulated. This ensures that parties can only use material as far as their intended purpose.

Material transfer agreements (MTA): a contract that governs the transfer of tangible research materials (e.g. biological materials, such as reagents, cell lines, plasmids and vectors, or other types of materials such as chemical compounds) between partners. MTAs define the rights of the provider and the recipient with respect to the materials. Usually recipients do not have a right to use the information for commercial purposes, though this is determined by the contract. The agreement will define the parties, terms, IP issues, and confidentiality conditions, including the rights for publication.

Joint ownership agreements: lay down the rules of ownership of the project results where this belongs to several/all participants in a project. Partners should conclude appropriate agreements regarding the assignment and implementation of ownership, stating in particular

⁹ http://europa.eu/legislation_summaries/research_innovation/general_framework/ri0007_en.htm

¹⁰ <http://www.desca-2020.eu/>

how costs and revenues will be shared, under which conditions licences can be given to third parties, etc.

Licensing agreements: the owner of an IP right (licensor) authorises another party (licensee) to use the subject matter of it, during a certain period of time and, generally, including the payment of royalties. There is no transfer of ownership; only an authorisation to use the object of the IP right in question.

A selection of templates for these agreements can be found at <https://www.iprhelpdesk.eu/library/useful-documents>

Getting support

There are several advisory platforms which assist researchers in negotiating particular IP agreements:

European IPR Helpdesk: www.iprhelpdesk.eu

The European IPR Helpdesk is the official IP service initiative of the European Commission providing free-of-charge, first-line advice and information on Intellectual Property (IP) and Intellectual Property Rights (IPR).

Some of the services they provide are:

- The Helpline service: It offers tailor-made advice on individual IP and IPR questions, and provides written answers within three working days.
- IPR training sessions throughout Europe: both as on-site training or as web-based seminars.
- Publications & Informative Material

Innovaccess: www.innovaccess.eu

A network of IP offices from 30 European countries making SMEs recognize the importance of IP and enabling them to manage and safeguard their intellectual assets.

Enterprise Europe Network: <http://een.ec.europa.eu/services/ipr>

This Network helps SMEs make the most of business opportunities in the EU and beyond.

PROTECTION OF IPR: THE PATENTS

The classic forms of protection are:

- Patent
- Trademark
- Industrial design
- Copyright
- Trade-secret
- Confidentiality

The choice of the most suitable form should be made on the basis of the specificities of the action and the type of result (i.e. the form which offers the most adequate and effective protection). Although important for commercial and industrial exploitation, IP protection is not mandatory.

Examples:

- For an invention: e.g. patent, confidential information.
- For the design of a technology: e.g. industrial design, copyright.
- For a website: e.g. industrial design, copyright, trademark.

Patents are a driving force for promoting innovation, growth and competitiveness as they promote commercialisation of results. European patents are granted for inventions that are new, involve an inventive step and are susceptible of industrial application. An invention can belong to any field of technology.

According to the European Patent Office¹¹ (EPO), the patents can support innovation through disclosure. In return for the disclosure of their inventions, inventors are awarded a right of protection which, for a limited time in a specific geographical region, enables them to have the invention at their sole disposal and prohibit its use by others.

In summary, a patent is a legal title which protects a technical invention for a limited period. The patent enables its owner to exclude others from exploiting the invention in the territory for which it has been granted.

For a patent to be granted, the invention must:

- be absolutely new
- involve an inventive step and
- be industrially applicable
- A further requirement for the grant of a patent is sufficiency of disclosure. This means that the invention must be described in such a way as to be comprehensible to a "person skilled in the art".

Regarding the results of projects, EPO advises to:

- Develop an IP strategy (consider alternatives, e.g. a trade secret, and a business defined use for the patent): define your goals and know the level of patent protection you need at each step
- Keep in mind if the market demands it: Adapt your filing strategy to your real business needs: do not patent everything and everywhere. Be selective and determine which ideas and markets are worth protection

¹¹ <http://www.epo.org/>

- Do not underestimate the cost: Attorney charges, translation costs, renewal and other fees add up
- Do not view licensing as failure
- Start a technology and competitor watch process: use cost-free patent information and other sources (e.g. scientific publications, trade journals) both to inspire yourself and to identify potential infringers as soon as possible
- Communicate pro-actively: communicating the protection of your IP is a cost-efficient mean to reduce the potential risk of infringement

JOINT COMMERCIALIZATION

Depending on the nature of the research and on the interests of the different parties, if there are opportunities for exploitation, it is recommended that parties decide in advance on either adopting a common exploitation strategy or leaving exploitation of results to the party best placed to commercialise it, with appropriate compensation mechanisms for the contributing parties.

In the preparatory phase, project participants should consider appointing a commercial lead, which should maintain focus on the commercial aspects, ensuring that these are considered throughout the duration of the project. The mandate should be agreed between participants and adjusted according to the common interest.

The EU patent system

There are currently several patenting systems in Europe: national patent systems and the European patent system. The term European patent refers to patents granted under the European Patent Convention. The European patent system is not based on an EU legal instrument. Nevertheless, this system managed by the [EPO](#), establishes a common patent procedure¹² for all contracting states, including countries that are not part of the European Union. This provides European patent applicants with an efficient way to obtain protection in many countries by filing a single application, which will be examined centrally and hopefully lead to the grant of a European patent. A single patent application in one language may be filed at the EPO in Munich, The Hague, Berlin or at a national patent office of a contracting state, if allowed by national law. After granted, a European patent is not a unitary right, but a group of essentially independent, nationally enforceable and revocable patents.

Any disputes arising from a European patent granted by the EPO can be brought before the national courts. No specialised EU-wide jurisdiction means expensive, unpredictable multi-forum litigation. This situation creates difficulties that damage legal certainty and impede business decisions on patented products.

A unitary patent for Europe

The European patent¹³ with unitary effect will be another option for users besides already-existing national patents and classical European patents. A unitary patent will be a European patent granted by the EPO under the provisions of the European Patent Convention to which unitary effect for the territory of the 25 participating states is given after grant, at the patentee's request.

On 11 December 2012 the European Parliament voted positively on the EU Council's compromise proposals for two draft EU regulations on a unitary patent for Europe.

¹² <http://www.epo.org/applying.html>

¹³ <http://www.epo.org/law-practice/unitary/unitary-patent.html>

The regulations entered into force on 20 January 2013 (the agreement was signed by 25 EU Member States). But it will need to be ratified¹⁴ by at least 13 states, including France, Germany and the United Kingdom to enter into force.

International applications (PCT)

Another instrument of IPR protection is the Euro-PCT application, which is filed under the Patent Convention Treaty (PCT) and designating the EPO for protection:

<http://www.epo.org/applying/international.html>

The PCT is an international treaty with more than 145 Contracting States. The PCT makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single “international” patent application instead of filing several separate national or regional patent applications. The granting of patents remains under the control of the national or regional patent Offices in what is called the “national phase”.

How much does a patent cost?

Patent fees are subject to periodical change, and a number of factors specific to each application have to be taken into account.

National Patent Offices (NPO) charge applicants different fees. Each NPO is responsible for establishing its own schedule of fees for the grant procedure, opposition procedure, annual maintenance, etc. The patent maintenance fees are paid at set intervals to ensure that the patent application or granted patent remains current and in force.

The European Patent system has different fee schedules¹⁵ which are to be calculated according to the diverse number of countries that are designated in an application.

Other issues

The following issues should be taken into account¹⁶:

Experimental use exceptions — Most Member States have implemented an experimental use exception for patented inventions, allowing the use of a patented invention for non-commercial purposes as long as it does not harm the interests of the owners. These rules vary from Member State to Member State.

In any circumstance, the researchers involved in a JPI AMR project should foresee an ‘experimental use exception’ for patented inventions, granting compulsory user rights for internal research purposes to all the participants in a project.

In this respect ‘experimental use’ needs to be clearly defined at the outset, as it may have a different meaning depending on the context: for example, it may include ‘blue skies’ research and commercially directed contract research and development

Prior user rights — Prior user rights are granted to a party that used an invention confidentially prior to its protection by IP: the party is allowed to continue using the invention (patented in the meantime by another party). This issue is addressed differently in EU Member

¹⁴ Status of ratification: <http://www.consilium.europa.eu/en/documents-publications/agreements-conventions/agreement/?aid=2013001>

¹⁵ <http://www.epo.org/applying/forms-fees.html>

¹⁶ http://ec.europa.eu/research/era/docs/en/voluntary_guidelines.pdf

States. It is likely that prior user rights would not pose a real problem to Joint Programming activities, due to the limited impact they have on IP protection/utilisation in terms of territory, duration and scope.

BEST PRACTICES FOR THE OPTIMUM DISSEMINATION AND USE OF RESEARCH FINDINGS

Communicating Project results

Unless it goes against their legitimate interests, each beneficiary must — as soon as possible — ‘disseminate’ its results by disclosing them to the public by appropriate means (other than those resulting from protecting or exploiting the results), including in scientific publications (in any medium).

The participants may choose the form for disseminating their results. Classic forms of dissemination are:

- Website
- Presentation at a scientific conference
- Peer reviewed publication

3 basic obligations with regard to the project results:

- Protection
- Use (exploitation)
- Dissemination

The researchers involved in the JPI AMR funded projects must ensure that the society can be made aware of the non-confidential information about the project. Beyond an obligation to inform the public, effectively and carefully planned dissemination activities can also serve as a powerful advertisement for the future product, process or service resulting from the project and can pave the way for future market entry. The impact of the research can then be of benefit to European society and consumers. The intended market for the project outcomes will tend to dictate the channels used. For example, the general public may expect web-searchable information, while the private business sector may expect access to R&D outputs via academic journals, professional networks or trade association events and publications.

The participants should promote the project and its results, with a comprehensive communication plan that defines clear objectives (adapted to various relevant target audiences) and sets out a concrete planning for the communication activities (including a description and timing for each activity — throughout the action duration).

The activities should:

- be effective (i.e. suited to achieving the action’s communication goals)
- be proportionate to the scale of the project (more ambitious for large projects)
- address audiences that go beyond the project’s own community (including the media and the public).

Some examples of communication activities are: a press release for the general public at the start of the project; an interview in the local radio station after a major achievement; organising local workshops about the project, targeted at audiences for which the action is of interest; producing a brochure to explain the project’s work to school or university students to show how interesting this specific research topic can be.

Moreover, the activities should also include the public policy perspective of EU research and innovation funding, by addressing aspects such as:

- transnational cooperation in a European consortium (i.e. how working together has allowed to achieve more than otherwise possible)
- scientific excellence
- contributing to competitiveness and to solving societal challenges
- impact on everyday lives (e.g. development of new technologies, better quality products, more convenience, improved life-style, etc.)
- better use of results and spill-over to policy-makers, industry and the scientific community.

BEST PRACTICES FOR A COMMUNICATION STRATEGY

- Ensure good management: Have resources been allocated (time and money)?; Are professional communicators involved?; Is continuity ensured?
- Define your goals and objectives
- Pick your audience: Does it include all relevant target groups?
- Choose your message: For each audience, a distinct strategy using targeted messages, means and language should be worked on
- Tell a story , don't just list facts
- Use the right medium and means

Best practices for the Dissemination and Use

The participants should be careful that dissemination activities carried out during the project do not later jeopardise the future exploitability of the results. Any dissemination activity will need to be delayed until a decision about its possible protection has been made.

In the Consortium Agreement:

- Include provisions for conditions for dissemination, in this way partners will already be aware of the procedures to follow prior to disclosing any information about the project.
- A procedure should be in place for consulting with project partners prior to carrying out a dissemination activity: An agreed time limit should be fixed for any objection to the dissemination
- It is recommended at the beginning of the project to define the non-confidential information that can appear on the project website, leaflets or other dissemination materials.

The researchers participating in the JPI AMR funded projects should draft a Plan for the Exploitation and Dissemination of the Results. We recommend following the existing national and European legislation and regulations on the IPT licensing field.

Visibility of JPI AMR funding

Any dissemination of results (in any form) must include the reference to funding: *“This project has received funding from the Joint Programme Initiative on Antimicrobial Resistance (JPIAMR) under the call (insert reference or year of the call)”*. It is also possible to include JPIAMR logo.

OPEN ACCESS POLICIES

What is open access (OA)?

Open Access (OA) is the immediate, online, free availability of research outputs without restrictions on use commonly imposed by publisher copyright agreements. OA includes the outputs that scholars normally give away for free for publication; it includes peer-reviewed

journal articles, conference papers and datasets of various kinds. OA policies aim to provide readers with access to peer-reviewed scientific publications and research data free of charge as early as possible in the dissemination process, and enable the use and re-use of scientific research results. Such policies should be implemented taking into account the challenge of intellectual property rights.

What is Open access (OA)?

OA = providing online access at no charge to the user

- to peer-reviewed scientific publications
- to research data

What OA is NOT:

- Not an obligation to publish
- Not at odds with patenting
- OA publications undergo the same peer review process

The open access principle is not at odds with the commercial exploitation and protection of intellectual property, as patent applications are typically made before a decision is made to publish.

Further information can be found at the “Guidelines on Open Access to Scientific Publications and Research Data in Horizon 2020”:

http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/oa_pilot/h2020-hi-oa-pilot-guide_en.pdf

A “Scientific Impact and Knowledge Dissemination Strategy” is to be included in the proposal, including financial provision for dissemination of research outputs, allowing for open access to research results and produced data (primary and meta data) among the scientific community as well as making use of other suitable means of dissemination of results.

What to disseminate?

Publications

In the natural and life sciences, the academic journal is the relevant medium. As users, natural and life scientists increasingly come up against its limitations. Free access for the individual researcher via library subscriptions is no longer guaranteed as subscriptions are being cut back severely due to cost increases on the one hand and reduced library budgets on the other. As subscriptions decline, so does the number of readers and thus the visibility of research results within the scientific community.¹⁷

There are two main routes towards open access to publications:

- Self-archiving (also referred to as '**green**' open access) means that the published article or the final peer-reviewed manuscript is archived (deposited) by the author - or a representative - in an online repository before, alongside or after its publication. Repository software usually allows authors to delay access to the article ('embargo period').

¹⁷ http://unesco.de/fileadmin/medien/Dokumente/Kommunikation/Handbook_Open_Access_English.pdf

- Open access publishing (also referred to as '**gold**' open access) means that an article is immediately provided in open access mode as published. In this model, the payment of publication costs is shifted away from readers paying via subscriptions. The business model most often encountered is based on one-off payments by authors. These costs (often referred to as Author Processing Charges, APCs) can usually be borne by the university or research institute to which the researcher is affiliated, or to the funding agency supporting the research. In other cases, the costs of open access publishing are covered by subsidies or other funding models.

Data

Open access to research data refers to the right to access and re-use digital research data. Openly accessible research data can typically be accessed, mined, exploited, reproduced and disseminated free of charge for the user.

“Research data” refers to information, in particular facts or numbers, collected to be examined and considered and as a basis for reasoning, discussion, or calculation. In a research context, examples of data include statistics, results of experiments, measurements, observations resulting from fieldwork, survey results, interview recordings and images. The focus is on research data that is available in digital form.

The Guidelines on Data Management in Horizon 2020 provide researchers with indications on how they can comply with their responsibilities regarding research data quality, sharing and security and can serve as an advice document on making data openly accessible.

Best practices for OA

The JPI AMR promotes Green and Gold Open Access measures, as recommended by the EC Recommendation on Open Access policies for Member States (17th July 2012), towards Horizon 2020.

In the context of the JPI AMR, the following policy should apply:

- Publishing costs in an open access context, related to scientific results obtained in the context of a JPI AMR project, should be considered eligible.
- JPI AMR expects researchers to maximize the opportunities to make the research data resulting of their scientific work available for free in an open repository.
- In case that data originate from ongoing projects, the related funding conditions need to be taken into account and the conditions cannot be overruled.
- Authors are encouraged to retain their copyright or, in case of transfer of copyright to third parties, at least to retain the right to disseminate via open access.

With a view to worldwide academic openness, the community of researchers should be motivated to join the European Data Movement.

PLATFORM FOR TECHNOLOGY / KNOWLEDGE TRANSFER

According to the Strategic Research Agenda of the JPI AMR, one of the recommendations to reduce the threat of AMR is “Political and societal awareness on the threat of AMR is crucial to stimulate the implementation of measures to fight the misuse of antibiotics and to stimulate innovation. Knowledge transfer and intensive collaborations between scientists and policy makers is important for the successful adaptation or adoption of measures that positively impact on AMR, have social support and are cost effective”.

Transfer of technology and knowledge to all stakeholders, whilst ensuring IP protection, are necessary tools for establishing and promoting cross-disciplinary research and the transfer into various application areas. A relationship of trust and mutual confidence between individuals and organisations is a prerequisite for successful knowledge and technology transfer, and this is especially true when the pursuit of knowledge and its subsequent transfer and delivery crosses national borders.

USEFUL LINKS

Guidance “How to draw up your consortium agreement”. European Commission, Directorate-General for Research & Innovation:

http://ec.europa.eu/research/participants/data/ref/h2020/other/gm/h2020-guide-cons-a_en.pdf

“The European IPR Helpdesk Your Guide to IP in Horizon 2020”:

https://www.iprhelpdesk.eu/sites/default/files/documents/EU_IPR_Guide-to-IP-H2020.pdf

The EC IPR Helpdesk website provides a comprehensive set of fact sheets on IP:

<https://www.iprhelpdesk.eu/training>

The Lambert toolkit is for universities and companies that wish to undertake collaborative research projects:

<http://www.ipo.gov.uk/lambert>

How to get a European patent, Guide for applicants. EPO:

<http://www.epo.org/applying/european/Guide-for-applicants.html>

How to search for patent information:

<http://www.epo.org/searching.html>

https://www.iprhelpdesk.eu/sites/default/files/newsdocuments/FS_patent_search_updated.pdf

How to deal with IP issues in transnational negotiations:

https://www.iprhelpdesk.eu/sites/default/files/newsdocuments/How_to_deal_with_IP_issues_in_transnational_negotiations_0.pdf

Health-2-Market project - a coordinating action funded by the EC that aims at developing the Health researchers' entrepreneurial skills and knowledge to support the market exploitation of their research results-:

<http://www.health2market.eu/>

Strategic Guide to Successful Use and Dissemination of the Results of Research and Development Projects (FP7):

http://ec.europa.eu/research/sme-techweb/pdf/use_diffuse.pdf

Commercialising Intellectual Property (fact sheets):

https://www.iprhelpdesk.eu/library/fact-sheets?field_tags_tid%5B%5D=168&=Apply

Intellectual property management in open innovation:

https://www.iprhelpdesk.eu/sites/default/files/newsdocuments/IP_management_in_open_innovation.pdf

Publishing v. patenting: <https://www.iprhelpdesk.eu/node/1950>

Guidelines on Data Management in Horizon 2020:

http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/oa_pilot/h2020-hi-oa-data-mgt_en.pdf

OpenAIRE (a network of Open Access repositories, archives and journals that support Open Access policies):

<http://www.openaire.eu/>

A web portal of news and in-focus articles with the aim of communicating EU-funded Health Research:

www.horizonhealth.eu