



**WIPO INTERREGIONAL FORUM
ON SMALL AND MEDIUM-SIZED
ENTREPRISES (SMEs)
AND INTELLECTUAL PROPERTY**

**Facilitating access to and use of the IP system by SMEs
in the European Union**

**Role of the European Commission in the framework of
its program to promote innovation in SMEs**



RTD Framework Programmes of the European Community

 **Objectives**

 **Activities**

 **Areas**



Participation of SMEs in Framework Programmes Period: 1996 - 2001

10.000 “high -tech” SMEs

- (high-tech intensity)

10.000 “medium/lowtech” SMEs

- (limited RTD intensity)

TOTAL ~ 20.000 SMEs

received 1.4 billion Euro



6th Framework Programme Waystopromote SMEs participationandinnovationin SMEs

-  **Specificactionsfor SMEs**
-  **SMEs' involvementinotherRTD actions**
-  **Innovationactivities**



Specific actions for SMEs

Cooperative research (CRAFT)

enabling SMEs to approach legal entities possessing appropriate capabilities with a view to carry out specific research activities

Collective research

projects undertaken by legal entities possessing appropriate research capabilities for the benefit of enterprise grouping, in fields and on subjects of interest to a large number of SMEs facing common problems



SMEs' involvement in other RTD actions

-  **Intended to integrate research efforts and activities on a European scale**
-  **Aim to facilitate the access of smaller research actors of scientific excellence**

(Integrated projects, Networks of excellence, Specific targeted projects, Coordination actions, ...)



Innovation activities

Aim to stimulate:

- technological innovation
- utilization of research results
- transfer of knowledge and technologies and the setting -up of technology businesses in the Community

Aim to reinforce role of **SMEs** **National Contact Points (NCPs)**



6th Framework Programme WaystopromoteIPin SMEs

Developed on the basis of:

- Experience with previous rules
- Consultation with research actors (academia and industry, including SMEs)

Designed to be:

- complete and comprehensive in one document
- easier to be understood and applied



Principles

Simplicity

- Consistency with previous rules (same concepts)
- same rules for all participants/actions

Flexibility and Autonomy

Increased emphasis on the management of results and IP



Ownership

- ☰ **Resides with the participant(s) generating results**
- ☰ **Specific exception for SMEs actions**
 - ownership resides with the SMEs, notwithstanding the “RTD Performers”
- ☰ **Possibility to transfer ownership to a third party**
- ☰ **Protection required only “if appropriate”**
 - public domain, secrecy approach, ... possible



Publication, Use & Dissemination

Publication

- allowed if not detrimental to protection

Use

- exploitation or further research
- strongly encouraged

Dissemination

- if use is not possible or if dissemination is more appropriate



Accessrights

Generalprinciples

- ✓ Grantedonrequest
- ✓ Nosub -licensing (unlessexplicitlyagreed+possible optionalclauseforsoftware)
- ✓ Obligatory ARs betweenparticipants limitedtowhat theyreallyneed (eitherforcarryingouttheprojectorfor usingtheirownknowledge); butofcoursebroader ARs maybefreelynegotiated
- ✓ ARs grantedtothirdparties (ifunanimouslyagreed)



Access rights New features

- ✓ **Possibility for a participant to exclude specific pieces of its PEKH from the obligation to grant ARs to the others**
 - with the agreement of all participants
 - before the participant concerned signs the EC contract (or before entry of a new participant)



System of Access Rights

	Access rights to pre-existing know-how	Access rights to knowledge
For carrying out the project	<p>If a participant needs them for carrying out its own work under the project</p> <p>Royalty-free unless otherwise agreed before signing the contract</p>	Royalty-free
For use (exploitation + further research)	<p>If a participant needs them for using its own knowledge</p> <p>Non-discriminatory conditions to be agreed</p>	Royalty-free unless otherwise agreed before signing the contract
	Possibility for participants to agree on exclusion of specific pre-existing know-how before signature of the contract (or before entry of a new participant)	



Other European Community initiatives in favor of SMEs

- 📄 **Activities carried out in liaison with those of the EIB under its “Innovation 2000 Initiative”**
- 📄 **Establishment of a common (and easier) intellectual property legislation**
 - utility models and designs
 - Community patent,...



Thankyou