

**THE IP CHARTER FOR ORGANISATIONS ACTIVE IN PARTICLE, ASTRO-  
PARTICLE AND NUCLEAR PHYSICS**

## INTRODUCTION

The European Strategy for Particle Physics, approved by the CERN Council on 14 July 2006, acknowledges the relevance of knowledge exchange and technology transfer towards industry and disciplines other than High Energy Physics, and endorses the implementation of measures to increase the effectiveness of the process.

As stated by the Commission of the European Communities (C(2008)1329)<sup>1</sup>, the active engagement of public research organisations in Intellectual Property (IP) management and Knowledge and Technology Transfer (KTT) is essential for generating socio-economic benefits and for attracting students, scientists and further research funding.

This document provides a set of principles aimed at helping organisations active in particle, astro-particle and nuclear physics adopt a sensible IP and KTT approach and support the associated implementation measures while remaining fully compatible with open science.

A glossary of key terms used in this document is provided as an annex.

## IP POLICY

### General principle

Fundamental research shall be performed in an open and collaborative environment. The associated intellectual property, namely the experimental and theoretical results of this research shall be disseminated as widely as possible.

### Ownership of research results

The organisation shall own the research results generated by its researchers and its technical staff in the execution of its scientific programme. Where no provision is made for this under the applicable rules or employment contracts, the organisation shall make the necessary arrangements to ensure that the general principle is met.

### Value of intellectual property

The intellectual property generated in the execution of the scientific programme shall be recognised as an asset for the organisation. It is the responsibility of the organisation to manage this asset and ensure that it is used for the benefit of society.

### Access-facilitating measures

In order to foster the transfer of knowledge, technology and innovation, and to enhance the socio-economic impact of research and development, appropriate intellectual property management measures shall be taken to facilitate access to technological developments and expertise by industry and by research disciplines beyond that of physics.

These measures shall not impair the use of such developments for further research.

### Recognition and priority

KTT shall be recognised as an integral part of the organisation's core mission. Research and development projects and activities conducted in the framework of the organisation's

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<sup>1</sup> C(2008)1329: Commission recommendation on the management of intellectual property in knowledge transfer activities and code of practices for universities and other public research organisations; Brussels, 10.04.2008.

approved scientific programme and involving industry and/or institutions active in disciplines other than physics shall be given the same level of priority as the scientific programme.

### **Responsibility for the access-facilitating measures**

The organisation shall be responsible for implementing the access facilitating measures.

### **Communication**

Research results shall be widely disseminated, notably through publication. In cases where protection of the intellectual property associated with these results is envisaged, the organisation shall strive to keep the associated delays to a strict minimum.

## **KNOWLEDGE AND TECHNOLOGY TRANSFER POLICY**

### **General principle**

Researchers and technical staff shall be made aware of the potential impact of their work on society, not only in terms of advances in science but also in terms of alternative applications of the instruments, methods, technologies and software originally developed for achieving the scientific objectives of the organisation. To this end, the organisation shall ensure that close links are forged between the KTT experts and the researchers.

### **Results disclosure**

Researchers and technical staff shall consider the potential socio-economic impact of their research and development work and, where appropriate, disclose their findings to the organisation prior to the publication of the results.

### **Access to professional KTT experts**

The organisation shall endeavour to provide access to professional services, including technological, legal, financial, commercial, as well as intellectual property advisors to assist scientific and technical staff in the transfer of their results and ensure compliance with the relevant policies and rules in force within and outside the organisation.

### **Exploitation mechanisms**

In order to promote the use of publicly-funded research results and maximise their socio-economic impact, the organisation shall consider all types of possible exploitation mechanisms and all possible partners.

The organisation shall strive to select the most appropriate exploitation mechanisms, harmonise practices within the organisation and ensure fairness in all contracts, agreements and transactions.

Exploitation shall entail adequate compensation, financial or otherwise, even though maximizing revenue shall not necessarily be the main objective. Any granting of exclusivity shall be carefully assessed and constrained with a view to maximizing the dissemination and access for research and further development.

### **Revenues**

Although the process of knowledge and technology transfer shall not be revenue-driven, the resulting income is a significant indicator. Revenue is essential to covering the associated costs, generating additional income for the organisation, and providing resources for implementing appropriate incentives for researchers and technical staff.

### **Incentives**

In order to provide an incentive for researchers and technical staff to pursue the aims of the KTT policy, the organisation shall establish and communicate clear and transparent rules to ensure fair financial rewards for the organisation, the department or the inventor's team in return for their contributions to KTT. Recognition of staff contributions shall be handled according to the normal merit appraisal and recognition scheme in force at the organisation.

### **Monitoring and reporting**

The IP protection, KTT activities and related achievements shall be monitored and publicised regularly. The research results, any related expertise and IP rights shall be made more visible to industry and to other research domains in order to promote their use and exploitation.

## **COLLABORATIVE AND CONTRACT RESEARCH**

### **General principle**

The rules governing collaborative and contract research activities shall be compatible with the mission and the applicable rules and regulations of each party. They shall take into account the different funding and be in accordance with the objectives of the research activities, in particular maintain an IP position that allows further academic and collaborative research and avoids impeding the dissemination of the research and development results.

### **Intellectual Property issues**

IP-related issues shall be clarified at management level and as early as possible in the research project, ideally before it is formally launched. Such issues include the identification of pre-existing IP possessed by the parties prior to the start of the project, ownership of the project results, access to the pre-existing IP and to the results for the project execution and for exploitation purposes, and the sharing of revenues from subsequent exploitation.

Joint ownership of project results shall only be considered when individual contributions cannot be dissociated.

### **Access to results**

In a collaborative research project, ownership of the results shall stay with the party(ies) that has(ve) generated it, unless specific contractual arrangements have been concluded in advance.

In a contract research project, the organisation shall strive to retain access to the results for further research.

In both types of projects, where public funding is involved, the organisation shall also strive to retain access for non-competing areas of usage.

Whenever necessary for the purpose of conducting the research project, or for the exploitation of the results of a party, access rights to other parties' pre-existing IP and results shall be made available, under conditions that shall adequately reflect the parties' respective interests, tasks, and financial and other contributions to the project.

## GLOSSARY

**Contract research:** R&D project driven more by industrial needs than by academic interests (sometimes also known as ‘commissioned’ research).

**Collaborative research:** R&D project in which the research goals are agreed by all the partners and where all the partners make an active contribution to the research activity.

**Intellectual Property (WIPO definition):** “IP reflects broadly the creation of the human mind. It relates to items of information or knowledge. IP is usually divided into industrial property, covering inventions, trademarks, industrial designs, and protected designations of origin and copyrights, represented by literary, musical, artistic, photographic, and audio-visual works.”

**Knowledge and Technology Transfer:** The systems and bidirectional processes by which knowledge, including technology, know-how, expertise and skills, is transferred from one party to another leading to innovative, profitable or economic and social improvement.

**Dissemination:** Disclosure of research results by any appropriate means other than that resulting from the formalities for protecting it, and including the publication of research results in any medium, as well as the direct or indirect utilisation of research results in further research activities, or for exploitation purposes.

**Research results:** The outcome of the research efforts are not limited to publishable results and technical results, software, and databases.

**Revenues:** The money and equity received by the organisation from its KTT activities.