

Reaction to the European Innovation Council Board's statement on intellectual property

On 3 May 2023, the Board of the European Innovation Council (EIC) published [a statement on the Intellectual Property \(IP\) rules applicable to EIC Pathfinder and Transition projects](#). Our associations of knowledge transfer professionals, research and technology organisations, and universities praise the efforts of the EIC Board – especially the then interim president, Mark Ferguson, and the chair of the IP working group, Špela Stres – in listening to the concerns of the community, including [as we elaborated in December 2022](#). Throughout our dialogue, it became obvious that our associations and the EIC Board share the same objective (bolstering breakthrough innovation in Europe) and that we all recognize that researchers and research-performing organisations need to collaborate closely to maximise the exploitation of research outcomes.

We note that we share the views of both the [European Parliament](#) and the EIC Board that the present IP rules, especially the provisions relative to EIC inventors' access rights, must be amended as they pose obstacles to successful knowledge valorisation.

We welcome the EIC Board's recommendations for clarifying the definition of EIC inventors and for granting the EIC inventors granted access rights. The latter may take place only after a certain time period following the end of the EIC project if either of the following conditions are fulfilled: the EIC beneficiary declares that it does not intend to exploit the results, or the EIC inventors demonstrate that the EIC beneficiary has not provided them with sufficient support for the exploitation of the results. Our associations urge the European Commission to implement these recommendations by translating them into the EIC work programme from 2024 onwards, or earlier, where possible.

The amendments to the EIC work programme must also ensure that EIC beneficiaries have a leading role in the exploitation of the outcomes of EIC Pathfinder and Transition projects. In addition, when EIC inventors wish to play a more active role, a collaborative working relationship with the knowledge valorisation services of the employing research organisations should be ensured.

We strongly recommend that the EIC inventors exercise their access rights on the basis of the institutional, regional and national rules, best practices and procedures on handling and management of IP. Systematically giving EIC inventors royalty-free access rights would create problems through an unfair advantage provided over other potential commercialisation partners, and thus, it would create complexities and potential issues around competition regulations and risks of conflict of interest.

We welcome the recommendation that the EIC beneficiaries that supported the exploitation of research outcomes should receive, as with other successful commercialisations of IP, fair and proportionate returns. The amendments of the European Commission must ensure that fairness applies to both EIC beneficiaries and EIC inventors and that these returns are in line with state aid rules and competition law.

Our associations are committed to collaborating with the EIC Board and the European Commission services to support translating these recommendations into the future EIC work programme and Horizon Europe Model Grant Agreement along these lines, leveraging existing best practices for knowledge valorisation and with full respect for the institutional autonomy of research organisations.

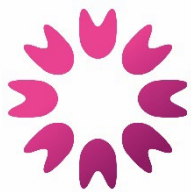
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