



FOSTERING INDUSTRIAL SYMBIOSIS FOR A SUSTAINABLE RESOURCE
INTENSIVE INDUSTRY ACROSS THE EXTENDED CONSTRUCTION VALUE CHAIN

IPR Policy implementation: establishing IPR protection rules

Executive summary

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D8.2 IPR Policy implementation in line with the Exploitation and Dissemination
WP8, T8.1

H2020-WASTE-2014-two-stage

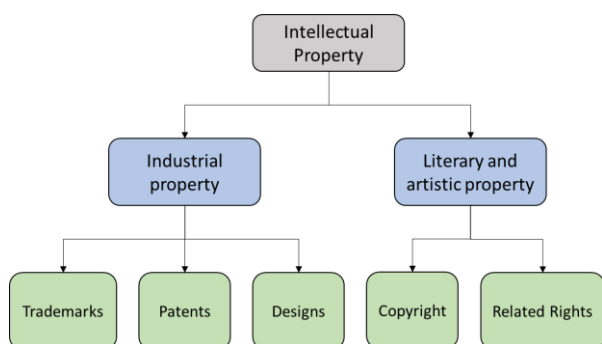


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The Convention Establishing the World Intellectual Property Organisation 1967 defines intellectual property as rights relating to:

- Literary, artistic and scientific works
- Performances of performing artists, phonograms and broadcasts
- Inventions in all fields of human endeavour
- Scientific discoveries
- Industrial designs
- Trade marks, services marks and commercial names and designations
- Protection against unfair competition
- All other rights resulting from intellectual activity in the industrial, scientific, literary, or artistic fields

Intellectual property takes a number of different forms, namely, patents, copyright, registered designs, circuit layout protection, confidential information, trademarks, domain names, or plant breeders' rights.



This Deliverable serves as a manual to be used as a reference by FISSAC consortium partners for establishing the IPR protection for the key results of the project. It also explains patent application and includes patent mapping analysis.

IPR management

The IPR, in the context of the FISSAC project, refers to the legal rights granted with the aim to protect the creations of the intellect. The IPR management aims at supporting the overall exploitation and dissemination strategy of the project as well as at ensuring a wide accessibility, availability and reusability of all outcomes produced by the project.

Supervision

Two committees are responsible for handling issues related to the technical domain and the exploitation and dissemination domain – those are the Scientific & Technical Committee (STC) and the Dissemination & Exploitation Committee (DEC). While the STC monitors the technical progress, the DEC is responsible for monitoring the Data Management Plan, which deals with project's information transferability.

Consortium Agreement and IPR

The Consortium Agreement (CA) was signed by all the project partners and came into force on the date of its signature by the Parties. It shall continue in full force and effect until complete fulfilment of all obligations undertaken by the Parties under the European Commission's Grant Agreement and the CA.

The CA states rules on matters related to IP protection especially on joint ownership, transfer of results, dissemination, and access right.

Exploitable background/foreground and its use

This Deliverable identifies the background partners bring to the FISSAC project as well as foreground expected to be gained during the project. The Background and the Foreground are defined as:

Background identification:

- Information and knowledge held by the Parties prior to their accession to the Project, as well as any IPRs necessary for implementing the project or for using Foreground.
- Where application is necessary, only those IPRs for which the application was filed before the accession of the Party to the Project are included in the Background.
- Relate only to information needed to carry out the project or to use the foreground generated.
- The Background of a Party is not limited to the information and knowledge it owns, but also extends to any information, knowledge or IPRs which it holds (e.g. licensing agreements).

Foreground identification:

- Results, including information, materials and knowledge, generated in the Project, whether or not they can be protected.
- Includes IPR (rights resulting from copyright protection, related rights, design rights, patent rights, etc.), similar forms of protections (e.g. sui generis right for databases) and unprotected knowhow (e.g. Confidential material).
- Include tangible (e.g. prototypes, microorganisms, source code, and processed earth observation images) and intangible (IP) results of the Project.
- Results generated outside the Project do not constitute Foreground.

Preliminary IP protection of Key Exploitable Results

So far, 8 Exploitable Results (ER) were identified during the first year of the FISSAC project. The ER list is expected to change along the project and thus the proposed IP protection might change as well. The preliminary IP protection was suggested as follows.

N°	Exploitable result	IP proposal
1	FISSAC Model (construction value chain scenario). Methodology and software Platform.	Copyright
2	FISSAC Model (other sectors value chain scenarios). Methodology and software Platform.	Copyright
3	Methodology + Software Platform itself (geo clustering)	Copyright
4	Guidelines & training courses on circular economy planning	Copyright
5	Cement-based products eco-design	Patent / Utility Model
6	Light wall ECO-Tiles (and eco-design)	Patent / Utility Model Industrial Design
7	Urban porcelain ECO-Tiles (and eco-design)	Patent / Utility Model Industrial Design
8	Wood Plastic Composites (WPC) eco-design	Patent / Utility Model Industrial Design

Partners' involvement in each of the ER

To evaluate the involvement of each partner in the related ER, the BFMULO analysis was applied. The BFMULO matrix consists of:

- B – IPRs on background information
- F – IPRs on foreground information
- M – Making the result
- U – Using the result
- L – Licensing the result
- O – Other exploitation means

The FISSAC partners expressed their ERs claims as follows:

Partner	ER1	ER2	ER3	ER4	ER5	ER6	ER7	ER8
ACC	B,F,U,O	B,F,U,O	F,O	-	-	-	-	-
ACR+	-	-	-	O	-	-	-	-
AEN	-	-	-	-	-	-	-	-
CSIC	-	-	-	-	-	B,F,U,L,O	B,F,U,L,O	-
AKG	O	O	-	-	B,F,M,U,O	-	-	-
BEF	U,O	U,O	U,O	-	B,M,U	-	B,M,U	-
BGM	B	B	-	U	-	-	-	-
CBI	F	F	F	O	U	B	B	B
CSM	B	B,F	F	U	F	-	-	-
DAP	B,F,M,U,L,O	B,F,M,U,L,O	B,F,M,U,L,O	-	-	-	-	-
EKO	F,O	F,O	B,F,U,O	-	-	-	-	-
FAB	U,O	U,O	U,O	-	B,M,U,O	-	-	-
FEN	B,F,O	B,F,O	-	-	-	-	-	-
FER	B,U,O	B,U,O	B,U,O	-	B,M,U	B,M,U	B,M,U	B,M,U
GEO	-	-	B,F,U,O	-	-	-	-	-
GTS	B	B	-	U	U	-	-	-
TRI	B	B	-	U	B,U	B,U	B,U	B,U
HIF	B,O	B,O	B,O	B,F,U,O	-	-	-	-
KER	-	-	-	-	-	B,F,M,U,L	B,F,M,U,L	-
OVA	U	U	O	O	-	-	-	-
RIN	-	-	-	-	-	-	-	-
SP	U	U	-	U	-	-	-	-
SYM	B,U	B,U	B,U	B,U	-	-	-	-
TCM	B,U	B	-	U,L	M,U,L	-	-	-
TEC	B,U,O	B,U,O	B,U,O	-	B,U,O	B,U,O	B,U,O	B,U,O
VAN	-	-	-	-	-	-	-	U

Patent Application

There are two levels of patent application relevant for the FISSAC consortium: national and regional application in which the most suitable one is European patent.

The European Patent Office (EPO) is an example of a Regional patent office. It grants patents which can take effect in some or all countries contracting to the European Patent Convention (EPC), following a single application process. However, a European patent is not a unitary right, but a group of essentially independent nationally-enforceable, nationally-revocable patents, subject to central revocation or

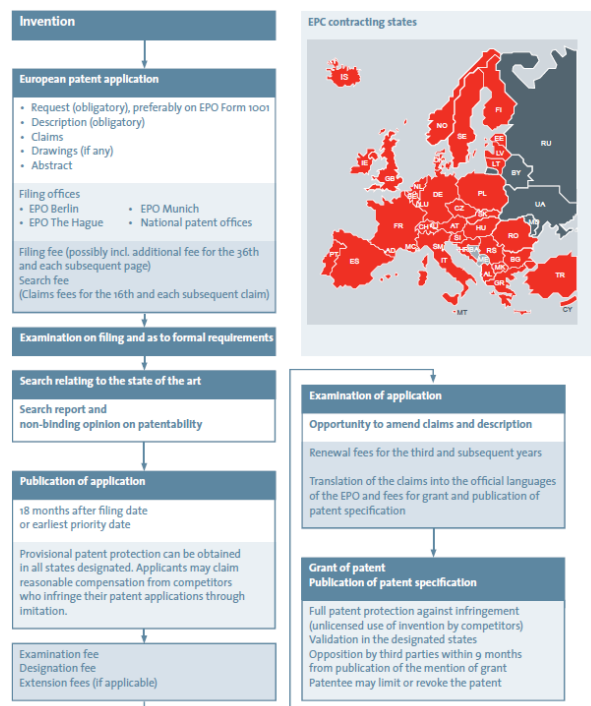
narrowing as a group pursuant to two types of unified, post-grant procedures: (1) a time-limited opposition procedure, which can be initiated by anyone except the patent proprietor and (2) limitation and revocation procedures, which can be initiated by the patent proprietor only.

Patent process

A European patent application consists of:

- a request for grant
- a description of the invention
- claims
- drawings (if any)
- an abstract

If the application is not filed in are English, French, or German, a translation must be submitted. The EPO published a guide for applicants entitled "How to get a European patent", last updated on 1 July 2017.



Patent Analysis

For the patents mapping assessment, the ESPACENET database was used. ESPACENET offers free access to information about inventions and technical developments from the 19th century up to today. It contains data on over 90 million patent documents from around the world. Supporting information can help to understand whether a patent has been granted and if it is still in force. The analysis found approximately 20 patents dealing with the same or similar topics as FISSAC.

