



Intellectual property & responsible partnership in the framework of competitiveness clusters

CURIE - Commission “competitiveness clusters”

Driving Innovation from Science to Business
*How customized marketing practices can help universities
and PROs to get their research to market?*

European Trans2Tech Conference
March 6, 2008 - Aix en Provence - France



Plan

1. General context of partnership with industry in France: competitive clusters
2. Which adequate Response ?

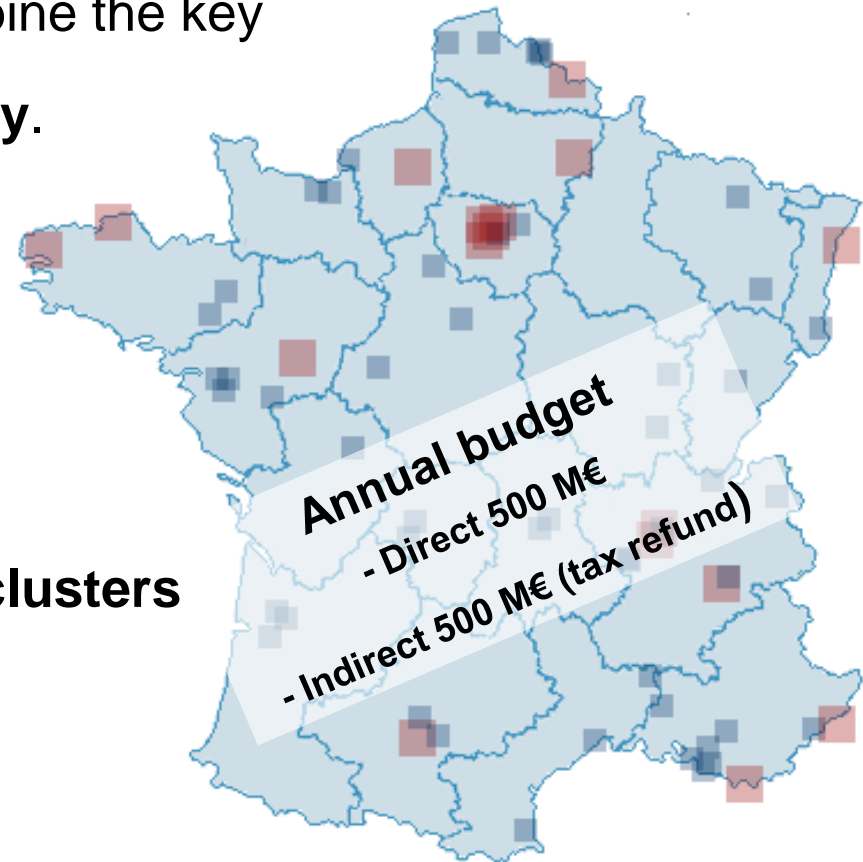


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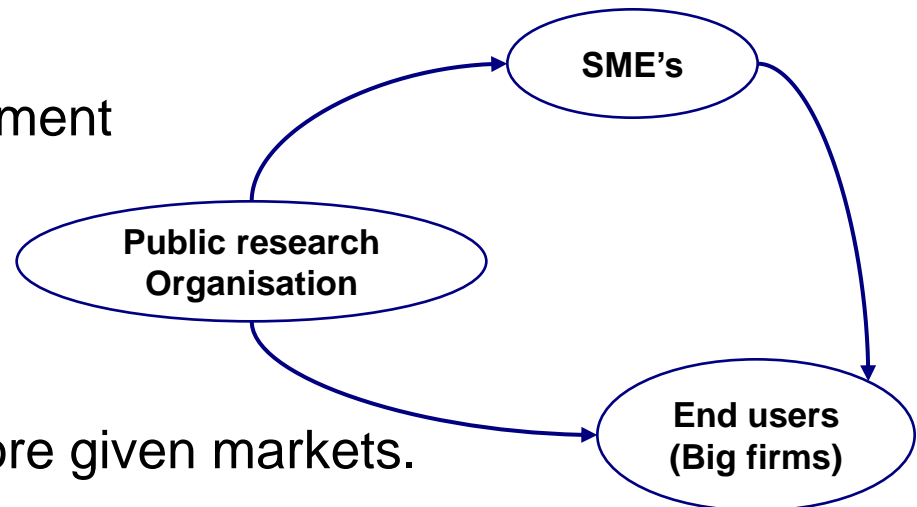
General context : competitiveness clusters

- France decided in 2004 to combine the key factors of competitiveness into its **new industrial policy**.
- Main factor **capacity for innovation**
- 71 competitiveness clusters
 - **7 global competitiveness clusters**
 - **10 globally-oriented competitiveness clusters**



General context : competitiveness clusters

- The aim of this policy is to **encourage**, then **support projects** initiated **by the economic and academic players** in a given **local area**.
- For a given local area, a competitiveness cluster is defined as:
 - an association of **companies, research centres and educational institutions**,
 - working in **partnership** (under a common development strategy),
 - to generate synergies in the execution of **innovative projects** in the interest of one or more given markets.



After 2 years exercise

- **Positive effects** : project driven strategy, work together, concentration of efforts, but still outputs are not effective (too early)
- **But**, competitiveness clusters is not a “wonderfull world”
- Big players still “pull the strings”
- Objectives are different if you are a big firm, a SME, or a university, and may be contradictory
- Universities are fighting to get recognition of their involvement and added value in joint projects

Some problems

(outlined by a recent independent survey, Feb.2008)

- The accreditation process (project selection) **ignores industrial property** matters
- **Lack of visibility** on partners own objectives (innovation or Finding subsidies)
- Difficulties in **Knowledge access** (no discussions before, no preliminary agreement)
- **Weak Governance** of clusters
- **Confidentiality problems** between cluster managers and projects participants (keep secret the information is uneasy)
- No preliminary definition of **respective contributions**
- **Neutrality problem** in the process of project selection (secrecy & neutrality: competitors may be in the selection committee)
- Strong **disparities between partners**: end users (big firms) well structured and generally providing “their” consortium agreements and the others private (SMEs) or public (universities or engineering schools)
- Problems concerning **respect of inventors rights**

Source : Ministry of Industry (22 jan 2008)

What's the point?

- Financing public **research/innovation** through economic clusters becomes a *tremendous challenge for universities*
 - financial funding equals those of National research agency
- All **PRO's in France** are facing common problems:
 - Late involvement of the TTO in the negotiations
 - Defense of university rights and added value recognition
 - work overload (350+ projects a year, 60+ for Bretagne Valorisation)

CURIE network should provide a global framework applicable at decentralized level (PRO)



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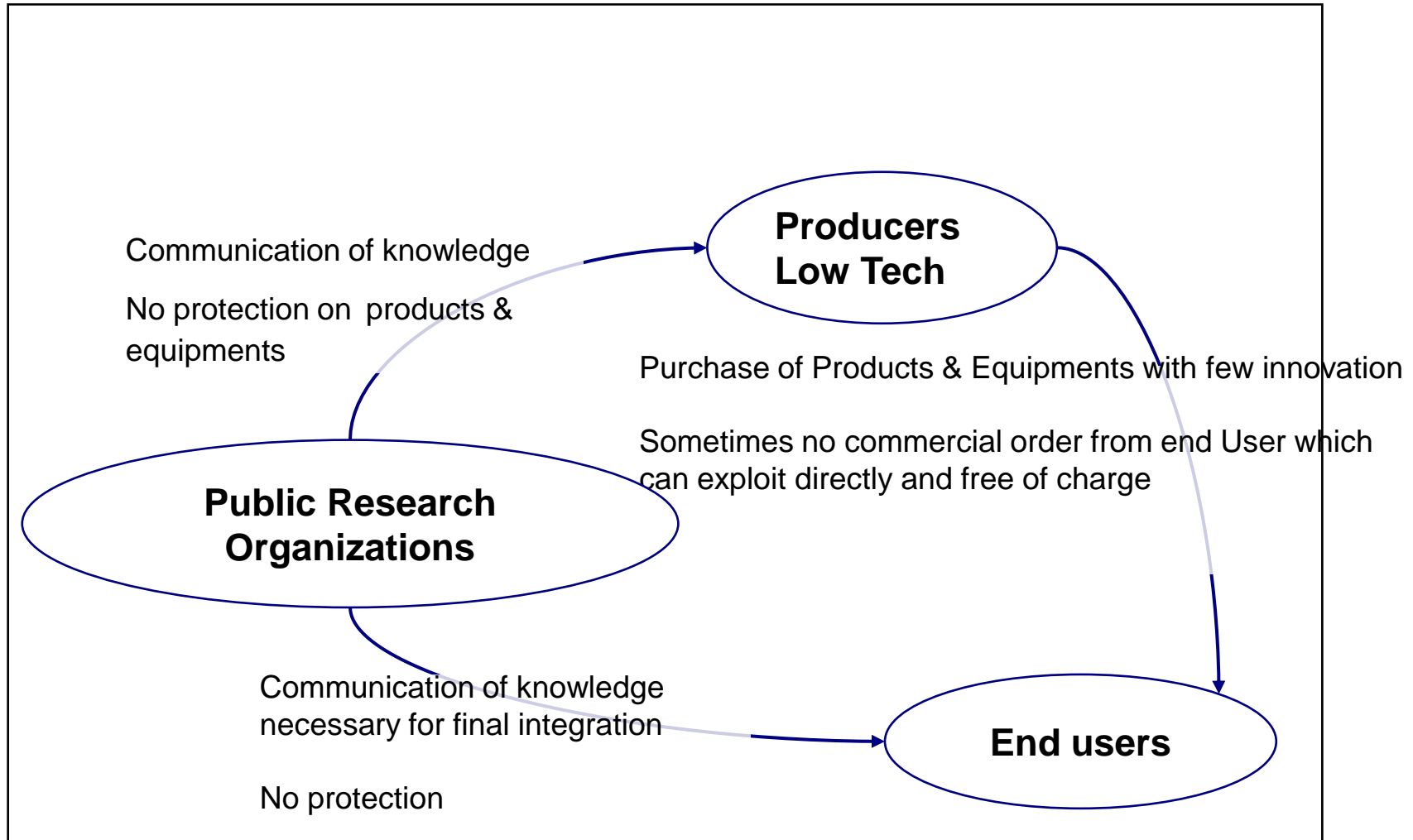
Contribution from CURIE

- **CURIE Working Group:** commission Competitiveness clusters, since last CURIE Annual congress June 2007
- 11 persons involved (curie members, PRO mainly)
- 6 clusters interviewed (Pôle Cap Digital, Pôle Medicen, Pôle Aerospace Valley, Pôle Industrie Agro ressource, Pôle Mer Bretagne, Pôle Moveo)
- **OBJECTIVES:**
 - Paper giving CURIE point of view & negotiation tools
 - Dissemination (marketing) of conclusions
 - CURIE members
 - Clusters
 - Institutional founders: regions, National Agency of research, Ministry of industry – DGE

Contribution from CURIE

- Paper ready since end November 2007
 - Written by the working group
 - Tested by 6 clusters (comments & feelings)
- Content of the paper:
 - **2 Economic models**
(Open science vs Efficient innovation)
 - Recommendations for negotiations
 - Partnership conditions **without** financial flows between the partners
 - Partnership conditions **with** financial flows between the partners

Model 1 : Open science & free of charge



Open science & free of charge

non exclusives licence, no financial return & large definition of common results

Conditions of transfer

-No licensing over technology transfer: weak relation between industry and PROs

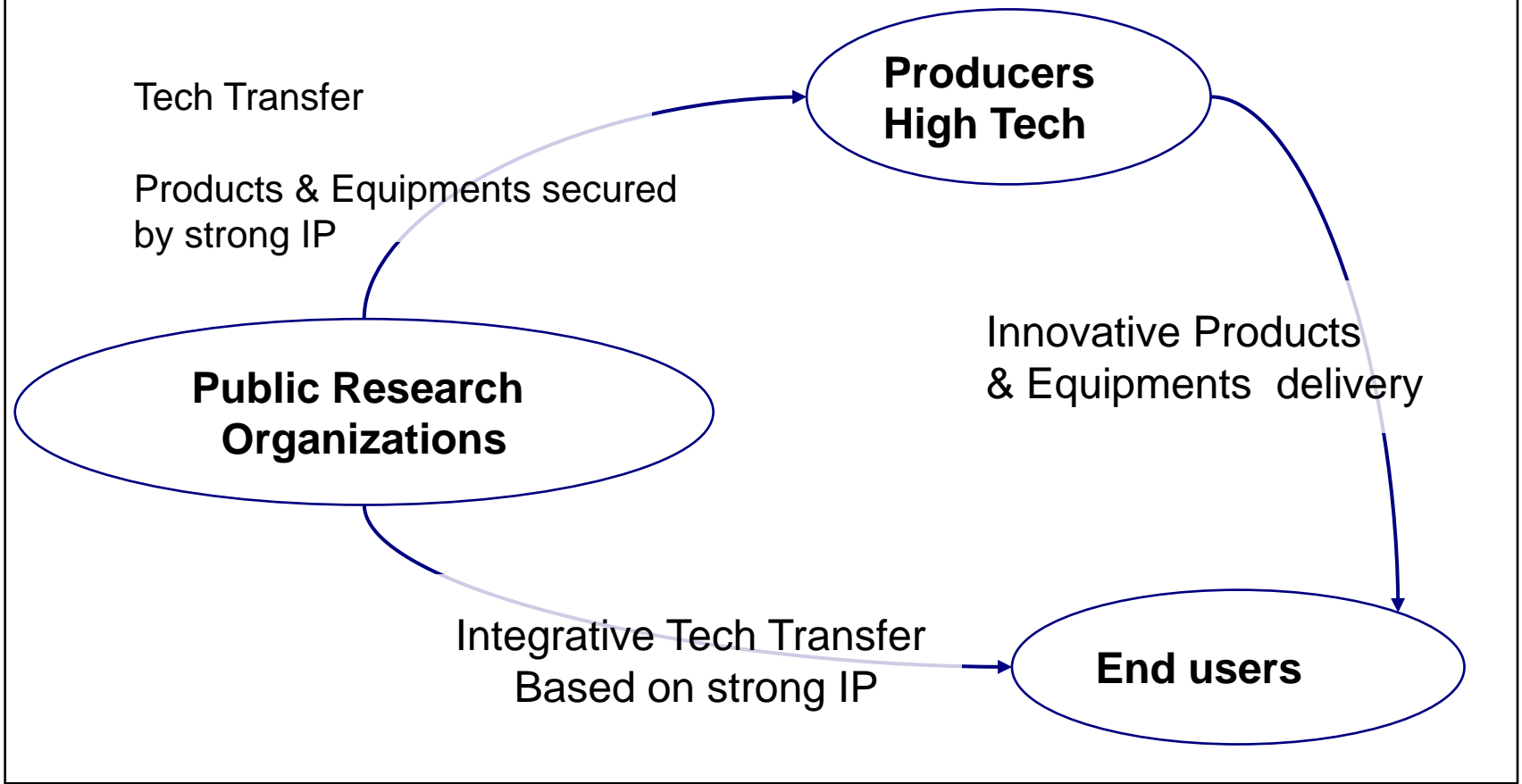
(« free license = no license »)

- No incentive to the protection of IP by PROs**
- Contradictory to the IP policy of PROs**
- Contradictory to many regulations over IP and incentives to inventors**

Applied in numerous European institutional programs

- exemple PCRD FP 7: draft type EICTA**

Model 2 : Efficient innovation model



Two types of IP clauses

Common rule: each partner keeps the property of its own results

License Fees	
Definition of Joint results in line with IP rules	
non exclusives	exclusives
<p>Non exclusive tech transfer license (fees): stronger links between PROs and Firms</p> <ul style="list-style-type: none"> - better incentive for the PRO to create and protect through IP - In line with the Ministry recommendations - In line with the regulations (profit-sharing of the researchers, intellectual property) 	<p>Exclusive tech transfer license (fees): maximal links between PROs and Firms</p> <ul style="list-style-type: none"> - maximal incentive for the PRO to create and protect through IP - In line with the Ministry recommendations - In line with the regulations (profit-sharing of the researchers, intellectual property)
<ul style="list-style-type: none"> -Applied in most of European institutional programs - examples FP7: draft type IMG4 or PRO's 	<ul style="list-style-type: none"> - BAYH DOLE ACT US -CRAFT SME FP7

Macroeconomic comparison of the 2 types of IP clauses

<p>Open science</p>	<p>Knowledge transferred by the PROs to Industry are not protected.</p> <p>Consequences :</p> <ul style="list-style-type: none">- lesser IP in Europe- lesser high-tech SMEs network creation in Europe- the freedom of exploitation can favor end users over some suppliers
<p>Efficient innovation</p>	<p>Knowledge generated by the PROs are protected. PROs can license those protected results to end-users or suppliers (mainly SMEs).</p> <p>Consequences :</p> <ul style="list-style-type: none">- More IP in Europe- creation of a network of high tech SMEs in Europe- End users will have to order products to suppliers, which will thus develop- double advantage for the integrators (usually big firms) :<ul style="list-style-type: none">• they have access to IP over integration• they have access to nearby high tech suppliers

The synthesis produced by the WG

- **Dissemination**

Objective:

Model open science: to avoid or negotiate strict counterparts.

Model efficient innovation: the only 1 acceptable.

Impact on subsidies

- **French Ministry for industry**
- **National & regional funding agencies**

Good practices & political awareness

- **PROTON Europe**
- **CURIE : Instruments for PROs at local level**

IP awareness

- **Competitiveness clusters**
- **TRANS2TECH**

Other contributions from CURIE

The paper gives also recommendations for negotiating Consortium Agreement according to 2 different approaches:

- Partnership conditions **without** financial flows between the partners
- Partnership conditions **with** financial flows between the partners

(target PRO but also institutional founders)



Other contributions from CURIE

- Access to background (strategic level, contractual level)
- Intellectual property on common results
- Commercial exploitation of results
- Confidentiality
- Publication
- ...

To avoid such comment...



Thank you for your attention!