

Austrian Status Report on the implementation of the “Recommendation from the European Commission on the management of Intellectual Property in knowledge transfer activities and a Code of Practice for universities and other public research organisations”

Overview

Due to active participation in the relevant working groups during the conception phase of the IP Recommendation, many of the recommendations and „best practice” examples mentioned in the IP Recommendation have been realized on the national level in Austria early on. For instance, professionalization of IP management and important elements of the Code Of Practice (see IP Recommendation, Annex II) were already implemented at Austrian universities in the course of the uni:invent program from 2004 to 2009 (see www.uniinvent.at).

Being conscious of the importance of intellectual property and its protection, the Austrian Federal Ministry of Science and Research continues to emphasize knowledge transfer and IP utilization.

In order to continue optimal support of knowledge and technology transfer, central elements such as the formulation of practical and measurable patenting and IP utilization strategies have been included in its Performance Agreements with the universities.

Additionally, in implementing the EU’s IP Recommendation a National Contact Point for IP matters (NCP.IP, see www.ncp-ip.at) was established at the Austrian Federal Ministry of Science and Research. Its task is active support -especially for Public Research Organizations- with their knowledge and technology transfer issues, as recommended by the Commission. On the basis of a joint cabinet submission of the Federal Ministries of Science and Research, Transport, Innovation and Technology, and Economy, Family and Youth this National Contact Point became operational in 2010.

The NCP.IP's operations are supported by the expertise of Austria Wirtschaftsservice GmbH (AWS), which has provided substantial input to the Austrian position during the process that resulted in the EU's Recommendation.

Through cooperation of three ministries and a state- owned grant agency the NCP.IP and thus all Austrian stakeholders in the knowledge transfer field have access to extensive expertise which should lead to consistent progress of the Recommendation's implementation.

Since its inception in spring 2010, NCP.IP has organized regular meetings on knowledge transfer for the Austrian contribution to the relevant ERAC working group, a survey on implementation of the IP Recommendation, and themed events with Public Research Organizations (more are planned). NCP.IP has also given support in anchoring the IP Recommendation in the universities' Performance Agreements.

Future planned activities include further dissemination of the IP Recommendation, preparation of model contracts and guidelines (Please find attached a summary on "Initiatives in Europe Facilitating Collaboration of Publicly-funded Research Organizations (PROs) with Businesses by Model Contracts and IPR Rules".), as well as supporting universities in formulating their IP- relevant policies, and also in their general Knowledge Transfer activities. Cooperation between all ministries involved in IP issues is expected to produce joint initiatives supporting PROs and universities in national or transnational knowledge transfer.

Questionnaire to CREST WG members

Question 1. Please advise on how your administration promotes the inclusion of knowledge transfer in the strategic missions of public research organisations and universities performing research. (These could include incentives, voucher systems or other forms of funding.)

In doing so please distinguish between existing and planned activities and please describe the nature, form and scope of this promotion.

Existing activities

- “Government subsidy program” uni:invent (initiative to promote professional patent management at universities)
- Performance agreements, contracts with the Universities and/or PROs as part of the basic federal funding; Universities are obliged to develop strategies and missions for IP Management
- Conferences and workshops to cooperate and network

Planned activities.

- Monitoring the implementation of performance agreements (2011)
- Conferences and workshops to cooperate and network

Question 2. Please advise on the steps your administration has taken to encourage public research organisations to establish and publicise policies and procedures for the management of intellectual property in line with [the principles of] the Commission's Code of Practice.

In doing so please distinguish between existing and planned activities and please describe the nature, form and scope of this encouragement.

Existing activities

- Performance agreements
- Intellectual capital report

Planned activities.

- Development of national guidelines on management of IP and knowledge transfer
- Internal process will be started to access the relevant Austrian regulations in the light of the EU-recommendation
- Monitoring the implementation of performance agreements
- Establish appropriate IP management policies
- Develop strategy and mission for IP management as a result of performance agreements

Question 3. Please advise on how your administration supports the development of knowledge transfer capacity and skills in public research organisations in the area of science and technology regarding transfer of IP and entrepreneurship.

In doing so please distinguish between existing and planned activities and please indicate whether the support addresses either or both knowledge transfer capacity or measures to raise awareness and skills of students as well as the form of this support and the extent to which it comprises financial support or other incentives.

Existing activities

- Recent programs :
Uniinvent, A+B, COMET, awareness programs
- As a consequence, student's training for IP and transfer activities has been implemented in several curricula
- Patent und licence management course at MCI, co-developed with aws

Planned activities.

- Development of transfer capacity and skills as part of IP -strategies presented by universities
- Providing specific KT education, training and networking opportunities
- New goals are developed accordingly
- New performance contracts of PROs are incorporated

Question 4. Please advise on how your administration promotes the broad dissemination of knowledge created by public funds by taking steps to promote open access to research results while enabling, where appropriate the related IP to be protected.

In doing so please distinguish between existing and planned activities and please indicate whether the promotion addresses either or both Open Access and / or Protection of IP as well as the form of this promotion and the extent to which it comprises financial support and incentives.

Existing activities

- Performance agreements
- Intellectual capital report presented annually by universities
- “Nacht der Forschung” (open door night in universities and PROs) and similar activities
- Broad dissemination for grants as a precondition for allocation of grants

Planned activities.

Question 5. Please advise of your opinion on the extent to which IPR ownership regimes in your country allow for and facilitate cross-border collaboration and knowledge transfer.

In doing so please distinguish between existing and planned activities and please describe the features of these regimes.

Existing activities

- National and cross- border collaboration and KT are treated equally
- Funding schemes generally do not distinguish between national and transnational exploitation.
- Current exploitation rules at Universities do not distinguish between national and transnational exploitation.

Planned activities.

Question 6. Please advise, as is appropriate, on whether and how the principles outlined in the Code of Practice attached to the Commission Recommendation are used as a basis for:

- (i) national guidelines and legislation on management of IP and knowledge transfer by public research organisations:
- (ii) agreements on research cooperation with third countries:

(iii) other measures to promote knowledge transfer:

(iv) creating new related policies of funding schemes:

In doing so please distinguish between existing and planned activities and please describe the key principles used to underpin these measures.

Existing activities

- Internal IPR guidelines of public research organisations
- Consortium agreements
- National guidelines and policies are compatible with the commission code; thus, no major changes are expected
- The Code is published on ministry/agency websites
- Contacting Universities and PROs to inform them about the Code of Practice and encourage them to implement the Code

Planned activities.

- Incorporation of the main principles of the Code of Practice in policies

Question 7. Please advise on which steps have been taken to ensure the [widest possible] implementation of [the principles of] the Code of Practice:

In doing so please distinguish between existing and planned activities and please describe and please describe the steps taken.

Existing activities

- Performance agreements
- Training modules in uniinvent
- Internal IPR guidelines of public research organisations
- Consortium agreements

Planned activities.

- Activities of NCP
- Regular meeting of ministries, public research organisations and the private sector in order to exchange information and discuss ways to improve knowledge transfer
- Monitoring the implementation of performance agreements (2011)

Question 8. Please advise on steps taken to ensure the fair and equitable treatment of participants from Member States and third countries in international research projects regarding ownership of and access to IPR to the mutual benefit of all partners involved: In doing so please distinguish between existing and planned activities and please describe the steps taken.

Existing activities

- No signs of unequal treatment have been detected so far.

Planned activities.

- Due to NCP, the administration can access information on the principles of the IP-Recommendation.

Question 9. Please advise on the extent use is made of the best practices outlined in Annex II of the Commission Recommendation. In doing so please distinguish between existing and planned activities and please indicate the practices used.

Existing activities

- KT as a strategic mission of the public research organisation
- KT is made a permanent political and national operational policy

Planned activities.

- National and cross border collaboration and KT are treated equally
- Funding schemes generally do not distinguish between national and transnational exploitation.
- Current exploitation rules at Universities do not distinguish between national and transnational exploitation

Question 10 Please advise of steps taken to establish systems of monitoring at national or institutional level in order to report on measures taken on the basis of the Recommendation and their impact

In doing so please distinguish between existing and planned activities and the steps taken.

Existing activities

- Raw data of disclosures, evaluation of service inventions, and patent filings, spin- outs, commercial revenues and formal agreements have been collected for the last 6 years of all relevant universities.
- Intellectual Capital Reports are made yearly by all universities.
- The following indicator is therefore available:
number of patent grants to universities

Planned activities.

- Data collection will be continued by NCP (aws)

National Questionnaire

The NCP.IP also monitors the implementation of the IP Recommendation by means of surveys. In 2010 this survey was carried out by AWS with the support of FFG (<http://www.ffg.at>).

Its aim was an analysis of the current degree of the IP Recommendation's implementation in the view of the stakeholders.

Approximately 3,000 PROs , universities and enterprises were contacted. Response rates ranged from 82% at universities to 20% at enterprises. Enterprises were selected from organizations known to be active in research.

The results were presented and discussed at the Federal Ministry of Science and Research on May 4, 2010. Nearly 70 stakeholders participated in that event.

The survey found that generally knowledge transfer was stated to be important (71% of universities and 70% of enterprises saw KT as "important").

The publicity of the IP Recommendation at universities was satisfactory. 93 % of the universities are aware of the IP Recommendation, whereas the publicity among enterprises still needs to be improved as only 10% of the enterprises were aware of the Recommendation.

60% of universities and 30% of non- university PROs answered that they have an IP policy in place. This shows that there is ample room for improvement. Questions on IP strategy showed that there was no common picture of what an IP strategy actually is. There is no visible correlation between public accessibility of research results and the existence of an IP strategy. There is also no correlation between the existence of an IP strategy and the existence of rules for licencing or spin- offs.

Universities and PROs felt well- trained in technology transfer. They themselves only felt a skills gap in such areas as IP and Licencing as well as Commercial Activity and Marketing. Surprisingly, KT staff in industry felt to be less well- trained; more than half of the respondents thought they had no or only poor training.

More than half of the enterprises and all universities felt a need for national guidelines and/ or model contracts.

The next survey is scheduled for 2012.

Further information on the results can be found at www.ncp-ip.at.

