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WORKING PAPER

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From:	General Secretariat of the Council
To:	ERAC (European Research Area and Innovation Committee)
Subject:	Informal videoconference of ERAC (3-4/06) - Item 3.5 Strategic debate: 'ERA Action 7 – exchange of views on the update and development of guiding principles for knowledge valorisation and a code of practice for the smart use of intellectual property'

Dear ERAC delegates,

Please find enclosed the document from the European Commission on above mentioned subject, with a view to the ERAC videoconference on Friday 4 June (agenda item 3.5).

Best regards,

ERAC Secretariat

Delivering a reinforced European Research Area

ERA Action 7 – Exchange of views on the update and development of Guiding Principles for knowledge valorisation and a Code of Practice for the smart use of intellectual property’

Background paper for the ERAC Plenary Policy Debate

3-4 June 2021

Background

A reinforced European Research Area (ERA) will be fundamental to ensure Europe’s recovery and its green and digital transformation. The fight against the Covid-19 has demonstrated the crucial role of research and innovation (R&I) in informing policy, in overcoming the crisis, in making our societies resilient and in rebuilding the economy. Valorising research results and scientific knowledge is key to deliver new responses to the challenges and opportunities the EU is facing, in particular the twin climate and digital transitions. More efforts are necessary to turn scientific knowledge into solutions that benefit the wellbeing of citizens and economic prosperity. Europe has to put its knowledge to work.

Delivering on ERA’s ambitious objective on transferring results to the economy requires an agenda that stimulates knowledge circulation and boosts knowledge uptake in Europe. As identified in the ERA communication of 30 October 2020 and endorsed by the Council conclusions of 1 December 2020, a reinforced ERA calls for additional efforts to translate the Union's intellectual and scientific assets into new products and services that meet societal demands.

The Council also welcomed “*the initiative of the Commission to review the 2008 EC Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice in accordance with the New Industrial Strategy for Europe*”

ERA Action 7 in the 2020 ERA Communication:

“Update and develop guiding principles for knowledge valorisation and a code of practice for the smart use of intellectual property, by the end of 2022, including facilitating the implementation of the unitary patent, to ensure access to effective and affordable intellectual property protection”.

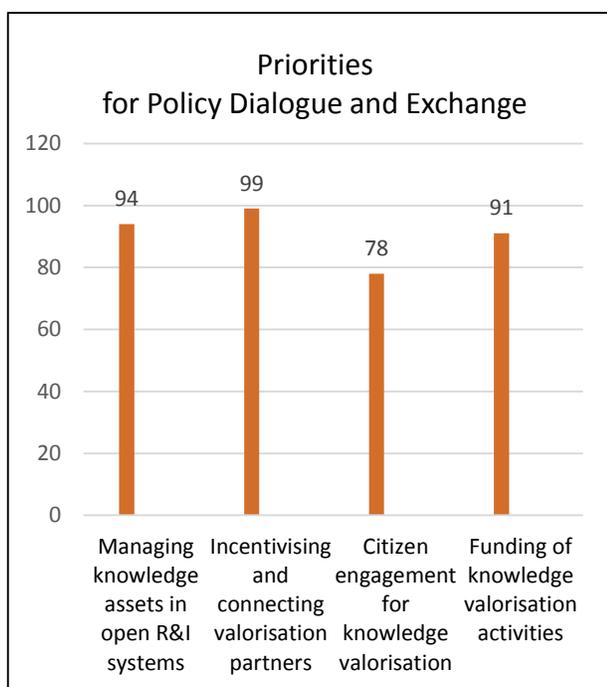
The 2008 Commission Recommendation on the management of intellectual property in knowledge transfer activities and the Code of Practice for universities and other public research organisations will serve as a basis for the Guiding Principles for knowledge valorisation and the Code of Practice for the smart use of IP. The Guiding Principles and the new Code of Practice will, however, go beyond the scope of the 2008 instruments, while also providing a revision and update of the latter.”¹. The R&I landscape has changed considerably since 2008 in terms of actors and complexity of R&I ecosystem as well as in terms of global challenges. It is time now to set new objectives and provide updated guidance on knowledge valorisation.

¹ <https://op.europa.eu/en/publication-detail/-/publication/4cc4d955-3140-442e-b1e6-104abd0a5fd8>

Towards a Policy Dialogue and Exchange of Best Practices on Knowledge Valorisation among Member States and stakeholders

To strengthen knowledge valorisation in Europe in co-creation with Member States & stakeholders a survey¹ was launched by DG R&I among Member States and EEA countries. The survey run between April-June 2020 and involved 23 countries. The aim of the consultation was to identify key challenges and priority areas for further cooperation and peer learning. The results also confirmed the interest of Member States in a regular policy dialogue and exchange of best practices on knowledge valorisation. The results of the survey helped to set up an in-depth exchange between policy makers and stakeholders to strengthen knowledge valorisation in the EU together.

Member States prioritised the following four areas in order of importance for peer learning and exchanges of best practices:



- **Managing knowledge assets in open R&I systems.** Reconcile Open Science/Open Innovation with IP exploitation strategies; nourish modern IP management in public research organisations.
- **Incentivising and connecting valorisation partners** from research, industry and society in a more efficient way ensuring a comprehensive and systemic approach to the uptake of science-based solutions.
- **Citizen engagement for knowledge valorisation.** Come to a common understanding of the objectives, role and means of ‘citizen engagement’ in knowledge valorisation.
- **Funding of knowledge valorisation activities.** Adopt a strategic approach to knowledge valorisation funding, which is interlinked with research funding, equipped with corresponding resources and uses a mix of instruments taking account of best practices developed across Europe.

The first [EU Knowledge Valorisation Week \(27 – 30 April 2021\)](#) presented best practices from the above mentioned priorities and attracted 690 registered participants covering all EU Member States and beyond (16 other countries). In total, ten best practices from ten Member States, including examples of industry stakeholders, were presented in a series of webinars. Sessions covered a wide range of topics from inter-sectoral mobility, knowledge transfer intermediaries and smart IP management to industrial and place-based innovation ecosystems and unconventional collaborations for knowledge uptake. The event was concluded by a policy panel discussing lessons learned from the crisis and what should be improved in combining the free flow of research results and data with strategic and economic interests beyond the crisis.

¹ survey ‘Towards a Policy Dialogue and Exchange of Best Practices on Knowledge Valorisation’, <https://op.europa.eu/en/publication-detail/-/publication/be528acb-7586-11eb-9ac9-01aa75ed71a1/language-en>

The event provided a forum for peer learning among policy makers and stakeholders and enabled exchanging experiences across borders to strengthen valorisation capacities and skills. In addition, the exchanges of best practices will be facilitated by the co-creation with stakeholders and host the community of practice, a **Knowledge Valorisation (KV) Platform** is planned to be launched during the R&I Days.

Future actions: Delivering the framework for knowledge valorisation through synergies and co-creation across EU

The Commission pursues the objective to maximise the value and impact of European R&I results¹ by, inter alia, promoting a culture of knowledge valorisation, supporting the management of intellectual capital in knowledge-producing entities², and improving the links between academia, industry, citizens and policy. The draft Pact for R&I in Europe, currently under co-creation with Member States in the ERA Forum for Transition, has identified “*value creation*” as one of the key principles underpinning European research and innovation, and highlighted knowledge valorisation among the priority areas for action to broaden the ERA. The overall approach for ERA Action 7 has been developed taking into account the previous consultations, studies and workshop discussions and includes the following steps:

1. A dedicated consultation survey on the implementation of the 2008 EC Recommendation addressed to Member States and EEA countries is currently ongoing. It aims to collect feedback on the state of play and impact of the 2008 EC Recommendation and identify issues and actors which were not covered in the Recommendation and should be included in future codes. The key findings will be presented to the ERA Forum subgroup on 10 June 2021.
2. An open consultation of all R&I stakeholders (including academia, public and private research organisations, industry, business, local communities and civil society) via an online survey which will be launched in June. The results of this consultation will complement the dedicated information provided by Member States via the ongoing survey. A report will be prepared on the consultation results as one of the outputs and this will feed into the ERA Forum subgroup discussions. With the consultation, we will aim at:
 - obtaining a better understanding of the current R&I landscape in terms of knowledge valorisation;
 - providing evidence on the achievements and flaws of the 2008 Recommendation from the point of view of a research and innovation stakeholder; and,
 - identifying gaps and priority areas of action.
3. The creation of the ERA FORUM subgroup on knowledge valorisation was agreed in the ERA Forum for Transition meeting on 3 March 2021. The mandate for the subgroup will be to provide

¹ For background see [Research and innovation valorisation channels and tools](#)

² See, for example, [Manifesto for EU COVID-19 research](#).

a contribution to the guiding principles for knowledge valorisation and a code of practice for the smart use of intellectual property. The subgroup will start its work in June 2021 and end its work by December 2021. The subgroup shall be composed of Member States' representatives and experts with a high level of expertise in knowledge valorisation, innovation, intellectual property management and related policy areas. To date 16 Member States have put forward their nominations.

4. Launch of a pilot Community of practice to co-create the Code of practice for Smart use of IP (autumn 2021) will bring together sufficient number of knowledgeable and skilled practitioners including from existing networks such as the EIT community and the JRC's Technology Transfer Offices Circle (TTO Circle). The aim is to share common challenges, to learn from each other, to develop new solutions, to find synergies across organisations, and to coordinate efforts. The community of practice will virtually meet in dialogue tables where they will look at the results of the open consultation, and enable discussion to validate the results. Their final deliverable will be the Code of practice on IP.

Questions for discussion:

- 1- **How can we accelerate and scale-up valorisation of research results at national and EU level?**
- 2- **Are there additional initiatives the European Commission should take to further support knowledge circulation and knowledge uptake?**