



# Knowledge Transfer Study

2010–2012

<http://www.knowledge-transfer-study.eu>  
[info@knowledge-transfer-study.eu](mailto:info@knowledge-transfer-study.eu)

Co-ordinator: empirica GmbH  
Oxfordstr 2 • 53111 Bonn • Germany  
Phone: ++49 (0)228 98530-0  
Fax: ++49 (0)228 98530-12

## Survey on National Knowledge Transfer and Intellectual Property Policies (“Policy Survey”)

### Questionnaire 2012

May 2012

On behalf of the European Commission, Directorate General Research and Innovation, empirica Communication and Technology Research (Bonn, Germany) is conducting the “Knowledge Transfer Study 2010-2012” ([www.knowledge-transfer-study.eu](http://www.knowledge-transfer-study.eu)). In the framework of this study, empirica is carrying out a survey monitoring how national policies meet the provisions of the “Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations” [C(2008)1329, 10 April 2008].

**Responding to this survey fulfils the Recommendation’s requirement that Member States should “inform the Commission by 15 July 2010 and every two years thereafter of measures taken on the basis of this Recommendation, as well as their impact”, as stipulated in item 11 of the Recommendation. Associated States are also kindly requested to fill in the questionnaire.**

The current survey is a follow-on activity of a previous survey that was conducted in 2010. We would like to learn what developments have taken place since then. Furthermore, in order to be able to better assess and quantify the current state of national knowledge transfer policies, we included questions with tickboxes, asking you to indicate whether a certain item exists, does not exist or is planned in your country.

We would be very pleased if you could send the requested information for your country **by 15 July 2012 to [stefan.lilischkis@empirica.com](mailto:stefan.lilischkis@empirica.com) and to [patrick.mccutcheon@ec.europa.eu](mailto:patrick.mccutcheon@ec.europa.eu)**. If anything is unclear about the background and objectives of the Study or about the questions to be answered, please do not hesitate to contact Stefan Lilischkis at empirica.

In answering the questions, please distinguish between existing and planned activities and please describe the objectives, forms and contents of the policies as well as, if possible, their outcomes or impacts. Please attach any related documents or mention links to related websites, even if they are in your national language.

Thank you very much for your support.

Stefan Lilischkis

Knowledge Transfer Study Manager



#### About the Knowledge Transfer Study 2010-2012

The “Knowledge Transfer Study” (monitoring study regarding the implementation of the Commission Recommendation and Code of Practice on the management of intellectual property in knowledge transfer activities in Member States and Associated Countries) is based on a Contract between the European Commission, Research and Innovation Directorate General, and empirica GmbH, the Maastricht Economic Research Institute on Innovation and Technology, and the School of Business of the University of Applied Sciences North-Western Switzerland.

## A Knowledge transfer as a strategic mission of public research organisations

### BACKGROUND

This question relates to point 1 of the Recommendation that Member States should “ensure that all public research organisations define knowledge transfer as a strategic mission”.

The list of **facilitating practices** in Annex II of the Recommendation includes the following:

1. “Knowledge transfer between universities and industry is made a permanent political and operational priority for all public research funding bodies within a Member State, at both national and regional level.
2. The subject clearly falls within the responsibility of a ministry, which is charged with coordinating knowledge transfer promotion initiatives with other ministries.
3. Each ministry and regional government body that carries out knowledge transfer activities designates an official responsible for monitoring their impact. They meet regularly in order to exchange information and discuss ways to improve knowledge transfer.”

### QUESTIONS:

Since 2010, have national or regional governments in your country carried out or planned any **new measures** to ensure that knowledge transfer is a strategic mission of universities and other public research organisations? This could for example include legislation, guidelines, targeted incentives, and national or regional roundtables.

If yes, please describe the new or planned measures. In particular, please describe whether any use has been made in the new policies of the **facilitating practices** mentioned in Annex II of the Recommendation (see boxed text above) related to making knowledge transfer a strategic mission.

### Please fill in your answers here:

1) In the ongoing performance agreements of the Federal Ministry for Science and Research with the universities and the Austrian Academy of Science, assurances were given that reliable and sustainable intellectual property and utilisation strategies would be developed that enable partners from the economy to formulate long-term research targets. At Austrian universities, KT is widely recognised as an important objective; IP- strategies are not yet fully developed. However, the uni:invent programme (2004-2009) provided a substantial impetus for such developments.

#### 2) Intellectual Property Agreement Guide (IPAG)

In general, the exchange of know-how and technologies between universities and the industrial community is constantly spawning an ongoing stream of developments and inventions. This process, known as technology and know-how transfer, constitutes one of the key factors for innovation in business. Cooperation between universities and industry occurs in many ways and within a variable legal framework. Frequently, the legal and administrative input required to harmonise collaboration is substantial.

In order to reduce such input, a working group organised by the Austrian universities in cooperation with Austria Wirtschaftsservice GmbH, the Federal Ministry for Science and Research, the Federal Ministry of Economy, Family and Youth, the Federal Ministry for Transport, Innovation and Technology and economic, industrial and legal experts has set itself the task to draw up a Guideline in the form of a manual with modular units for agreements to cover cooperative ventures between universities and businesses. IPAG is funded by the IP- National Contact Point. In its work, the group is guided by previous international experience.

The modular units developed within the scope of the IPAG project can be tailored to individual cases and are generally suitable to customise contractual relationships between researchers, universities and industrial partners with due regard to the interests of all parties involved.

The Guideline considers the novel aspects of the law on service inventions, cartel law, the block exemption regulation for technology transfer and the Community regulations for state funding for

research, development and innovation.

This project aims to provide specimen agreements in German and English for the following fields:

1. research cooperation
2. material transfer agreement
3. licensing of patent rights and know-how
4. non-disclosure agreements
5. contract research and development
6. scientific services
7. contract to purchase industrial property rights

<http://www.era.gv.at/space/11442/directory/20021.html>

3) The Phönix Award 2012 of the Federal Ministry for Science and Research was given to young spin-offs that have successfully developed a good and innovative idea into a well-oiled commercial company. The prize is open to young spin-offs from universities and public research organizations.

<http://www.awsg.at/Content.Node/presstexte/67392.php>

4) The IP- National Contact Point 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 the following themed events with universities, Public Research Organizations and the private sector: "State Aid Rules", "What is a patent worth?" and "Expert workshop: Knowledge Transfer from Universities and Public Research Organisations: on the Road to Strategy" together with Switzerland and Liechtenstein

5) The Proof of Concept programme "Prototypenentwicklung" of the Federal Ministry for Economy, Family and Youth supported the pre-commercialisation of leading-edge technologies emerging from Austrian universities. It helped researchers to export their ideas and inventions from the lab to the global marketplace

6) Austria's contribution to make the Innovation Union a reality has been made by agreeing on a National Strategy for Research, Technology and Innovation in March 2010. With the implementation of this strategy Austria will strengthen its performance in research and aims to move forward to the group of Innovation leaders until 2020. Increases in innovation can only be attained with a stronger utilisation of the (scientific) research base, easier access (also for SMEs) to sources of knowledge, and rapid utilisation of research and development results.

With the implementation of this strategy Austria will strengthen its performance in research and aims to move forward to the group of Innovation leaders until 2020.

7) The promotional programme AplusB supports innovative, technology-oriented spin-offs from the academic sector. The programme funds the so-called AplusB-Centres providing professional support for scientists in the difficult process of turning a good idea into a viable business. This involves both: not only counselling and assistance during the actual start-up phase but also establishing the idea of entrepreneurship more firmly in academic theory and practice.

Please send any related documents or links to websites, even if they are in your national language.

**Knowledge transfer as a strategic mission – tickboxes**

(Please answer the questions for all related policies in your country, whether they were introduced after 2010 or before! If the answer is not clearly "yes", "no" or "planned", please explain.)

| <i>Existing or planned measure</i>   |                                     |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|
| <b>Legal measures supporting KT strategy development:</b>  | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>           |
| A.1) In our country, universities and other public research organisations are <b>legally required</b> to define knowledge transfer as a strategic mission.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A.2) In our country, universities and other public research organisations are <b>legally required</b> to formulate a knowledge transfer strategy.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A.3) In our country, the <b>funding</b> of universities and other public research organisations depends partly on having a knowledge transfer strategy.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate, for example if legal measures differ between types of PROs or between the nation state and regions:  |                                     |                          |                          |
| <b>Non-legal measures supporting KT strategy development:</b>  | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>           |
| A.4) In our country, national and regional governments <b>support</b> universities and other public research organisations in developing knowledge transfer strategies (for example by providing advice).  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A.5) In our country, national and regional governments <b>encourage</b> universities and other public research organisations to develop knowledge transfer strategies (for example in political action plans, as members in PRO boards or in regular dialogues).   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate:  |                                     |                          |                          |
| <b>Facilitating practices:</b>   | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>           |
| A.6) In our country, knowledge transfer between universities and industry is a permanent political and operational <b>priority</b> for public research funding bodies, at both national and regional level.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A.7) In our country, knowledge transfer clearly falls within the <b>responsibility of a ministry</b> , which is charged with coordinating knowledge transfer promotion initiatives with other ministries.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A.8) In our country, ministries and regional government bodies governing knowledge transfer activities designate an <b>official responsible</b> for monitoring their impact.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A.9) In our country, knowledge transfer officials from national and regional governments <b>meet regularly</b> in order to exchange information and discuss ways to improve knowledge transfer.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate:<br>The IP- National Contact Point 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 universities and Public Research Organizations (more are planned).<br>With reference to the National Strategy for Research, Innovation and Technology a governmental working group "knowledge transfer and start ups" has been established. |                                     |                          |                          |

## B Policies and procedures for managing intellectual property

### BACKGROUND

This question relates to point 2 of the Recommendation that Member States should “*encourage public research organisations to establish and publicise policies and procedures for the management of intellectual property in line with the Code of Practice set out in Annex I*”.

The list of **facilitating practices** in Annex II of the Recommendation includes the following:

4. *“The proper management of intellectual property resulting from public funding is promoted, requiring that it be carried out according to established principles taking into account the legitimate interests of industry (e.g. temporary confidentiality constraints).*
5. *Research policy promotes reliance on the private sector to help identify technological needs and to foster private investment in research and encourage the exploitation of publicly-funded research results.”*

### QUESTIONS:

Since 2010, have national or regional governments in your country taken or planned any **new measures** to encourage universities and other public research organisations to establish and publicise policies and procedures for the management of intellectual property?

If yes, please describe the new measures taken or planned.

Please describe to what extent the Commission's “**Code of Practice**” for intellectual property management in knowledge transfer influenced these new policies. For instance: have any measures been specifically launched with a view to the Code of Practice? (See annex of this questionnaire for the Code of Practice.)

Please also describe whether any use has been made of the **facilitating practices** outlined in Annex II of the Commission Recommendation in this context. (See boxed text above.)

### Please fill in your answers here:

Austria has initiated long term governmental programs to support university-industry collaboration financially as well as administratively in order to promote technology transfer between the PROs and industry (e.g. COMET, BRIDGE, Laura Bassi, Research Studios Austria, Christian Doppler Labors). As a consequence, student's training for IP and transfer activities has been implemented in several curricula at universities. As laid down in the Austrian Strategy for Research, Technology and Innovation the establishment of Knowledge Transfer Centers is planned: The pooling of resources between universities at local or regional level shall be promoted.

The governmental programmes "AplusB Zentren", "PreSeed" und "Seedfinancing" support early-stage dynamics of technology-based and innovative firms and shall increase the number of knowledge- and research-intensive new startups.

Please send any related documents or links to websites, even if they are in your national language.



**Policies and procedures for managing Intellectual Property – tickboxes**

(Please answer the questions for all related policies in your country, whether they were introduced after 2010 or before! If the answer is not clearly "yes", "no" or "planned", please explain.)

| <i>Existing or planned measure</i>  |                                     |                          |                                     |
|---|-------------------------------------|--------------------------|-------------------------------------|
| <b>Legal measures for IP policies and procedures:</b>   | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>                      |
| B.1) In our country, universities and other public research organisations are legally required to <b>establish</b> policies and procedures for intellectual property rights management.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| B.2) In our country, universities and other public research organisations are legally required to <b>publicise</b> policies and procedures for intellectual property rights management.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Further explanations as appropriate, for example if legal measures differ between types of PROs or between the nation state and regions:<br>Establishment of policies and publication of policies are part of the ongoing performance agreements with universities and the Austrian Academy of Science.   |                                     |                          |                                     |
| <b>Non-legal support for IP policies and procedures:</b>  | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>                      |
| B.3) In our country there is a governmental <b>action plan</b> to support the development of intellectual property policies and procedures at universities and other public research organisations.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| B.4) In our country there is an official <b>guide</b> (e.g. a manual) for intellectual property management in universities and other public research organisations.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Please include further explanations as appropriate:<br>action plan to support:<br>Implementing the EU's IP Recommendation a National Contact Point for IP matters (NCP.IP, see <a href="http://www.ncp-ip.at">www.ncp-ip.at</a> ) was established at the Austrian Federal Ministry of Science and Research in cooperation with the Federal Ministry of Economy, Family and Youth and the Federal Ministry of transport, innovation and technology. 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. National measures related to knowledge transfer between non-university research institutions and the private sector shall be coordinated, thereby making an important contribution to creating the best possible circumstances for a successful transfer of knowledge. 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.<br><br>guide for IP-management:<br>IPAG (Intellectual Property Agreement Guide) could be used as a guide - see <a href="http://www.era.gv.at">www.era.gv.at</a> |                                     |                          |                                     |
| <b>Facilitating practices related to IP policies and procedures:</b>  | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>                      |
| B.5) In our country, national and regional governments promote the management of intellectual property resulting from <b>public funding</b> .   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| B.6) In our country, national and regional governments require that the management of intellectual property resulting from public funding is carried out according to <b>established principles</b> .   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| <i>If B.6 = yes:</i><br>B.7) In our country, established principles about the management  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

|  |                                     |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|
| of intellectual property resulting from public funding take into account the legitimate <b>interests of industry</b> (e.g. temporary confidentiality constraints).   |                                     |                          |                          |
| B.8) In our country, research policy promotes <b>reliance on the private sector</b> to help identify technological needs, to foster private investment in research, and to encourage the exploitation of publicly-funded research results. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate:  |                                     |                          |                          |

## C Knowledge transfer capacities and skills regarding IP and entrepreneurship

### BACKGROUND

This question relates to point 3 of the Recommendation that Member States should “*support the development of knowledge transfer capacity and skills in public research organisations, as well as measures to raise the awareness and skills of students – in particular in the area of science and technology – regarding intellectual property, knowledge transfer and entrepreneurship*”.

The list of related **facilitating practices** in Annex II of the Recommendation includes the following:

6. *“Sufficient resources and incentives are available to public research organisations and their staff to engage in knowledge transfer activities.*
7. *Measures are taken to ensure the availability and facilitate the recruitment of trained staff (such as technology transfer officers) by public research organisations.*
8. *A set of model contracts is made available, as well as a decision-making tool helping the most appropriate model contract to be selected, depending on a number of parameters.*
9. *Before establishing new mechanisms to promote knowledge transfer (such as mobility or funding schemes), relevant stakeholder groups, including SMEs and large industry as well as public research organisations, are consulted.*
10. *The pooling of resources between public research organisations at local or regional level is promoted where these do not have the critical mass of research spending to justify having their own knowledge transfer office or intellectual property manager.*
11. *Programmes supporting research spin-offs are launched, incorporating entrepreneurship training and featuring strong interaction of public research organisations with local incubators, financiers, business support agencies, etc.*
12. *Government funding is made available to support knowledge transfer and business engagement at public research organisations, including through hiring experts.”*

### QUESTIONS:

Since 2010, have national or regional governments in your country developed **new measures** supporting the development of knowledge transfer capacity and skills in universities and public research organisations?

If so, please describe. In particular, please describe whether any use has been made in the new policies of the **facilitating practices** mentioned in Annex II of the Recommendation (see box-text above).

### Please fill in your answers here:

A new initiative supporting research spin-offs was launched: The Phoenix Award 2012 of the Federal Ministry for Science and Research was given to young spin-offs that have successfully developed a good and innovative idea into a well-oiled commercial company. The prize is open to young spin-offs from universities and public research organizations.

The Proof of Concept programme "Prototypenentwicklung" of the Federal Ministry of Economy, Family and Youth supported the pre-commercialisation of leading-edge technologies emerging from Austrian universities. It helped researchers to export their ideas and inventions from the lab to the global marketplace.

Existing measures like PreSeed, Seed and the so called "Management auf Zeit" have been updated. 14 new CD Labors, COMET - centers of competence and Research Studios were established.

Please send any related documents or links to websites, even if they are in your national language.

**Knowledge transfer capacities and skills – tickboxes**

(Please answer the questions for all related policies in your country, whether they were introduced after 2010 or before! If the answer is not clearly "yes", "no" or "planned", please explain.)

| <i>Existing or planned measure</i>   |                                     |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|
| <b>Items specifying the Recommendation:</b>  | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>           |
| C.1) National and regional governments in our country support the <b>development of knowledge transfer capacity and skills</b> in universities and other public research organisations.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C.2) National and regional governments in our country support measures to raise the <b>awareness and skills of students</b> – in particular in the area of science and technology – regarding intellectual property, knowledge transfer and entrepreneurship.                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate:<br>NCP provides specific KT education, training and networking opportunities   |                                     |                          |                          |
| <b>Facilitating practices related to KT capacities and skills:</b>   | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>           |
| C.3) In our country, there are measures to ensure that <b>staff trained in intellectual property management</b> (such as technology transfer officers) is available to universities and other public research organisations.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C.4) In our country, <b>model contracts</b> for knowledge transfer activities (such as contract research and collaborative research) are available as well as a decision-making tool which helps the most appropriate model contract to be selected.                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C.5) When the national government recently established a new measure to promote knowledge transfer, it consulted relevant <b>stakeholder groups</b> .  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If "yes", please mention the new mechanism you are referring to and the stakeholders involved:<br>C3: ministries, universities and funding agency (aws). From aws regulary organised meetings in the aws<br>CE: IPAG working group   |                                     |                          |                          |
| C.6) In our country, the government promotes the <b>pooling of resources</b> between universities and other public research organisations at local or regional level.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C.7) In our country, governmental programmes supporting <b>spin-off companies</b> from universities and other public research organisations are in place.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C.8) In our country, <b>government funding</b> is made available to support knowledge transfer at universities and other public research organisations (for example for hiring intellectual property management experts).  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate:<br>C7: The Federal Ministry of Economy, Family and Youth has established programmes like Seedfinancing and PreSeed especially for Life sciences and other technologies to support the establishment of spin off companies. |                                     |                          |                          |

**D Cross-border research and knowledge transfer co-operation****BACKGROUND**

This question relates to point 5 of the Recommendation that Member States should “*cooperate and take steps to improve the coherence of their respective ownership regimes as regards intellectual property rights in such a way as to facilitate cross-border collaborations and knowledge transfer in the field of research and development*”;

and to point 8 that they should “*ensure equitable and fair treatment of participants from Member States and third countries in international research projects regarding the ownership of and access to intellectual property rights, to the mutual benefit of all partners involved*”.

The list of **facilitating practices** in Annex II of the Recommendation includes the following:

13. *“In order to promote transnational knowledge transfer and facilitate cooperation with parties from other countries, the owner of intellectual property from publicly-funded research is defined by clear rules and this information, together with any funding conditions which may affect the transfer of knowledge, is made easily available. Institutional ownership – as opposed to the “professor’s privilege” regime – is considered the default legal regime for intellectual property ownership at public research organisations in most EU Member States.*

14. *When signing international research cooperation agreements, the terms and conditions relating to projects funded under both countries’ schemes provide all participants with similar rights, especially as regards access to intellectual property rights and related use restrictions.”*

**QUESTIONS:**

Since 2010, have national and regional governments in your country carried out **new measures** facilitating cross-border collaborations and knowledge transfer in the field of research and development? This includes, in particular, measures...

- to harmonise the country’s intellectual property regime with other states;
- to ensure fair and equitable treatment of research participants from other states regarding ownership of and access to intellectual property rights.

If so, please describe new or planned measures and provisions. In particular, please describe whether any use has been made in the new policies of the **facilitating practices** mentioned in Annex II of the Recommendation (see boxed text above).

**Please fill in your answers here:**

2011 Austria is member of the ERAC Working Group of Knowledge Transfer. The group is chaired by an Austrian expert.

Please send any related documents or links to websites, even if they are in your national language.

**Cross-border cooperation – tickboxes**

(Please answer the questions for all related policies in your country, whether they were introduced after 2010 or before! If the answer is not clearly "yes", "no" or "planned", please explain.)

| <i>Existing or planned measure</i>  |                                     |                          |                                     |
|---|-------------------------------------|--------------------------|-------------------------------------|
| <b>Items specifying the Recommendation:</b>   | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>                      |
| D.1) Our country co-operates with other countries to improve the <b>coherence</b> of intellectual property ownership regimes.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| D.2) In our country there are legal provisions in place ensuring <b>equitable and fair treatment</b> of participants from Member States and third countries in international research projects regarding the ownership of and access to intellectual property rights. | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Please include further explanations as appropriate:   |                                     |                          |                                     |
| <b>Facilitating practices related to cross-border co-operation:</b>   | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>                      |
| D.3) In our country the owner of intellectual property from publicly-funded research is defined by <b>clear and easily available rules</b> .  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| D.4) Considering international research projects, the terms and conditions in our country's research schemes aim at providing participants from all countries with <b>similar intellectual property rights</b> .  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Please include further explanations as appropriate:   |                                     |                          |                                     |
| <b>Item related to the Innovation Union:</b>  | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>                      |
| D.5) In our country there are governmental programmes to <b>strengthen knowledge transfer offices</b> in universities and other public research organisations <b>through trans-national collaboration</b> .   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Please include further explanations as appropriate:   |                                     |                          |                                     |

## E Knowledge dissemination

### BACKGROUND

This question relates to point 4 of the Recommendation that Member States should “*promote the broad dissemination of knowledge created with public funds, by taking steps to encourage open access to research results, while enabling, where appropriate, the related intellectual property to be protected*”.

The list of **facilitating practices** in Annex II of the Recommendation includes the following:

15. “*Open access is implemented by public research funding bodies with regard to peer-reviewed scientific publications resulting from publicly-funded research.*”
16. “*Open access to research data is promoted, in line with the OECD Principles and Guidelines for Access to Research Data from Public Funding, taking into account restrictions linked to commercial exploitation.*”
17. “*Archival facilities for research results (such as internet-based repositories) are developed with public funding in connection with open access policies.*”

### QUESTIONS:

Since 2010, have national or regional governments in your country launched **new measures** promoting the broad dissemination of knowledge created with public funds? If yes, were steps taken to promote open access to research results, while enabling, where appropriate, the related intellectual property to be protected?

If yes, please describe. In particular, please describe whether any use has been made in the new policies of the **facilitating practices** mentioned in Annex II of the Recommendation (see boxed text above).

### Please fill in your answers here:

The ERAC WG takes Open Access into account - see Open Access in FP7 and long term vision of the Commission to have Open Access strategies in all MS by 2014 and by 2020 to publicly funded research. The national research fund (FWF) has developed and published a strategy on open access. So did the council of university rektors. Some universities developed or are developing open access data basis.

Please send any related documents or links to websites, even if they are in your national language.

### Knowledge dissemination – tickboxes

(Please answer these questions for all related policies in your country, whether they were introduced after 2010 or before!)

| Existing or planned measure   | Yes                                 | No                       | Planned                  |
|---|-------------------------------------|--------------------------|--------------------------|
| E.1) In our country, public research funding bodies have generally implemented open access to peer-reviewed <b>scientific publications</b> resulting from publicly funded research. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate, for example if legal measures differ between research funding bodies:   |                                     |                          |                          |
| E.2) In our country, open access to research data from public funding is promoted, taking into account restrictions linked to <b>commercial exploitation</b> .                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please include further explanations as appropriate:   |                                     |                          |                          |
| E.3) In our country, there are governmental programmes funding the development of <b>archival facilities</b> for research results in connection with open access policies.          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please include further explanations as appropriate:

**F Monitoring****BACKGROUND**

This question relates to point 11 of the Recommendation that Member States should “*inform the Commission by 15 July 2010 and every two years thereafter of measures taken on the basis of this Recommendation, as well as their impact*”.

The list of **facilitating practices** in Annex II of the Recommendation includes the following:

18. “*The necessary mechanisms are put in place to monitor and review progress made by national public research organisations in knowledge transfer activities, e.g. through annual reports of the individual public research organisations. This information, together with best practices, is also made available to other Member States.*”

**QUESTIONS:**

Since 2010, did national or regional governments in your country take any **new measures** to monitor and review progress made by universities and other public research organisations in knowledge transfer activities?

If so, please describe. Please mention in what periods of time the monitoring takes place. Please also mention whether the results of the monitoring are published or used internally for policy making purposes only.

**Please fill in your answers here:**

The implementation of the performance agreements with universities and the Austrian Academy of Science are constantly monitored by the Federal Ministry of Science and Research. Other programmes are regularly monitored by the Federal Ministry of Economic, Family and Youth.

Please send any related documents or links to websites, even if they are in your national language.

**Monitoring – tickbox**

(Please answer the questions for all related policies in your country, whether they were introduced after 2010 or before! If the answer is not clearly “yes”, “no” or “planned”, please explain.)

| <i>Existing or planned measure</i>  | <b>Yes</b>                          | <b>No</b>                | <b>Planned</b>                      |
|---|-------------------------------------|--------------------------|-------------------------------------|
| F.1) In our country there is a <b>national scheme</b> to monitor and review knowledge transfer activities of universities and other public research organisations.                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| <i>If F.1 = yes:</i><br>F.2) In our country, the results of the national monitoring scheme are <b>made available to other Member States</b> (for example by publishing them in English).    | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Please include further explanations as appropriate:<br>Currently reviewed by funding agencies -there exist different kinds of reviews. See <a href="http://www.fteval.at">www.fteval.at</a> |                                     |                          |                                     |

## G Implementation of the Code of Practice

### BACKGROUND

This question relates to point 7 of the Recommendation that Member States should “*take steps to ensure the widest possible implementation of the Code of Practice, whether directly or through the rules laid down by national and regional research funding bodies*”.

The Code of Practice is attached to the Commission Recommendation (see also annex to this questionnaire). It includes provisions for professionalising intellectual property management in public research organisations and universities as well as collaborative and contract research.

### QUESTIONS:

Since 2010, have national or regional governments in your country used the Code of Practice for policy activities on universities’ and other public research organisations’...

- (i) ... knowledge transfer policy in general (Code of Practice items 8-14);
- (ii) ... internal intellectual property policy in particular (Code of Practice items 1-7);
- (iii) ... collaborative and contract research (Code of Practice items 15-18).

If yes, please describe. Policy activities may for example include new legislation, guidelines and programmes.

### Please fill in your answers here:

The implementation of the IP-Recommendation and Code of Practice are part of the universities’ IP-strategies.

Please send any related documents or links to websites, even if they are in your national language.

### Implementation of the Code of Practice – tickboxes

(Please answer the questions for all related policies in your country, whether they were introduced after 2010 or before! If the answer is not clearly “yes”, “no” or “planned”, please explain.)

| Existing or planned measure  | Yes                                 | No                                  | Planned                  |
|--|-------------------------------------|-------------------------------------|--------------------------|
| G.1) In our country, national guidelines for managing intellectual property in knowledge transfer activities <b>existed before</b> the European Commission’s Code of Practice was issued in 2008.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <i>If question G.1 = Yes:</i><br>G.2) In our country, the government <b>revised</b> existing national guidelines for intellectual property management in knowledge transfer activities in light of the Code of Practice.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <i>If question G.1 = Yes:</i><br>G.3) In our country, guidelines for knowledge transfer, intellectual property management as well as collaborative and contract research generally <b>comply</b> with the Code of Practice.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <i>If question G.1 = No:</i><br>G.4) The national government in our country <b>adopted the Code of Practice</b> as its official guideline for managing intellectual property in knowledge transfer.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>If “yes” for question G1 or G4:</i><br>G.5) In our country, the national government actively sought to <b>make the Code of Practice or existing guidelines known</b> to key stakeholders (for example to universities, other public research organisations, companies). | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Please include further explanations as appropriate:

A formal adoption of the Code of Practice did not take place, nevertheless ministries partly use

the Code of Practice as a guideline. The Code of practice is an integral part of the performance agreements with the universities and the Academy of Science.

## Annex: Code of Practice

for universities and other public research organisations concerning the management of intellectual property in knowledge transfer activities

| No. | <i>Universities' and other PROs' internal IP policy</i>   |
|-----|---|
| 1   | Develop an <b>IP policy</b> as part of the longterm strategy and mission of the public research organisation, and publicise it internally and externally, while establishing a single responsible contact point.  |
| 2   | That policy should provide <b>clear rules</b> for staff and students regarding in particular the disclosure of new ideas with potential commercial interest, the ownership of research results, record keeping, the management of conflicts of interest and engagement with third parties.  |
| 3   | Promote the <b>identification, exploitation and, where appropriate, protection of intellectual property</b> , in line with the strategy and mission of the public research organisation and with a view to maximising socio-economic benefits. To this end, different strategies may be adopted – possibly differentiated in the respective scientific/technical areas –, for instance the “public domain” approach or the “open innovation” approach.  |
| 4   | Provide appropriate <b>incentives</b> to ensure that all relevant staff play an active role in the implementation of the IP policy. Such incentives should not only be of a financial nature but should also promote career progression, by considering intellectual property and knowledge transfer aspects in appraisal procedures, in addition to academic criteria.   |
| 5   | Consider the creation of coherent <b>portfolios of intellectual property</b> by the public research organisation – e.g. in specific technological areas – and, where appropriate, the setting-up of patent/ <b>IP pools including intellectual property of other public research organisations</b> . This could ease exploitation, through critical mass and reduced transaction costs for third parties.   |
| 6   | Raise <b>awareness and basic skills</b> regarding intellectual property and knowledge transfer through training actions for students as well as research staff, and ensure that the staff responsible for the management of IP/KT have the required skills and receive adequate training.   |
| 7   | Develop and publicise a <b>publication/dissemination policy</b> promoting the broad dissemination of research and development results (e.g. through open access publication), while accepting possible delay where the protection of intellectual property is envisaged, although this should be kept to a minimum.   |
|     | <i>Universities' and other PROs' knowledge transfer policy</i>  |
| 8   | In order to promote the use of publicly-funded research results and maximise their socio-economic impact, <b>consider all types of possible exploitation mechanisms</b> (such as licensing or spin-off creation) <b>and all possible exploitation partners</b> (such as spin-offs or existing companies, other public research organisations, investors, or innovation support services or agencies), and select the most appropriate ones.   |
| 9   | While proactive IP/KT policy may generate additional <b>revenues</b> for the public research organisation, this should <b>not</b> be considered the <b>prime objective</b> .  |
| 10  | Ensure that the public research organisation has access to or possesses <b>professional knowledge transfer services</b> including legal, financial, commercial as well as intellectual property protection and enforcement advisors, in addition to staff with technical background.  |
| 11  | Develop and publicise a <b>licensing policy</b> , in order to harmonise practices within the public research organisation and ensure fairness in all deals. In particular, transfers of ownership of intellectual property owned by the public research organisation and the granting of exclusive licences should be carefully assessed, especially with respect to non-European third parties. Licences for exploitation purposes should involve adequate compensation, financial or otherwise. |
| 12  | Develop and publicise a policy for the creation of <b>spin-offs</b> , allowing and encouraging the public research organisation's staff to engage in the creation of spinoffs where appropriate,  |

|  |  |
|--|--|
|  | and clarifying long-term relations between spin-offs and the public research organisation.   |
| 13   | Establish clear principles regarding the <b>sharing of financial returns</b> from knowledge transfer revenues between the public research organisation, the department and the inventors.  |
| 14   | <b>Monitor</b> intellectual property protection and knowledge transfer activities and related achievements, and <b>publicise</b> these regularly. The research results of the public research organisation, any related expertise and intellectual property rights should be made more visible to the private sector, in order to promote their exploitation.  |
| <i>Collaborative and contract research</i> |  |
| 15   | <b>The rules governing collaborative and contract research activities should be compatible with the mission of each party.</b> They should take into account the level of private funding and be in accordance with the objectives of the research activities, in particular to maximise the commercial and socio-economic impact of the research, to support the public research organisation's objective to attract private research funding, to maintain an intellectual property position that allows further academic and collaborative research, and avoid impeding the dissemination of the R&D results.                      |
| 16   | <b>IP-related issues should be clarified at management level and as early as possible</b> in the research project, ideally before it starts. IP-related issues include allocation of the ownership of intellectual property which is generated in the framework of the project (hereinafter " <b>foreground</b> "), identification of the intellectual property which is possessed by the parties before starting the project (hereinafter " <b>background</b> ") and which is necessary for project execution or exploitation purposes, access rights to foreground and background for these purposes, and the sharing of revenues. |
| 17   | In a collaborative research project, <b>ownership of the foreground should stay with the party that has generated it, but can be allocated to the different parties on the basis of a contractual agreement concluded in advance</b> , adequately reflecting the parties' respective interests, tasks and financial or other contributions to the project. In the case of contract research the foreground generated by the public research organisation is owned by the private-sector party. The ownership of background should not be affected by the project.  |
| 18   | <b>Access rights should be clarified by the parties as early as possible</b> in the research project, ideally before it starts. Where necessary for the purpose of conducting the research project, or for the exploitation of foreground of a party, access rights to other parties' foreground and background should be available, under conditions which should adequately reflect the parties' respective interests, tasks, and financial and other contributions to the project.  |