Fact Sheet

December 2012

The plan for the use and dissemination of foreground in FP7

Introduction

The European Union (EU) promotes research activities with the purpose of strengthening the scientific and technological bases of the EU. In this way, the Union ensures sustainable growth, more and better jobs, as well as industry competitiveness. A cornerstone objective of the Seventh Framework Programme (FP7) is therefore to ensure a wide use and dissemination of the knowledge generated, thereby promoting further scientific developments, maximising the impact of the funding granted in the market and demonstrating the added value of projects.

In most FP7 projects there are therefore several rules concerning the use and dissemination of foreground, including the need to submit to the European Commission (EC) at the end of the project a plan for the use and dissemination of foreground (PUDF). A careful plan of the dissemination activities and the use to be made of the project's foreground should however be seen as more than a simple obligation, but instead an essential step to pave the way for the research from the labs to the market.

The purpose of the present fact sheet is to outline the purpose and scope of the PUDF. Practical hints and best practices will be provided whenever possible, but keep in mind that there are no two similar PUDFs in FP7 - each PUDF must be tailored to each project.

Note that this document should not be read alone, especially if you are a newcomer. In fact, in order to fully understand the content of this fact sheet it is strongly advisable to read the "Introduction to IP rules in FP7 Projects" and three other fact sheets on the IP management during an FP7 project life cycle, available on our website.[1]

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[1] All these documents can be found in our Library.

1 Purpose of the PUDF

According to the standard model Grant Agreement (GA), each participant must use its own foreground (or ensure it is used) and disseminate it as swiftly as possible. These activities must be reported in detail by participants in the PUDF[2], which must be submitted within 60 days after the end of the project.[3] This report **describes the activities that beneficiaries have already carried out during the project implementation and still expect to develop** with the purpose of allowing the dissemination and use of the foreground at the end of the project in support of an **optimal exploitation**. Within this document beneficiaries should also envisage the **strategy for the management of intellectual property rights**, an essential step for an effective exploitation of foreground.

As for any other report, the dissemination actions reported in the PUDF must include **sufficient information** to allow the EC to trace them, as well as to perform related audits or reviews. It is therefore important that participants take the time to carefully draft the PUDF and effectively collaborate to collect all data in time. Moreover, the PUDF should make reference to the plans detailed in **annex I of the Grant Agreement** and which are based in "part B" of the project's **proposal,** but potentially including new elements. In fact, the PUDF should be an update of the initial plans intended by the consortium partners

However, the PUDF may be **strategically used** by participants for purposes other than simply reporting measures and plans to the EC at the end of the project. Indeed, participants may use the PUDF as a tool for monitoring their strategies for dissemination and exploitation during the course of the project. The PUDF is then taken as a broader management tool, allowing the consortium to implement the strategy during the project, updating it as well as reviewing and aligning it with the progress of the work. In this scenario, participants often submit the updated version of the PUDF in conjunction with all the periodic reports presented or as deliverables during the project.
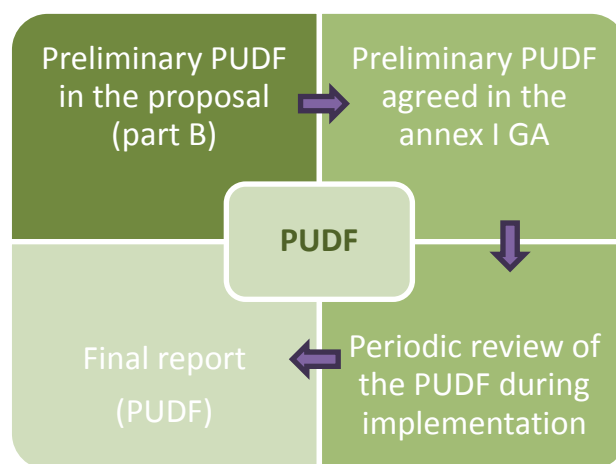
Additionally, setting up a management structure from the start of the project to deal with the intellectual property likely to arise during the project may also prove to be essential for a smooth and effective implementation of the project and an optimal exploitation of the intangible generating therefrom. [4]

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[2] See article II.29 and 30 of the standard model Grant Agreement.
[3] See article II.4.2(b) of the standard model Grant Agreement.
[4] For an example of such a management structure, please see DIRA-GREEN: The importance of an IP management structure in a research project, a case study available in our Library.

2   The scope of the PUDF

The final PUDF should include two sections: sections A and B.

In **Section A,** beneficiaries are requested to list the scientific publications concerning the foreground, as well as all the dissemination activities from the beginning until after the end of the project.

It is important to include sufficient information to allow the EC to identify and track these activities. Hence, the EC provides two templates to be filled in by participants and which request the following information[5]:

(i) In the **list of scientific publications**: title, author, title of the periodical or the series, number/date or frequency, publisher, place and year of publication, pages, permanent identifiers and information concerning open access;

(ii) In the **list of dissemination measures**: the type of activity (web site, conference, ...), the main leader, title, date and place, type and size of audience and countries addressed.

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Dissemination checklist:

☐   Take a decision about the protection of foreground and all required steps.

☐   Inform the EC (at the latest 45 days before the planned activity) in the case where the valuable foreground that you wish to disclose has not been protected.

☐   Inform the other consortium partners in writing 45 days before the planned dissemination activities and include enough information to allow them to analyse whether their interests are affected or not. Note that this time limit can be changed (for more or less days) in the CA. Therefore, you must check the CA to confirm the concrete time limit in the case of your project.

☐   Wait 30 days for any objection to the dissemination. Again, also in this case another time limit can be agreed in the CA, and consequently you must check the CA.

☐   Take steps to accommodate the objections possibly put forward by the other consortium partners.

☐   Do not forget the financial statement, logo and disclaimer in any dissemination activity.

☐   Beware not to infringe third parties' intellectual property rights (e.g. copyright).

☐   In the case of scientific publications, prepare a report with the details of the publication and abstract to be submitted to the EC at the latest two months after publication.

☐   List the dissemination activities in the PUDF.

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[5] Please see *Guidance Notes on Project Reporting*, available at ftp://ftp.cordis.europa.eu/pub/fp7/docs/project-reporting_en.pdf.

On the other hand, in **Section B** of the PUDF, beneficiaries must define the exploitable foreground and their plans for its exploitation. Hence the following information must be included:

(A) a list of all the intellectual property rights (patents, trade marks, registered designs, utility models and others) applied for (and which are under examination or have been granted) from the beginning until after the end of the project[6];

(B) a list of foreground that might be exploited (i.e. that might have commercial or industrial applicability) including its description, sector of application and IP protection[7];

>(B.1) in addition, it is necessary to describe the strategic plans for the future exploitation of foreground, including the following elements:
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>>i.   the purpose of the foreground;
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>>ii.   how it might be exploited, when and by whom;
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>>iii.   IPR exploitable measures taken or intended;
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>>iv.   further research required, if any;
>>
>>v.   potential/expected impact (quantifiable).

As in section A, this part of the PUDF must include all the activities carried out during the project and those foreseen to be implemented after its end.

Tips:
- ❖ The foreground's exploitation strategy is usually detailed by each partner in accordance with their individual business strategy. Joint plans are necessary in the case of joint ownership of foreground.
- ❖ Projects closer to the market by nature have more detailed plans for using foreground.

2.1   Confidentiality

Confidentially issues are very important when preparing and writing the PUDF. In fact, section A is disclosed publicly by the EC, while the information included in section B is also made available to the public, except if clearly marked by beneficiaries as confidential. Hence, any confidential data should be omitted from section A or marked as confidential if it is included in section B.

Remember!
- ❖ **Disclosure may prevent the protection of foreground as patent, utility model or industrial design.**
- ❖ **Disclosing confidential information puts at risk the organization competitiveness.**

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[6] The list must be provided according to the template of the EC, which can be found in the *Guidance Notes on Project Reporting.*
[7] The list must be provided according to the template of the EC, which can be found in the *Guidance Notes on Project Reporting.*

3   Useful Resources

For the preparation of this fact sheet, the European IPR Helpdesk had in consideration the *Guidance Notes on Project Reporting* (version 2012-06-28). For further information on the topic please also see:

- "Introduction to IP Rules in FP7 Projects":

  http://www.iprhelpdesk.eu/sites/default/files/relateddocuments/Factsheet%20IP%20rules%20FP7%20June%202011.pdf

- "How to manage IP in FP7 during the proposal stage":

  http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/IP_management_in_FP7_during_the_proposal_stage_0.pdf

- "How to manage IP in FP7 during the negotiation stage":

  http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/How_to_manage_IP_in_FP7_during_the_negotiations_stage_0.pdf

- "How to manage IP in FP7 during and after the project":

  http://www.iprhelpdesk.eu/sites/default/files/newsdocuments/How%20to%20manage%20IP%20in%20FP7%20during%20and%20after%20the%20project.pdf

- "Strategic Guide to Successful Use and Dissemination of the Results of Research and Development Projects": http://ec.europa.eu/research/sme-techweb/pdf/use_diffuse.pdf#view=fit&pagemode=non

- "Exchanging Value – Negotiating Technology Transfer Licensing Agreements: A Training Manual": http://www.wipo.int/sme/en/documents/guides/technology_licensing.html

IPR Helpdesk

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ABOUT THE EUROPEAN IPR HELPDESK

The European IPR Helpdesk aims at raising awareness of Intellectual Property (IP) and Intellectual Property Rights (IPR) by providing information, direct advice and training on IP and IPR matters to current and potential participants of EU funded projects focusing on RTD and CIP. In addition, the European IPR Helpdesk provides IP support to EU SMEs negotiating or concluding transnational partnership agreements, especially through the Enterprise Europe Network. All services provided are free of charge.

Helpline: The Helpline service answers your IP queries within three working days. Please contact us via registration on our website (www.iprhelpdesk.eu), phone or fax.

Website: On our website you can find extensive information and helpful documents on different aspects of IPR and IP management, especially with regard to specific IP questions in the context of EU funded programmes.

Newsletter & Bulletin: Keep track of the latest news on IP and read expert articles and case studies by subscribing to our email newsletter and Bulletin.

Training: We have designed a training catalogue consisting of nine different modules. If you are interested in planning a session with us, simply send us an email.

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