

IMI rules and procedures, including IPR

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efpia

Participation and Funding Rules



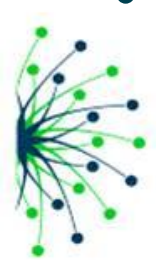
Who can participate

- Any entity carrying out work relevant to the IMI in a Member State or Associated Country
- Anyone else with the agreement of the IMI JU

BUT

Not all participating entities are eligible for funding

- Stage 1 : at least two independent legal entities eligible for funding
- Stage 2: + at least 2 EFPIA companies



Eligible for IMI funding (beneficiaries)



- Academic institutions
- Non-profit research organizations
- Small & medium-size enterprises
- Non-profit patient organizations
- Non-profit public bodies and intergovernmental organizations including specialized agencies

carrying out activities in a Member State or a country associated to FP7



- **Direct eligible costs -> personnel, consumables, equipment,...**
 - Personnel costs: either actual or average personnel costs if aligned with usual accounting practices and applied in other EU programmes
 - SME Owners who do not receive a formal salary may use a flat rate similar to the one used in the EU's FP7 People programme



Funding principles

- **Indirect eligible costs → overheads**
 - Flat-rate of 20% of direct eligible costs
 - actual indirect costs



Eligible costs

- Actual
- Incurred by the participant during the project
- Determined according to usual accounting and management principles and practices
- Recorded in the accounts of the participant
- Incurred for work carried out in a Member State or associated country
- Incurred for the sole purpose of achieving the project objectives related to an activity accordingly described



Non-eligible costs

- **Identifiable indirect taxes including value added tax**
- **Duties**
- **Interest owed**
- **Provisions for possible future losses or charges**
- **Exchange losses, cost related to return on capital**
- **Costs declared or incurred, or reimbursed in respect of another Union project**
- **Debt and debt service charges, excessive or reckless expenditure**



Funding rates for beneficiaries

- **Research activities**
 - up to 75% of total eligible costs
- **Other activities -> management, training, communication, ...**
 - up to 100% of total eligible costs

NEW! No impact for beneficiaries changing their status



EFPIA in-kind contribution

- Actual direct and indirect costs or average FTE
- Based on the usual management principles and accounting practices
- Contribution from EFPIA affiliated entities as part of EFPIA in-kind

For research costs incurred in Europe
unless expressly foreseen (*see AMR 6th Call*)



Reporting Rules



- **Yearly periodic financial reports: not need to be certified by independent auditors, if either:**
 - cost calculations is based on a certified accounting methodologies within FP7
 - the total amount of the participant's report is <€375.000
- **Yearly periodic reports: due either on July or December, depending on the project's starting date**



Intellectual Property Policy



Guiding principles

Aligned with IMI objectives -> PPP, specific research needs and challenges:

- **To achieve a broad participation**
- **To promote knowledge creation, disclosure and exploitation**
- **To achieve fair allocation of rights and reward innovation**
- **To provide flexibility for participants to establish the most appropriate agreements serving the project objectives ->**

Project Agreement



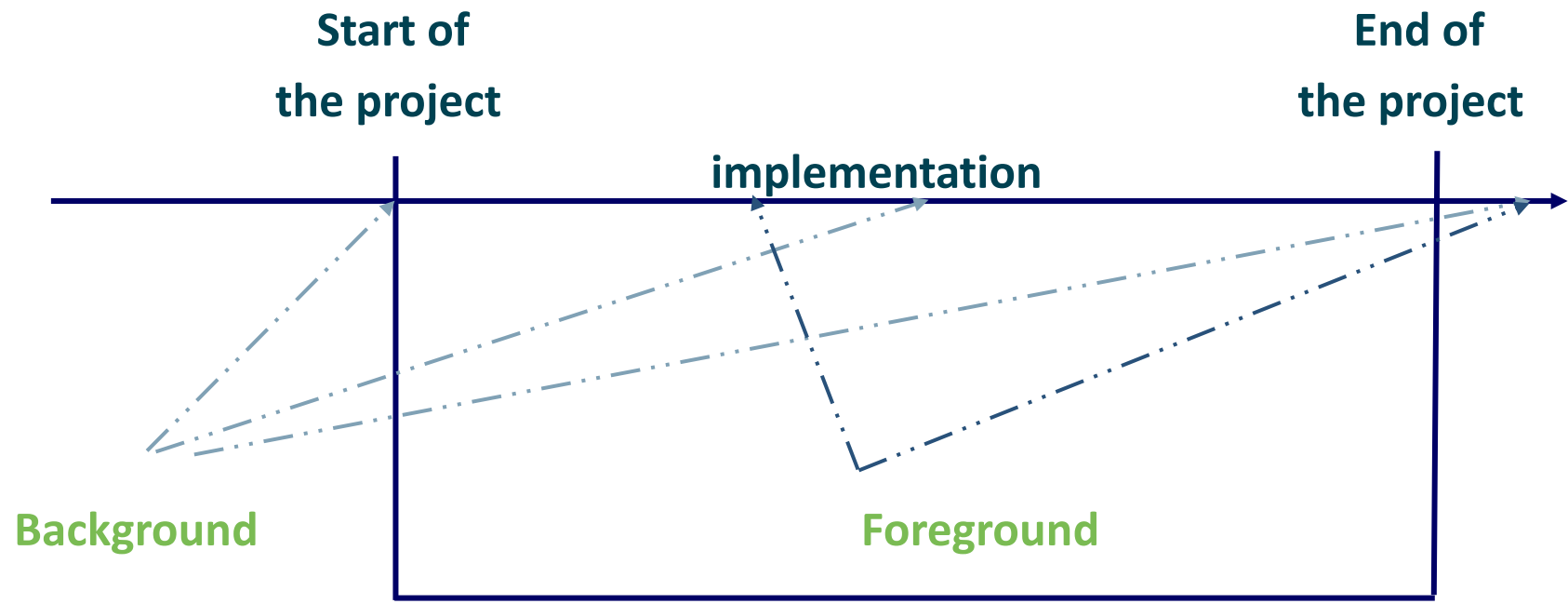
Project Agreement



- Contractual arrangement **between all participants** to set out their rights and obligations, especially governance, liability and IPR
- Shall comply with the IMI model Grant Agreement
- Mandatory before the signature of the grant agreement with the Executive Office
- **To be adapted to the specific needs of each IMI project!**



Background vs. Foreground



// Sideground //

(generated during the Project but outside the Project Objectives and not needed for implementation or Research Use)



..... possible access rights

Ownership: basic principles

- **Background remains the exclusive property of each participant**
- **Foreground are owned by the generator(s)**
- **Possibility to freely license, assign or otherwise dispose of its ownership rights provided access rights to other partners are respected**
- **Possible transfer of ownership**
- **Possible joint ownership**



Protection & Publications

- **Common practices (not mandatory):**
 - lies with the owner(s) in adequate and effective manner -> relevant (national) legal provisions, project's peculiarities, legitimate interests
 - if valuable Foreground left unprotected -> to be discussed within the consortium
- **Mandatory mention to IMI support & EFPIA in-kind contribution in patent applications / publications (NEW!)**
- **Promotion of open access publications (NEW!)**



Access Rights: basic principles

- **Granted on written request, unless otherwise agreed**
- **Non-exclusive basis approach**
- **No sub-licences, unless otherwise agreed**
- **Not affected by the termination of participation**
- **Guiding framework depending on the purpose:**
 - Research Use -> further developments
 - Exploitation -> commercialisation



Access Rights: conditions

Access rights granted by a Participant to/on	Background (necessary and identified)	Foreground	Sideground
Participants for completion of the Project	Royalty-free	Royalty-free	N.A.
Participants and affiliates for Research Use	Royalty-free OR Fair & reasonable terms for Background needed for using Foreground as determined in Project Agreement	Royalty-free OR Fair & reasonable terms as determined in Project Agreement	N.A.
Third Parties for Research Use after the Project	Fair & reasonable terms for Background needed for using Foreground as determined in Project Agreement	Fair & reasonable terms as determined in Project Agreement	N.A.
Participants and affiliates or Third Parties for Direct Exploitation	To be negotiated	To be negotiated	N.A.



More information



- **IMI model Grant Agreement** (lastly revised on 30 April 2012)
- **IMI Financial Guidelines** (January 2012)
- **IMI Reporting Templates and Guidelines** (February 2012)
- **IP Guidance Note** (November 2010)

www.imi.europa.eu/content/documents



- **Flyer and leaflet on IMI**
- **Fact sheets on IMI activities & projects**
- **Info and Slide set on IMI Calls**

www.imi.europa.eu/content/info-material-and-publication



Find project partners

- Use the IMI Partner Search Tool

<http://www.imi.europa.eu/content/partner-search>

- Get in touch with your local IMI contact point:

www.imi.europa.eu/content/states-representatives-groups

- Talk to your FP7 Health National Contact Point (NCP)



Thank You

