





Knowledge Valorisation: Intellectual Assets Management

Cross-cutting topic Discussion Paper

PSF CHALLENGE

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Independent Expert Report

Research and Innovation

Mutual Learning Exercise on Knowledge Valorisation

Cross-cutting Topic Discussion Paper: Intellectual Assets Management

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Knowledge valorisation: Intellectual Assets Management

Discussion Paper

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MUTUAL LEARNING EXERCISE ON KNOWLEDGE VALORISATION

Focus on skills, intersectoral cooperation and incentive systems

Efficient intellectual assets management is key to accelerate the uptake of innovative solutions and to develop new technologies, products, and services to address the most pressing societal challenges such as ensuring fair green and digital transitions in line with the objective of the New European Innovation Agenda¹ while keeping in sight the open strategic autonomy of the Union in research and innovation. ...

In addition to formal intellectual property rights (such as patents or copyright), it is crucial to consider other types of intellectual assets such as publications, data, know-how generated by R&I actors to increase value creation opportunities and social innovation. ...

COMMISSION RECOMMENDATION (EU) 2023/499 of 1 March 2023 on a Code of Practice on the management of intellectual assets for knowledge valorisation in the European Research Area

1. Introduction

1.1. Scope, Purpose and Structure of this Discussion Paper

The new wider concept of knowledge and intellectual assets – going beyond formal IPR such as patents and trademarks – is part of the paradigm shift introduced in the guiding principles for knowledge valorisation adopted in December 2022². This umbrella Council Recommendation will be accompanied by several "codes of practice" co-created with the stakeholder community. One of the codes (The Code of Practice on the management of intellectual assets for knowledge valorisation in the European Research Area)³ focuses on the cross-cutting topic of Intellectual Assets Management. As such – a similar structure has been reflected in the scope of the Mutual Learning Exercise (MLE) on Knowledge Valorisation and the topic of Intellectual Assets Management has been approached as a cross cutting one with tight links to all other topics.

Furthermore, alongside the finalisation of the guiding principles, DG Research & Innovation of the European Commission organised in November 2022 a scoping workshop with Member States interested in knowledge valorisation, where it was suggested that the MLE will focus particular attention on the new concept of intellectual assets management⁴ and entrepreneurial methods and skills. It was also agreed that early identification of research with valorisation potential and expanding the funnel for promising cases in various ways will be a cross-cutting issue of the MLE.

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A New European Innovation Agenda (COM(2022) 332 final).

² Council Recommendation (EU) 2022/2415 of 2 December 2022 on the guiding principles for knowledge valorisation

³ Commission Recommendation (EU) on a Code of Practice on the management of intellectual assets for knowledge valorisation in the European Research Area (COM(2023)1321 final).

⁴ Knowledge valorisation considers all types of intellectual assets beyond technology and Intellectual Property Rights. As described in the Guiding Principles, intellectual assets cover any results, services or products generated by any research and innovation activities, such as patents, copyrights, trademarks, publications, data, know-how, prototypes, processes, practices, technologies, inventions, software or business models.

The main aim of the Discussion Paper is to set the basis for further discussions of the topic of Intellectual Assets Management during the country visits planed as a part of the MLE on Knowledge Valorisation. The first country visit meeting will take place in Austria, Vienna on 19-20th June 2023 and will focus on Topic 2b of the MLE (Incentives and Skills: Focus on Research Talent). This meeting will be followed by the Topic 3 country visit to Sweden in September on Intermediaries, the Topic 4 country visit to Finland in November on Networks & Processes, and a final country visit on Topic 2a, location and date (Q4 2023/Q1 2024) to be confirmed. During each of these meetings, the topic of Intellectual Assets Management shall be revisited and discussed from a new angle searching for synergies with the respective specific topics.

Based on the pilot interactive discussions planned for the Vienna meeting, this Discussion Paper might be accompanied by an online questionnaire enabling to target the MLE participating countries' Ministries and relevant stakeholders. Such a questionnaire should help to specify the topics to be discussed during the country visit meetings and leave space to provide more and up-to-date information on the country-specific approach to IAM elements.

This Discussion Paper has the following structure reflecting the above-mentioned Code of Practice and its three main chapters:

- 1. Establishing a strategy for the efficient management of intellectual assets
- 2. Managing intellectual assets in joint research and innovation activities
- 3. Managing intellectual assets from creation to market

1.2. The New Context for Intellectual Assets

1.2.1. Intellectual Assets Management in the light of the Guiding Principles for Knowledge Valorisation.

The Council Recommendation on the Guiding Principles for Knowledge Valorisation was adopted on 2nd December 2022. The Recommendation is responding to the pressing challenges the EU is facing by ensuring that data, know-how and research results are transformed efficiently into sustainable products, solutions, services and policies, which benefit society, including by bringing financial value. It replaces the European Commission's 2008 Recommendation through broadening the scope of actors and activities, with a focus on the whole R&I ecosystem, and widening the scope to intellectual assets management.

The new Recommendation aims to put in place a common line on policy principles, without imposing legally binding provisions. It contains a set of guiding principles in the areas of knowledge valorisation in R&I policy, skills and capacities, incentives, intellectual asset management, relevance in public funding R&I schemes, peer learning, metrics, monitoring and evaluation.

The guiding principles importantly call for introducing certain measures for businesses, SMEs, civil society, citizens, end-users and public authorities that can allow them to be active partners in co-creating value-adding innovation, thereby improving access to and the use of knowledge, increasing skills acquisition and encouraging joint experimentation. These goals should be achieved by the development of management strategies, promotion of multidisciplinary collaboration or development of better knowledge valorisation monitoring and evaluation tools.

The guiding principles for knowledge valorisation are further supported by Codes of Practice providing more detailed guidance and recommendations on the implementation – with intellectual assets management being a cornerstone for further exploitation/valorisation strategies.

The crucial element is to promote a common understanding of "intellectual assets" in the context of knowledge valorisation and have relevant strategies in place on how to manage the portfolio of intellectual assets and how to create additional value.

Intellectual assets are defined in the Code of Practice on the management of intellectual assets for knowledge valorisation in the ERA as "any result or products generated by any R&I activities (such as intellectual property rights, data, know-how, prototypes, processes, practices, technologies, software)".

The management strategies can include the whole scale ranging from opening up fully and making research results freely available to the traditional – and in some environments still highly relevant – path of protection by applying for industrial property rights and protecting and limiting exploitation rights.

1.2.2. Links to the other MLE Topics

Managing intellectual assets has strong links to all other topics covered by the current MLE:

ERA Action 7 and ERA Action 4 (Topic 1)

"Incentives and Skills":

- a. Focus on policy and legal context, governance, funding (Topic 2a)
- b. Focus on research talent (Topic 2b)

"Intermediaries" (Topic 3)

"Networks and Processes" (Topic 4)

The first topic frames the scope of the whole MLE, setting the scene for the evolution of the current design of the knowledge valorisation concept (ERA Action 7) and the strong synergies with talent development (ERA Action 4).

Topic 2 "Incentives and Skills" looks at the environment within which the Intellectual Assets Management is performed and how to improve it in order to motivate all players in the innovation ecosystem to better manage intellectual assets and enhance the knowledge valorisation levels in the EU – part 2a: Focus on policy and legal context, governance, funding. The guiding principles encourage Member States and the European Commission to 'ensure that policies and practices for intellectual assets management are defined, implemented, shared, publicised and promoted in all organisations involved in knowledge valorisation.

The following questions will serve as a catalyst for the discussion for the country visit. They might be extended and adjusted after the intended survey.

⁵ EUR-Lex - 32022H2415 - EN - EUR-Lex (europa.eu)

What should be done at national level to promote efficient intellectual assets management in research and innovation and what are good examples? Do organisations (notably HEI and PROs, funding agencies) in your country have a central IAM strategy? How could the (further) development of such a strategy be promoted by taking up the new EU guidance? Including taking account of the geopolitical context and related national/EU policies (e.g., EU open strategic autonomy)? How would you structure the available incentives? What prevails? Access to funding / targeted funding schemes or some non-financial incentives (please discuss examples of both good and bad practice)? How to work with the research evaluation schemes and recognition of valorisations activities at both organisational and individual level for efficient intellectual assets management? Is your country policy approach enabling and or is it more restrictive and narrowing down the space of recognised valorisation initiatives? What should change and how to better raise awareness about the new paradigm?

Part 2b focuses on research talent. "The current and next generation of knowledge creators need to be aware of the importance of the management of intellectual assets (including intellectual property rights). Providing orientation and concrete guidance on intellectual assets management is crucial to promote the effective valorisation of IP."6 An integral part of training to perform a research career - in all disciplines - needs to include a high level of awareness on intellectual assets and how to manage these. In the context of the new knowledge valorisation paradigm, this should be approached from a much wider angle than purely how to protect intellectual property by traditional IPR (patents etc.). More information on how to treat any knowledge for value creation, which are the options with regards to open science and open innovation, how to treat possible co-created results, joint ownership, what are the potential routes leading to the actual valorisation of the knowledge created and many more related topics should be part of curricula as early as possible when training young people for their future research and innovation careers. Some of these elements will also apply to training of professionals outside academia. Managing intellectual assets is obviously highly relevant for the private R&D sector but might also be beneficial for the public administration bodies or civil society organisations. All of them do generate intellectual assets and should be aware of the ways on how to manage it. Circulation of talents in between the sectors naturally involves circulation of knowledge - i.e., intellectual assets.

The following sets of questions shall be addressed during the Vienna country visit:

What are the challenges as well as conditions and incentives required for ensuring good intellectual assets management in the context of the MLE Topic 2b "Focus on research talent"? Should we rely only on Pls/researchers and their teams? Is enough guidance and training available? What can be done about better awareness of all ecosystem players: academic communities (researchers/students), private sector, public administration bodies, civil society?

What would you put in a toolbox for policy makers to promote better intellectual assets management by researchers and their teams (based on your experience and the practices presented)? Do you feel there are any gaps in the current system on the side of the private sector or the public administration which could contribute to better implementation of the Code of Practice on IAM?

Intermediaries (Topic 3) are an inherent part of the R&I system playing the important role of connecting the producers of knowledge (often but not only researchers) with the final users (industry, public administration/policy and civil society) of the knowledge - intellectual assets. The process of connecting and facilitating often happens via different entities. These

⁶https://research-and-innovation.ec.europa.eu/research-area/industrial-research-and-innovation/euvalorisation-policy/knowledge-valorisation-platform/code-practice-smart-use-intellectual-property_en_

pathways and specific roles of intermediaries (knowledge and technology transfer offices, accelerators, incubators, regional development agencies, business support centres, clusters...) might be quite complex and represent a frequent part of the IAM process. Grant scheme calls often require a preliminary IAM strategy to be included in the grant application, a consultation with an intermediary might be a pre-requisite, sharing outcomes in open repositories can also be considered a part of the IAM. In this context, the guiding principles also recommend to 'increase efficient management of intellectual assets, for example by supporting active portfolio building, and by promoting platforms linking offer and demand for intellectual assets, in order to maximise value creation for all involved.'⁷

In the context of the IAM topic, the following questions are proposed to be discussed at the Sweden country visit:

How do you see the role of intermediaries in the process of knowledge creation and developing strategies for its IAM? Do you expect the innovation ecosystem to change in the context of the new Guiding Principles on Knowledge Valorisation? More specifically, how do you see the role of Knowledge Transfer Offices (KTOs) at HEIs and PROs change in implementing the broad definition of intellectual assets of the Guiding Principles, e.g. in terms of promoting more social innovation, policy uptake etc.? What are provisions and specific tools/services provided by specialised intermediaries that could further enhance IAM for valorisation, e.g., the role of electronic platforms linking offer and demand, free access to not exploited IPR. How can synergies in IAM be achieved through the collaboration of different intermediaries and networks? What public funding is or should be available?

Topic 4 focuses on ways on how new innovations are created through knowledge valorisation, how networks, where people from different environments can access and exchange knowledge from other sources, fields and organisations, contribute to generating new ideas, and which processes are enhancing the creation of innovation, notably in industry-academia collaborations. Both networks and processes play an important role in IAM-Open approaches (open science, open innovation) might also be seen as one of the IAM strategies while these should take up IAM practices and tools to promote innovation. This is underlined in recommendation 4(d) of the guiding principles for knowledge valorisation.

In the context of IAM, the following questions are proposed to be discussed at the Finland country visit:

Are there any new tools to be added to the "toolbox" to support knowledge exchange, and its co-creation in multiple stakeholder collaborations, notably between public research and industry? What are the experiences in your country of combining Open Science and Open Innovation with the valorisation, including protection and commercialisation, of intellectual assets? Have you identified any obstacles in your policies and processes which – if removed – could unblock a new approach on how to enable innovation and valorisation? Possible areas to focus on: public procurement, public-private partnerships, experiments with exploitation rights to IP/knowledge (i.e. EIC and Pathfinder and a quasi "professor's privilege" approach), "joint IP", "big" data management in the context of public bodies and its accessibility and openness for research/valorisation, international/geopolitical context – openness and accessibility vs. IA/IP/data protection as a part of IAM process.

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⁷ EUR-Lex - 32022H2415 - EN - EUR-Lex (europa.eu)

2. "Intellectual Assets Management" in the framework of the Code of Practice on the management of intellectual assets for knowledge valorisation in the ERA

2.1. Establishing a strategy for the efficient management of intellectual assets

"To help create value from knowledge through different channels, from the making of innovative spinoffs and start-ups, to IP management and engaging citizens, the Commission Communication on A new ERA for Research and Innovation8 calls to "update and develop guiding principles for knowledge valorisation and a code of practice for the smart use of intellectual property." The Code of Practice on the management of intellectual assets for knowledge valorisation in the ERA provides a more detailed set of recommendations mostly aimed at institutional level for strategies leading to practical usage of knowledge. It addresses specific challenges faced by research and innovation stakeholders.

The EU has been a major producer of high-quality scientific outputs; however, the ratio of these results being transformed into practical implementation generating value for society, either social or economic, has according to Science, Research and Innovation Performance of the EU 2022 ("SRIP" report)9 been limited. In the key findings this report summarises that "the EU continues to lag behind Japan and the United States in the innovation output indicator. One of the main drivers is patent intensity, for which the EU also falls behind China and South Korea amongst others...The EU has the human capital and science base, but can be more effective in translating it into innovations and commercialising innovation output." ¹⁰

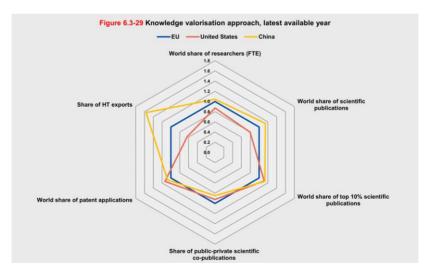


Figure 1: Science, Research and Innovation Performance of the EU 2022, Source: DG Research and Innovation - Common R&I Strategy and Foresight Service - Chief Economist Unit based on Science-Metrix using data from EPO PATSTAT and Scopus database, Eurostat, JRC, 11

⁹SRIP 2023, notably chapter 6.3 including figure Figure 6.3-29: https://research-and-innovation.ec.europa.eu/system/files/2022-07/ec_rtd_srip-2022-report-chapter-6.pdf

⁸ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0628&from=EN

¹⁰https://research-and-innovation.ec.europa.eu/system/files/2022-07/ec_rtd_srip-2022-report-chapter-6.pdf (p.68)

¹¹ https://research-and-innovation.ec.europa.eu/system/files/2022-07/ec_rtd_srip-2022-report-chapter-6.pdf (p.102)

The Code of Practice recommends that one of the answers is to ensure a strategy at organisation level that should "cover creation, management, and utilisation of all types of intellectual assets (including data, know-how, standards) in line with the mission of the organisation and that open science practices and open innovation are considered in R&I activities" The intellectual assets should be managed in a way that enables open science and open innovation while assessing whether the results should be first protected through IP rights and allowing to protect confidential information. The relevant community should be trained and educated on how to manage intellectual assets and where to find potential allies and help.

2.2. Managing intellectual assets in joint research and innovation activities

"The report on the management and commercialisation of intellectual property in European universities 13 explores intellectual property management practices among universities in the European Union and served as a source of data reflecting the recommendations in the Code of Practice on the management of intellectual assets for knowledge valorisation in the ERA and possible models and processes of IP management. The Code also deals with the "open" strategies (taking account of the recent report *Open Science and Intellectual Property Rights* 14), interaction with "open science" and the general principle "as open as possible, as closed as necessary".

A general recommendation is to define as clearly as possible relationships and ownership provisions. The Code of Practice lists a detailed checklist of areas to cover and gives special attention to collaborations funded from public resources.

Part of the expected discussions might also focus on the current geopolitical context and the necessity to fulfil other regulatory requirements in the context of IAM in the current globally connected world. The guiding principles for knowledge valorisation recommend 'to raise awareness among universities, research organisations, public authorities and business of the importance of managing intellectual assets in an international environment, while taking into account sovereignty issues.' The interest to discuss these aspects in more detail might also be explored in the survey.

2.3. Managing intellectual assets from creation to market

When the process starting with intellectual assets creation approaches the final stages leading to practical usage generating social, environmental or economic benefit there are several critical areas to consider.

Defining valuation targets can lead to several valorisation routes and may involve both a qualitative and a quantitative based approach. Due diligence and risk and freedom to operate analysis must be performed in order to secure an appropriate level of control of the process.

Levels of involvement of internal and external experts, collaboration of different stakeholders and potential intermediary bodies should also be discussed as part of the MLE meetings.

publications/open-science-and-intellectual-property-rights_en

¹²Commission Recommendation (EU) on a Code of Practice on the management of intellectual assets for knowledge valorisation in the European Research Area (COM(2023)1321 final) – 2.1.(8).

 ¹³https://research-and-innovation.ec.europa.eu/knowledge-publications-tools-and-data/publications/all-publications/management-and-commercialisation-intellectual-property-european-universities_en
 14https://research-and-innovation.ec.europa.eu/knowledge-publications-tools-and-data/publications/all-

3. Possible tools for IAM

The discussions covering both the individual topics of the MLE and their links and synergies with the IAM as well as the structure of the Code of Practice on the management of intellectual assets for knowledge valorisation in the ERA, which is based more or less on the stages of the process, and its strategic umbrella should lead to an exchange of knowledge and a subsequent set of recommendations and tools.

Potential tools for the "toolbox" will arise from the MLE and should support implementing the new guiding principles, the efficient process of knowledge valorisation and help in promoting intersectoral training and mobility.

4. Selected best practices from the Knowledge Valorisation Platform relevant for the IAM debate

The following selection of the best practices collected in the online shared platform initiated by the European Commission "Knowledge Valorisation Platform" might serve as a potential inspiration and basis for discussions during the planned MLE country visits. It should be regarded as a non-exclusive list of examples of the current approaches at national as well as institutional / organisational levels. The overview is structured alongside potential links to the other MLE topics:

4.1. Intellectual Assets Management and Incentives and Skills: Focus on Research Talent, Policy and Legal Context, Governance, and Funding

Establishing a strategy for the efficient management of intellectual assets (the elements to include and the practices to adopt for strategic intellectual assets management):

Austria's National Contact Point - Intellectual Property

Open Innovation Strategy for Austria

National intellectual property rights strategy of Finland

Ireland's National IP Protocol and Resource Guide

The importance of investing in education, skills and training:

Belgium/KU Leuven: Doctoral School Training for Intellectual Asset Management

Spain: DINA-ITC: Dynamization and Training on Knowledge Exchange and Transfer

Portugal: "Sciencepreneur®" courses and "ImPact@NOVA" sessions – raising awareness for knowledge valorisation

Portugal: <u>Build and Manage an IP Portfolio: Identifying and Evaluating Commercial Potential of Portuguese Higher Education Institutions' Assets</u>

¹⁵https://research-and-innovation.ec.europa.eu/research-area/industrial-research-and-innovation/euvalorisation-policy/knowledge-valorisation-platform_en

Italy: Master in Intellectual Property Valorisation for Knowledge Exchange & Impact

Italy: Training 'Promoting the impact of EU research projects: towards the definition of a new profile of Impact Manager'

Further examples from Italy and Portugal (see Knowledge Valorisation Week 2023-Day2)

EU project: Academia Innovation Enhancer

4.2. Intellectual Assets Management and Intermediaries

Belgium: Interactive guide to knowledge transfer

Belgium: Intellectual Property Panel at University Hasselt

Portugal: INESC TEC Proactive and strategic R&D results scouting |

Finland: VTT Launchpad | Research and Innovation

Netherlands: ScoutinScience: Al-based tech transfer scouting

Belgium: FRIS Research portal: Disclosure of research information to boost innovation &LUCK - Library of University College Knowledge

<u>innovation & LUCK - Library of University College Knowledge</u>

Italy: Promoting IP valorisation through the IP platform - Knowledge Share run by the national network NETVAL

4.3. Intellectual Assets Management and Networks and Processes

Belgium: BLIKOPENER - A single point of contact for collaboration

Denmark: Open Entrepreneurship Platform

Denmark: ODIN an open innovation in science platform – working without patents

Italy: PROMO-TT: Matching research, industry and investors

References

EU Policy Documents:

Council Recommendation (EU) 2022/2415 of 2 December 2022 on the Guiding Principles for knowledge valorisation

Commission Recommendation (EU) 2023/499 of 1 March 2023 on a Code of Practice on the management of intellectual assets for knowledge valorisation in the European Research Area

<u>Commission Recommendation (EU) 2023/498 of 1 March 2023 on a Code of Practice on</u> Standardisation in the European Research Area

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on A new ERA for Research and Innovation

Factsheets:

Factsheet: Guiding principles for knowledge valorisation

<u>Factsheet: Code of Practice on the management of intellectual assets for Knowledge</u> valorisation

Factsheet: Code of Practice on Standardisation in the European Research Area

Other useful resources:

Declaration on Sustainable Researcher Careers

<u>Identifying Transferable Skills and Competences to Enhance Early-Career Researchers Employability and Competitiveness</u>

Knowledge ecosystem: Defining a European competence framework for R&I talents

Knowledge ecosystems in the new ERA: Talent circulation and intersectoral mobility: analytical report with a mapping of talent mobility and causes of brain drain

Knowledge ecosystems in the new ERA: Talent circulation and intersectoral mobility: pathways for a balanced talent circulation in the EU

Knowledge ecosystems in the new ERA: Talent circulation and intersectoral mobility: update of intersectoral mobility schemes

Knowledge ecosystems in the new ERA: Using a competence-based approach for career development in academia and beyond

Knowledge Valorisation Platform

Mapping national and regional programmes and initiatives in R&I valorisation: report on dissemination and exploitation practices in Member States and associated countries

Open Science and Intellectual Property Rights

Science, Research and Innovation Performance of the EU 2022 ("SRIP" report)

The management and commercialisation of intellectual property in European universities

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The Discussion Paper focuses on the cross-cutting topic "Intellectual Assets Management" within the framework of the Mutual Learning Exercise on Knowledge Valorisation (Focus on skills, intersectoral cooperation and incentive systems). The document sets the scene for interactive discussions and the ongoing exchange of knowledge and best practices defining the potential new actions and tools how to strategically approach knowledge valorisation and managing "intellectual assets" in the context of the new wider paradigm.

Research and Innovation policy