

Intellectual property rights management and regulation in V4 countries

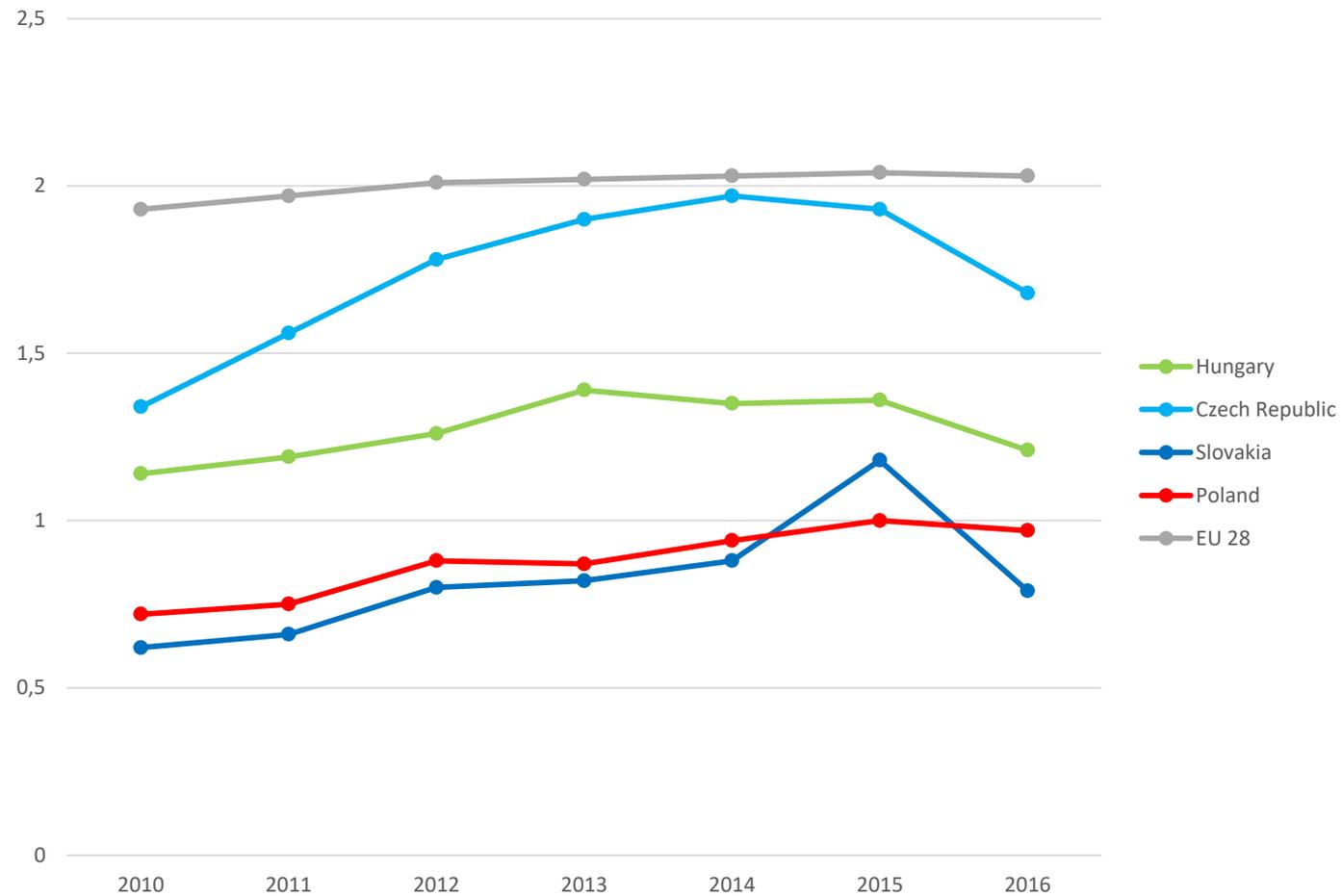
Gábor Németh

Hungarian Intellectual Property Office



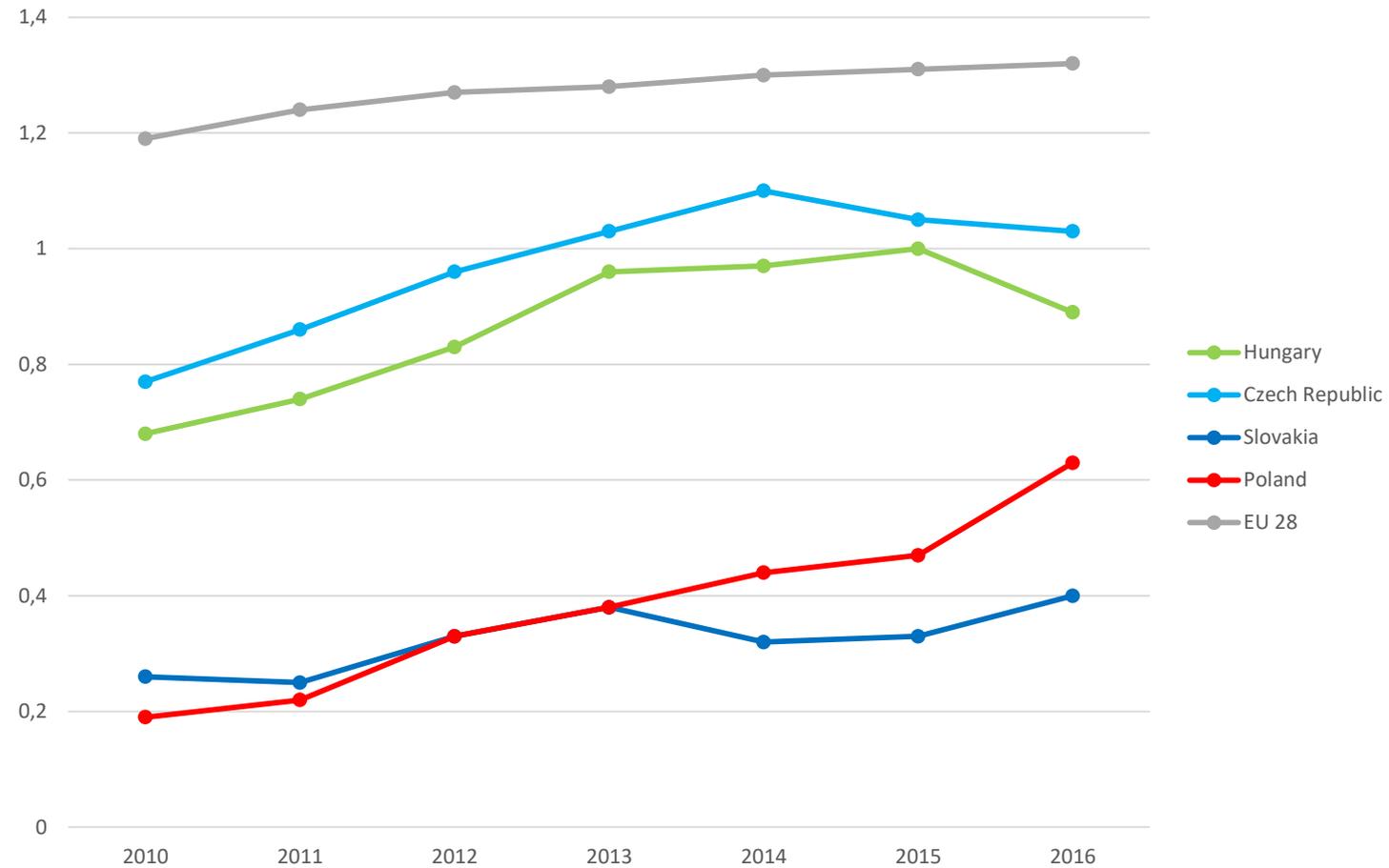
V4 for 3rd Mission - 10 May 2018, Budapest

R&D expenditure in V4 (% of GDP)



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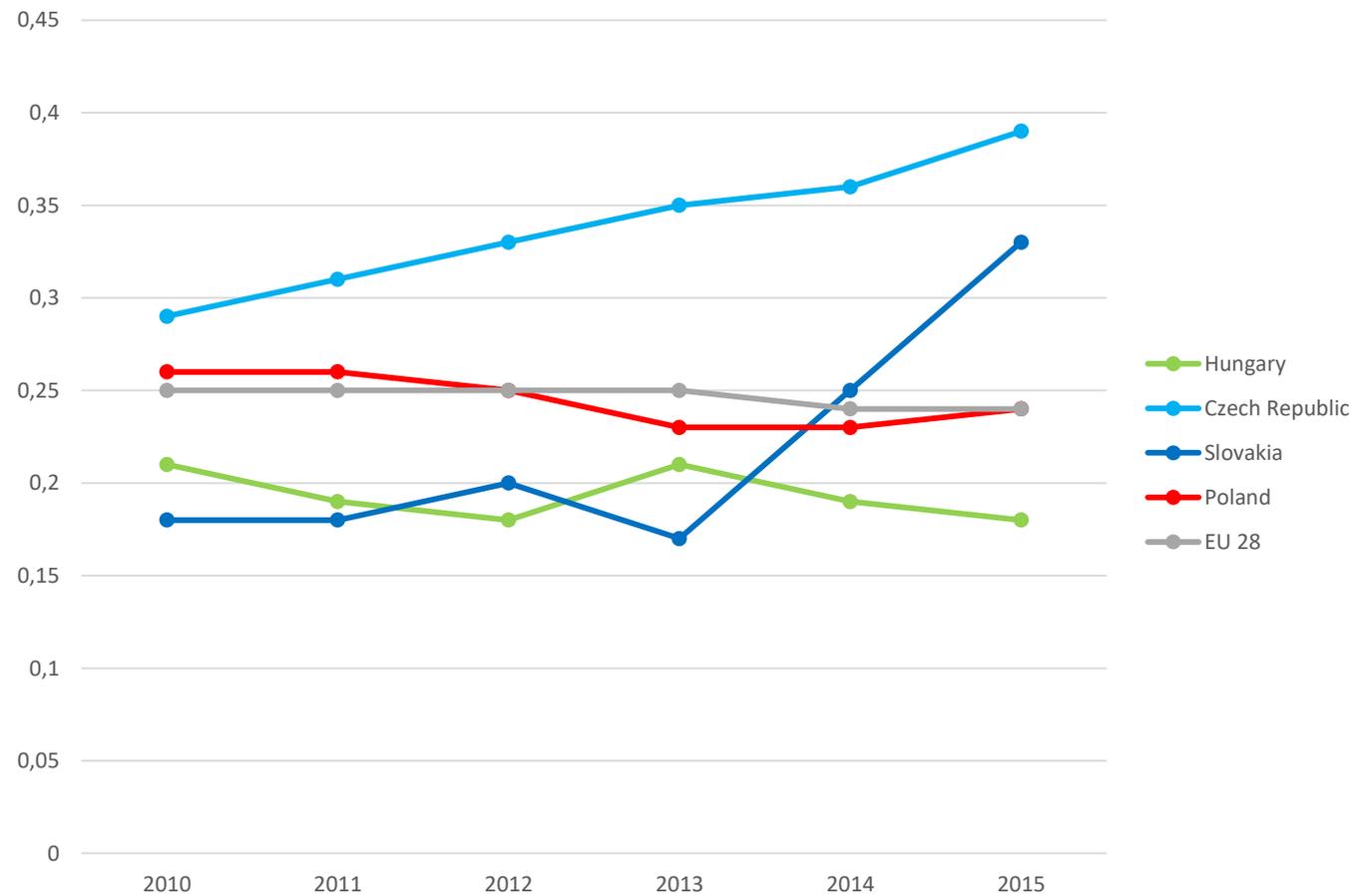
Business enterprise sector



Source: Eurostat

R&D expenditure in V4 (% of GDP)

Government sector



Intellectual property rights

- patents, SPCs
- plant varieties
- utility models
- designs
- trade marks
- geographical indications
- copyright and related rights

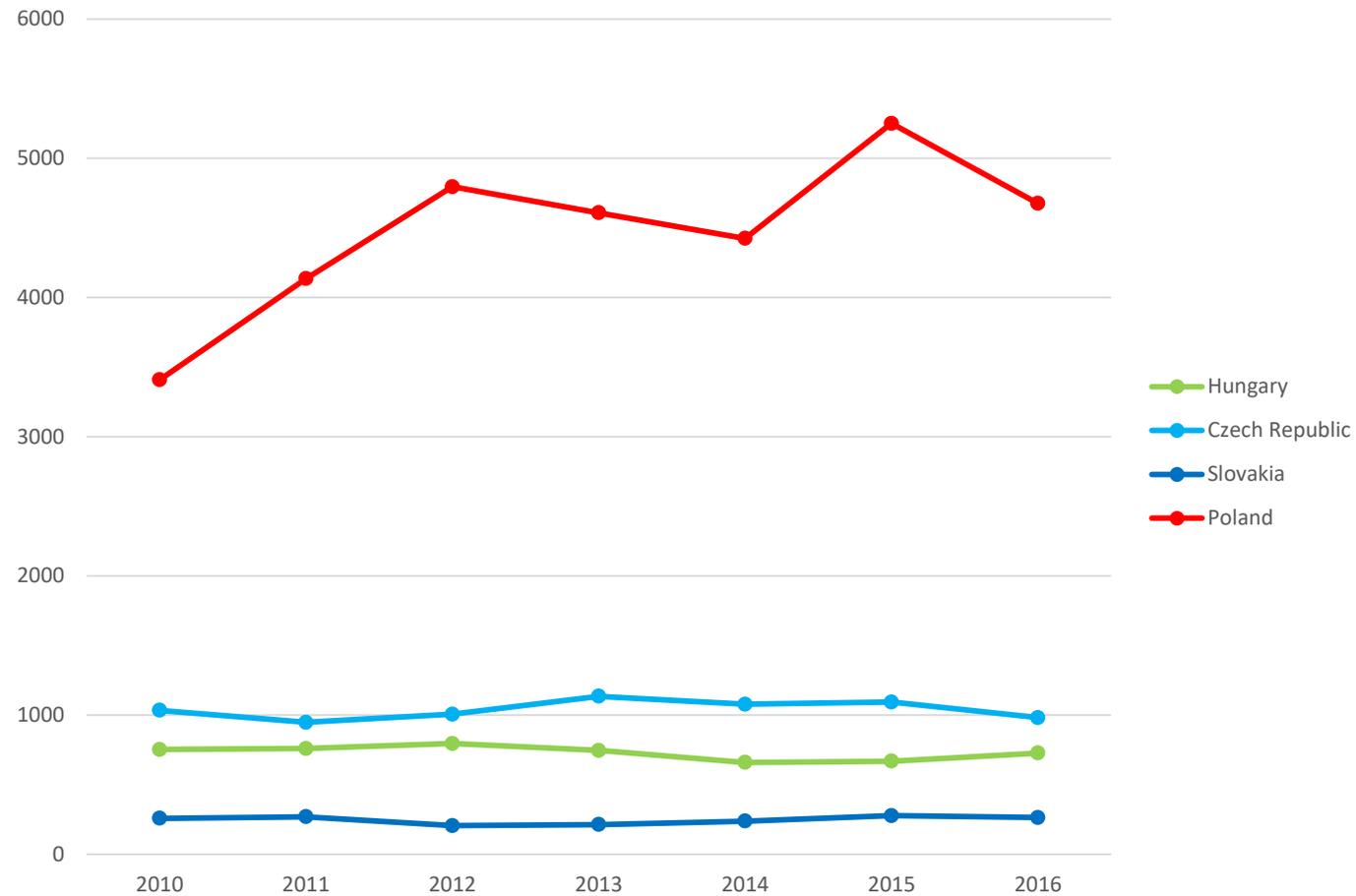
Acquisition of patent rights

Patents = territorial rights

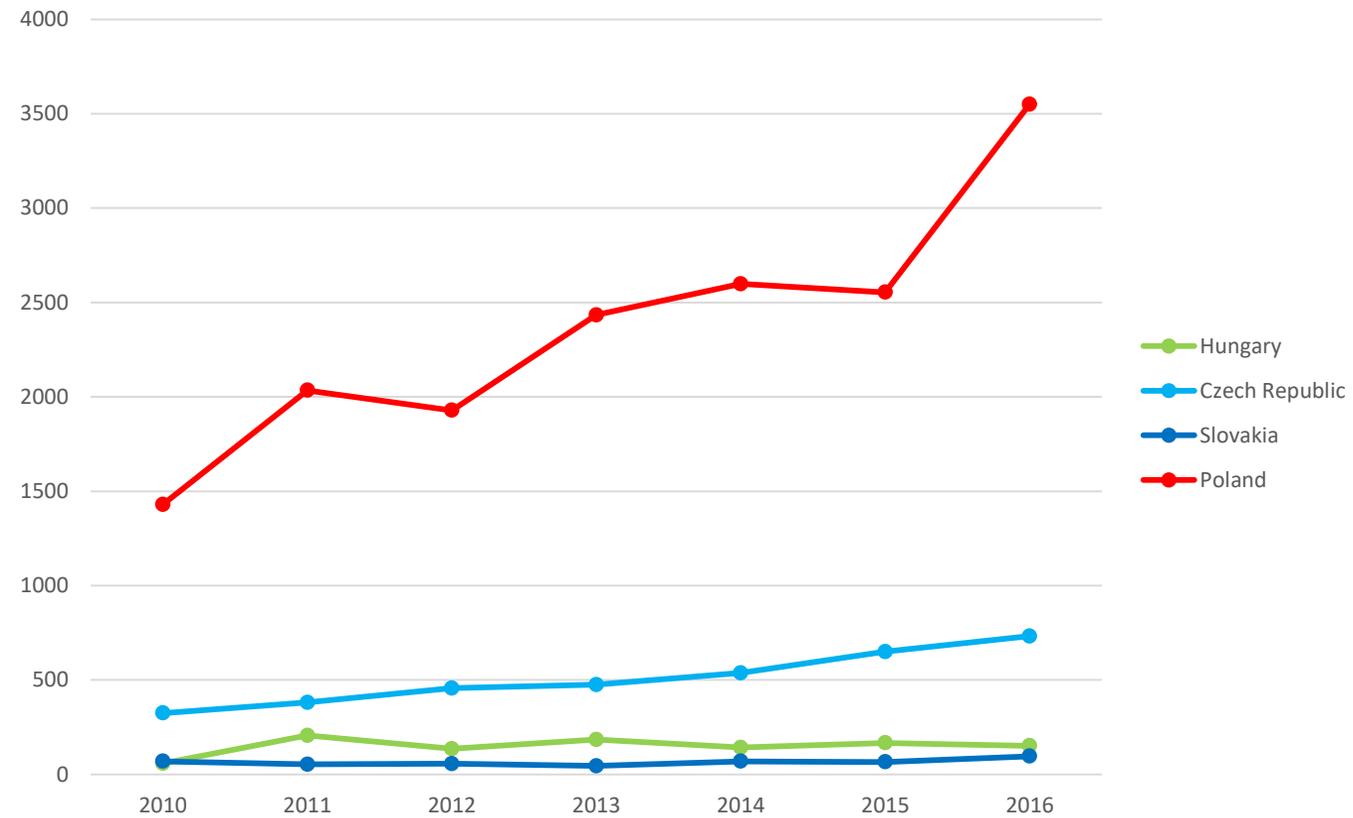
How to acquire patent protection?

- national route
- regional route (e.g. European Patent Convention)
- International route (Patent Cooperation Treaty)

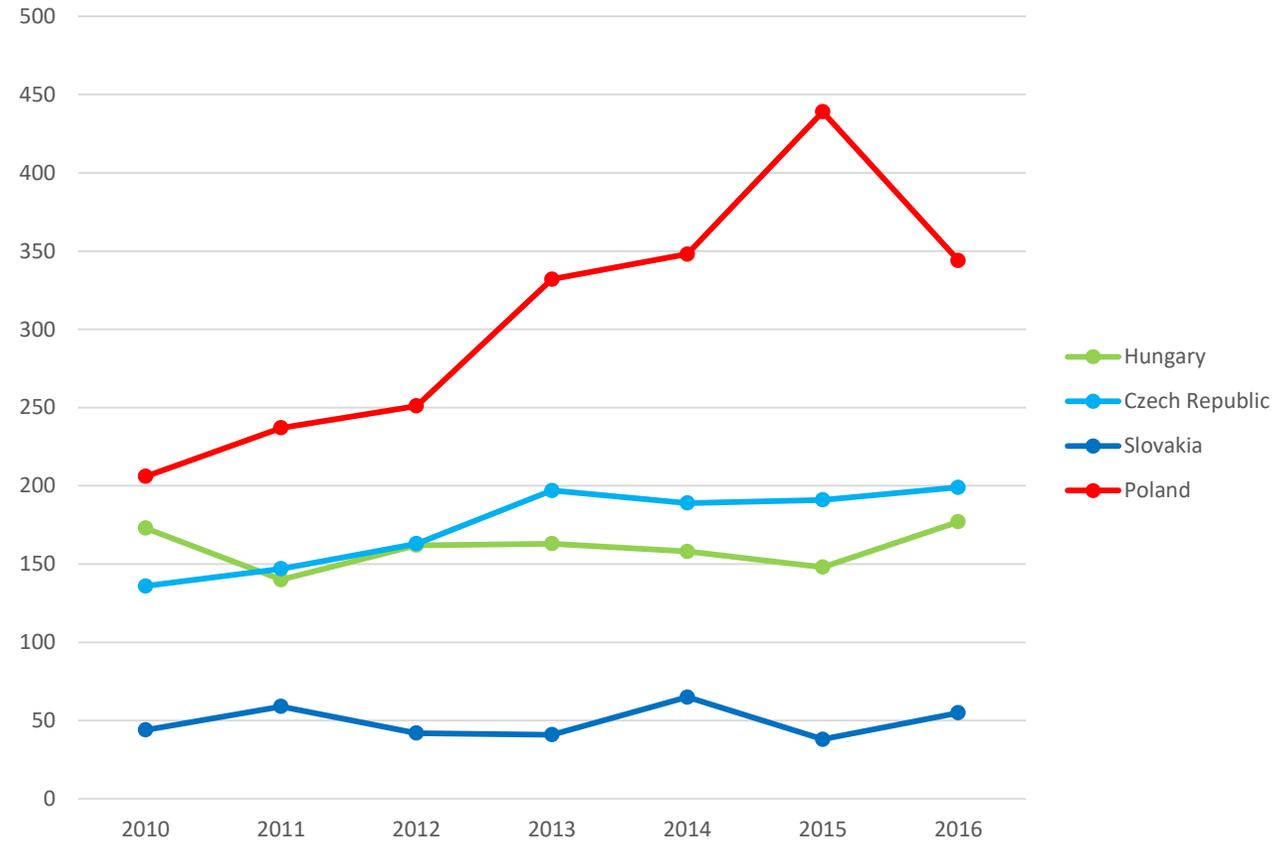
Patent applications by residents in V4



Patent grants in V4



PCT applications from V4



Who owns the IP generated?

- No harmonisation at EU level
- Generally no professor' privilege systems (except for SE and IT) in Europe
- Inventions by university staff shall be regarded as service invention
- Bayh-Dole Act like regulations: the research institutions shall own the IP (except for HU and EE)
- Collaboration between industry and academia – transfer of IP

Commission Recommendation and Council Resolution

Recommendation of the European Commission on the management of intellectual property in knowledge transfer activities (published in 2008)

Code of practice as Annex of the Recommendation

- Principles for an internal IP policy
- Principles for a knowledge transfer policy
- Principles for collaborative and contract research

Commission Recommendation

The Member states should

- ensure that all PROs define **knowledge transfer as strategic mission**
- encourage PROs to establish **IP management policies**
- support the development of knowledge transfer **capacities and skills**
- promote the **dissemination of knowledge** (open access/IP rights)
- improve the coherence of **ownership regimes**
- introduce or adapt **national guidelines and legislation** concerning IP management

Code of Practice

Principles for an internal IP policy

- Develop an IP policy
- Clear rules for staff and students
- Identification, exploitation and protection of IP
- Incentives
- Creations of coherent IP portfolios and pools
- Awareness raising and training

Code of Practice

Principles for a knowledge transfer IP policy

- Consider all types of exploitation mechanisms
- Professional knowledge transfer services
- Identification, exploitation and protection of IP
- Licensing policy
- Policy for the creation of spin-offs
- Sharing of financial results

Code of Practice

Principles regarding to collaborative and contract research

- Compatible with mission of each party
- IP issues clarified as early as possible
- Ownership
- Access rights

Hungarian Innovation Act in 2004

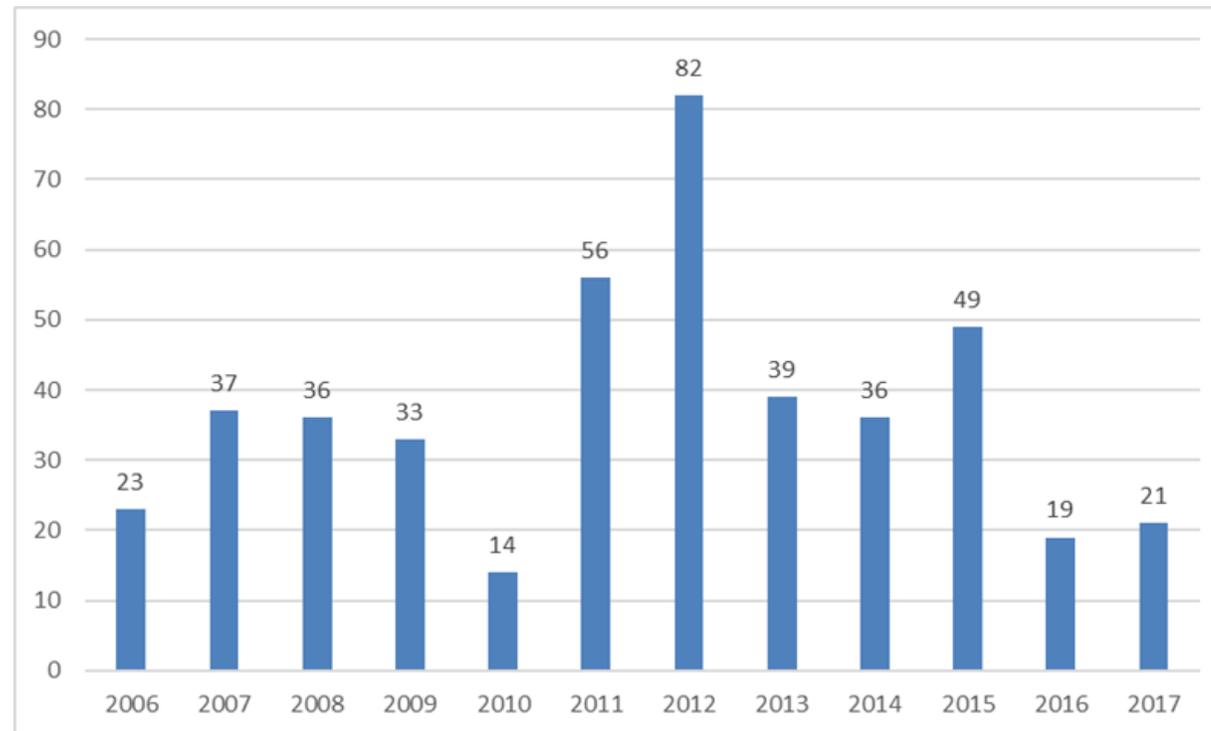
- PROs shall adopt an intellectual property rights management policy (IPR Policy)
- setting up a legal framework for spin-off companies
- researcher can work for a spin-off company
- a guide to facilitate the elaboration of individual IPR Policies

➡ **Act on RDI in 2014:** state ownership

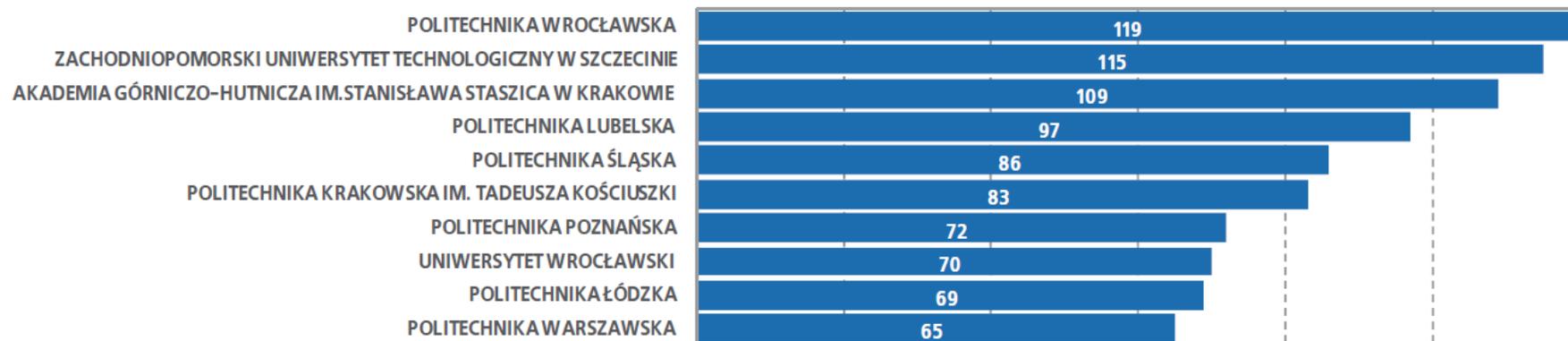
Similar legal environment in V4

- Service invention in patent acts
- Copyright acts
- Membership in the same international IP treaties
- Other specific legal regulation: Act on RDI (HU), Act on the support of R&D from public funds (CZ)
- University IP Policies

National patent applications by Hungarian HEIs



Top 10 Polish domestic entities with patent and utility model applications in 2016



PCT top applicants in V4 (2017)

CZ

ZENTIVA, A.S.
USTAV MAKROKOLEKULARNI CHEMIE AV CR, V. V. I.
LINET SPOL. S R.O.
ADUCID S.R.O.
CESKA ZBROJOVKA A.S.
SKODA AUTO A.S.
TRW DAS A.S.
CVUT V PRAZE
TECHNICKA UNIVERZITA V LIBERCI
USTAV ORSANICKE CHEMIE A BIOCHEMIE AKADEMIE VED CESKE
REPUBLIKY, V.V.I.

PL

UNIWERSYTET JAGIELLONSKI
POLITECHNIKA RZESZOWSKA
AIC SPOLKA AKCYJNA
UNIWERSYTET WARSZAWSKI
ZAKLADY FARMACEUTYCZNE POLPHARMA S.A.
INTERNATIONAL TOBACCO MACHINERY
INSTYTUT BIOLOGII DOSWIADCZALNEJ IM.M. NENCKIEGO PAN
INSTYTUT NISKICH TEMPERATUR I BADAN STRUKTURALNYCH PAN
IM.W.TRZEBIATOWSKIEGO
COPERNICUS SP. Z O.O.
POLITECHNIKA WROCLAWSKA

HU

EGIS GYOGYSZERGYAR RT.
CHINOIN GYOGYSZER ES VEGYESZETI TERMEKEK GYARA RT.
DEBRECENI EGYETEM
FLEXINNOVA KFT
LALLEMAND HUNGARY LIQUIDITY MANAGEMENT LLC
PECSI TUDOMANYEGYETEM
RICHTER GEDEON VEGYESZETI GYAR RT.
DIATRON MI ZRT.
OPTIFILTER RESEARCH ZRT.
PI HOLDING ZRT.

SK

SLOVENSKA POLNOHOSPODARSKA UNIVERZITA V NITRE
SLOVENSKA TECHNICKA UNIVERZITA V BRATISLAVE
USTAV MATERIALOV A MECHANIKY STROJOV SAV
ADROC TECH S.R.O.
LOGOMOTION, S.R.O.
BIATEC LASER TECHNOLOGY S. R. O.
CHEMPROTECT.SK S.R.O.
CONEY INTERNATIONAL K.S.
EKOM SPOL. S R.O.
ENERGIA TECH S.R.O

Challenges

- Political and operational priority (legislation and policy)
- Coordination of legitimate interest of stakeholders
- Sufficient resources (government funding)
- Critical mass of research results (IP)
- Trained staff
- Promotion of knowledge transfer and IP
- Patent applications in the academic promotion?

Visegrad Patent Institute

The VPI was appointed as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) as from July 2016.



Visegrad Patent Institute

- Search fee refund of 40 % if the earlier search carried out by any of the V4 national offices
- VPI issued 14 search reports in 2016 and 123 in 2017.
- Requests submitted in 2017: 48% PL, 30% HU, 17% CZ and 5% SK
- VPI became a full member of the *Global Patent Prosecution Highway* as from 1 January 2018

Parallel sessions in the afternoon: *How can university excellence boost innovation?*

- How can a university decide which core research competences to concentrate on in order to build “centre of excellence” ?
- What are the good examples of university-business cooperation?
- How do universities deal with IP and what are the priorities?
- What are the key issues of financing, motivation of researchers, etc.?
- From the perspective of IP – what grants comfort to business?

Parallel sessions in the afternoon:

How can university excellence boost innovation?

Panel participants

Tamás BENE, Director, Technology Transfer Office at University of Debrecen, Hungary

Ľubomír BILSKÝ, Director of science support section, Slovak Centre of Scientific and Technical Information, Slovakia

Marcin POSTAWKA, Deputy Director, Warsaw University of Technology, Centre For Innovation and Technology Transfer, Poland

Otomar SLAMA, Deputy Director, Centre for Knowledge and Technology Transfer of Charles University, Prague, Czech Republic

Tomas SZASZI, EMEA Strategy Leader, Honeywell | Honeywell Technology Solutions, Prague, Czech Republic



Moderator: **Joerg BAUER**, Co-Lead, AmCham Hungary Innovation Policy Task Force; President and CEO, Tungsram Group

Thank you for your attention!

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