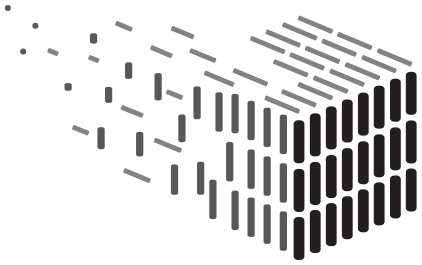


# D1.1.3 IPR Management Plan v1

**DURAARK**

FP7 – ICT – Digital Preservation
Grant agreement No.: 600908

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| **Lead beneficiary** | : | LUH |
| **Author(s)** | : | Ernesto Diaz-Aviles <diaz@L3S.de> (LUH), Stefan Dietze <dietze@L3S.de> (LUH), Östen Jonsson <osten.jonsson@ldb-centrum.se> (LTU) |
| **Responsible editor(s)** | : | Ernesto Diaz-Aviles <diaz@L3S.de> and Stefan Dietze <dietze@L3S.de> (LUH) |
| **Quality assessor(s)** | : | Thomas Bähr <Thomas.Baehr@tib.uni-hannover.de><br>Dag Fjeld Edvardsen <dag.fjeld.edvardsen@catenda.no><br>Reinhard Klein <rk@cs.uni-bonn.de> |
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# Executive Summary

This report presents the current plans for the intellectual property rights (IPR) management of the DURAARK project which aim at ensuring the wide accessibility and availability of all outcomes produced by the project. The document outlines the management structure in place, which will debate and decide issues concerning IPR and also includes a discussion of the intended licensing schemes for specific foreground artifacts, namely, reports, software, and datasets. Finally, we also present general policies regarding the knowledge dissemination activities which aim at making project foreground as accessible and open as possible.

# Table of Contents

# 1 Introduction

In this report, we present the initial version of DURAARK's IPR management plan, which outlines the IPR strategy and specific procedures which aim at ensuring the wide accessibility and availability of all outcomes produced by the project. This document is the first version of the overall IPR management plan which will be updated continuously throughout the project and refined along with the project's progress. While at the current stage assumptions about implications of some of the expected outcomes have to be made, these will be refined throughout the course of the project, allowing for greater specificity and detail, leading up to a final and complete IPR management plan.
This has been informed by the best practices documented in documents such as:

- Guide to Intellectual Property Rules for FP7 projects. Version 3. European Commission. Seventh Framework Programme (FP7). `ftp://ftp.cordis.europa.eu/pub/fp7/docs/ipr_en.pdf`. Document fetched in March, 2013
- Introduction to IP rules in FP7 Projects. IPR Help Desk. European Commission. `http://www.iprhelpdesk.eu/node/420`, 2011
- How to Manage IP in FP7 During and After the Project. IPR Help Desk. European Commission. `http://www.iprhelpdesk.eu/node/587`, 2011
- M. N. Oonagh. Make Research Work for Your Company. The European Communities. `http://ec.europa.eu/research/sme-techweb/pdf/use_diffuse.pdf`, 2009
- Case Study: DIRA–GREEN: The Importance of an IP Management Structure in a Research Project. IPR Help Desk. European Commission. `http://www.iprhelpdesk.eu/node/1461`, 2012
- ERC Scientific Council guidelines for open access. European Research Council. `http://erc.europa.eu/`, 2007

In order to successfully achieve the potential impact of project results, the DURAARK consortium has established an appropriate management structure to properly deal with the different issues related to intellectual property (IP), likely to arise during the development of our collaborative project. DURAARK's management structure has the

function of ensuring smooth implementation of the project and optimal exploitation of the resulting knowledge represented by tangible and intangible assets.

# 2 Overall Vision

DURAARK will produce a range of IP types, involving reports and publications, software as well as data. The dissemination and sustainability strategy will ensure a wide dissemination and availability of any project results, by defining and assessing the licensing implications of any used background (e.g. software libraries), allowing the early consideration of such aspects in project-related decisions and design choices, and will also define the licensing models for individual project outcomes together with the general sustainability strategy. To this end, this deliverable will be aligned with and complement the dissemination plan (defined in D8.8.2). While IPR assessment and strategy are strongly dependent on the project-specific outcomes (for instance, the software and data produced within individual work packages), this document will be updated continuously to reflect the progress in the project.

# 3 Previous preparations

Östen Jonson (LTU) has been appointed by the consortium to lead the sustainability and dissemination activities of the project, including IPR issues. Before the project started, the partners signed the Consortium Agreement (CA) of the project for the management of the knowledge produced, which was developed around the following major points:

- The partners identified their pre-existing know-how, to which they grant access rights to the consortium in the Annex 1 to the Consortium Agreement. Partners were able to define the scope of already existing IPR ("background") to which access rights will be granted to the entire consortium.
- The contractors agreed that the access rights on the knowledge needed for carrying out the project shall be granted on a royalty-free basis.
- All project results (foreground) will be available for use to all DURAARK partners.
- IP arising from the work carried out collectively will be the joint property of the partners. In this case, the partners will jointly apply to obtain and/or maintain

the relevant rights and shall strive to set up amongst themselves appropriate agreements in order to do so. Decision-making procedures are well-defined in the CA. Knowledge/IP generated within the life of the project by individual partners will be owned by the partner generating it.

For the knowledge produced within the scope of the DURAARK project which is of industrial and commercial value, the knowledge will be protected as follows:

- For the knowledge of industrial or commercial application value, its owner will provide for its adequate and effective protection in conformity with relevant legal provisions, the contract, grant, and the consortium agreement, and having due regard to the legitimate interests of the participants concerned.
- In the case where an "originator" partner would decide in its sole discretion that it does not intend to seek adequate and effective protection of certain of its knowledge from the project, then, the originator shall inform in writing to the other partners, through the coordinator. Any contractor interested in applying to obtain and maintain such protection shall advise the other contractors through the coordinator in writing, within one month of receipt of relevant notice. In case several contractors are interested in applying so, they shall strive to set up appropriate agreements amongst themselves and with the originator in order to do so.

Note that the role and responsibilities with respect to IPR of each partner are described in detail in the Grant Agreement (GA), and detailed in the Consortium Agreement (CA). The IPR agreement will be updated based on specific foreground knowledge during the course of the project.

# 4 IP in DURAARK

In DURAARK, we distinguish three main types of generated foreground artifacts subject to IP protection, namely, reports, software, and datasets, defined as follows, together with their default intended licensing scheme. Note that the Executive Board can revise this licensing scheme on a case-by-case basis if necessary, and according to the voting scheme defined in the CA.

- **Reports.** This category includes Publications, Technical Reports and Best Practices Documents generated within DURAARK.

  For example, the technical reports corresponding to the following deliverables:

  - Requirement Document (D2.2.1)
  - System Architecture and Specification (D2.2.2 and D2.2.3)
  - Meta Data Schema Extension for Archival Systems (D3.3.1)
  - Ontological Framework for Semantic Digital Archive for Building Components (D3.3.2)
  - Current State of 3D Object Digital Preservation and Gap-analysis Report (D6.6.1)
  - Ingest and Storage of 3D Objects in a Digital Preservation System (D6.6.2)
  - Report on Sample Preservation Planning for 3D Objects (D7.7.1)
  - Use case (show case) SME: Design and Reconstruction (D7.7.2)
  - Use case (show case): Long term Archiving (D7.7.3)
  - Evaluation (D7.7.4)

  The technical reports associated to the prototypes developed within DURAARK also fall in this category.

  DURAARK Best Practices documented in the following deliverables are also examples of foreground artifacts of type *Reports*:

  - Project Collaboration & Communication Infrastructure (D1.1.1)
  - Quality Assurance & Risk Management Plan (D1.1.2, D1.1.4, and D1.1.6)
  - IPR Management Plan (D1.1.3, D1.1.5, and D1.1.7)
  - Dissemination Master Plan and Publicity Material (D8.8.2 and D8.8.4)
  - Market Study and Exploitation Plan (D8.8.5 and D8.8.7)
  - Dissemination Reports (D8.8.3, D8.8.6, and D8.8.8)

- **Software.** This category includes any piece of software (e.g., prototypes, components, demonstrators) developed within DURAARK, for example:

  - Software Prototype (D2.2.4, D2.2.5, D4.4.1, D4.4.2, and D4.4.3)
  - Recognition of Meaningful Shapes – Point Cloud Compression – IFC storage prototype (D5.5.1, D5.5.3, and D5.5.5)
  - Shape Grammars for Almost Invisible Objects Software Prototype (D5.5.2, D5.5.4, and D5.5.6)

- **Datasets.** This category includes data collections produced as foreground within the project, including raw data and metadata. Examples include "D3.3.3 Semantic Digital Archive".

  The IPR management activities for all these artifact types have to consider, right from the start of the project, any implications arising from potentially reused or exploited third-party material. For instance, while service- and component-based software development usually involves the reuse of a range of software libraries and public Application Programming Interfaces (APIs), DURAARK will consider any implications arising from such reuse and steer the project towards the widest possibility, availability and re-usability of its outcomes. Assessment of used data, software or knowledge has been established as a continuous process to be carried out throughout the project as a means to inform all design decisions.

# 5 IPR Strategy and Management

In this section we describe the overall strategy, the related decision-making procedures and the current licensing consideration for the identified artifact types.

## 5.1 Ownership

Any IP generated jointly by several beneficiaries will be assumed by the DURAARK IPR strategy, as being jointly owned, unless the beneficiaries concerned agree on a different solution, as specified in Section 8 of the CA. The details of the joint ownership management will be developed during the project in the Dissemination Plan (D8.8.3), and finalized in the final Market Study and Exploitation Plan (D8.8.5) developed within WP8 and led by the Dissemination and Sustainability Manager.

## 5.2 Decision Making Procedures and Management Structures

The DURAARK management structure includes an *Executive Board* and a *Technical Board*.

The strategic direction is assigned to the **Executive Board**, which is appointed, reported and is accountable to the *General Assembly*, as specified in the CA. Amongst the Executive Board issues concerning intellectual property rights (e.g., patent filings and fees payments, IP licensing, royalty schemes and the like) are debated and decided by a two-thirds majority, as established in Section 6 of the CA.

Issues of a technical nature, e.g., analysis and evaluation of innovative technology suitable for prospective patent protection, are debated and decided by two-thirds majority within the **Technical Board**, where all members are represented, and it is overseen by the Technical Manager.

The Executive and Technical Board abide by the obligation of mutually reporting their respective activities, as well as exercising a mutual control over them. The consortium has specifically appointed a **Dissemination and Sustainability Manager**, to coordinate and report on the exploitation activities. The Executive Board and the Dissemination and Sustainability Manager are therefore collectively responsible for the management of the project foreground.

The Executive Board furthermore governs the background access rights, from their initial definition set out in the CA. In particular, the latter states that Background Access Rights can be extended during the project by the owner, while only the Executive Board can permit a party to withdraw any of its background from the CA.

## 5.3 Protection

DURAARK's valuable foreground must be protected. If a particular beneficiary decides not to protect foreground, this decision should be made in consultation with the Executive Board, where all beneficiaries are represented. The other beneficiaries may wish to take the ownership and protect the project results (e.g., as a new patent, software component, trade secret).

In the case where nobody takes ownership and valuable foreground is unprotected, the European Commission should be informed by the Project Coordinator (at least 45 days prior to any dissemination act) and may assume ownership (prior notice and consent of

the beneficiary concerned). However, the aforementioned beneficiary may refuse consent, but only if it would suffer disproportionate harm.
As mentioned before, we consider three main types of generated foreground artifacts subject to IP protection: reports, software, and datasets, whose default intended licensing scheme is presented as follows. Note that the Executive Board reserves the right to revise this licensing scheme on a case-by-case basis.

- **Reports.** Preferred license scheme: Creative Commons license (creativecommons.org). Which by default will be a **Attribution + No Derivatives** or **CC BY-ND**. This license grants permissions to share, copy, distribute, and transmit the work, and it also allows to make commercial use of the work, provided that the work is attributed in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work) and that the work may not be altered, transformed, or be used to built upon. The full text of the license is available at `http://creativecommons.org/licenses/by-nd/3.0/legalcode` .

- **Software.** DURAARK preferred IP scheme for the software is an Open Source License approved by the *Open Source Initiative – OSI* (`http://opensource.org/`). In particular and by default, we intend to use the GNU Lesser General Public License or LGPL (`http://www.gnu.org/copyleft/lesser.html`). LGPL allows developers (e.g., in academia and companies) to use and integrate LGPL software into their own (even proprietary) software without being required to release the source code of their own software-parts. This represents a compromise between the strong *copyleft* of the GNU General Public License or GPL and permissive licenses such as the BSD licenses and the MIT License[1].

  In cases where proprietary libraries are needed to carry out the project, this might prevent the use of an Open Source license. If this case arises, a different protection scheme will be discussed and agreed by the Executive Board on a case-by-case basis. The project philosophy is to also prefer open licenses for the external libraries or components to be used. This paradigm will also be considered during all design decisions, allowing the wide reuse and dissemination of project results.

- **Datasets.** Preferred license scheme: Creative Commons license (creativecommons.org). Which by default will be a **Attribution + No Derivatives** or **CC BY-ND**.

[1] `http://en.wikipedia.org/wiki/GNU_Lesser_General_Public_License`

Note that datasets publicly available or made accessible to DURAARK by contributors, might be used to conduct part of the activities of the project, e.g., experimentation or model evaluation. Such datasets are protected by their original author and subject to licenses that might restrict redistribution. DURAARK will observe the licensing terms and abide to the terms of use.

## 5.4 Dissemination

The general dissemination strategy of DURAARK will be described in detail in D8.8.3, while we provide an overview of some general aspects in this section. DURAARK dissemination policy is to disseminate as swiftly as possible, always in a way that is compatible with the protection of the IPRs, confidentiality obligations and legitimate interests of the owners (any disclosure, prior to filing for protection, may invalidate a subsequent or potential valuable protection). Therefore, before any foreground is made available to the public, a decision on its possible protection is made by the Executive Board.

Any dissemination activity should be informed to all beneficiaries (at least 45 days prior notice), and may object to the dissemination activity if their legitimate interests in relation to their foreground could suffer great harm.

Any foreground artifact, e.g., reports, software, and datasets, which is made available through the project Website, must clearly specify the corresponding license, which includes the terms of use that have to be accepted before accessing (e.g., reading or downloading) the artifact and acknowledge the European Commission and grant agreement under which it was produced.

For **scientific peer-reviewed publications**, DURAARK policy is to make them available through research repositories, e.g., ArXiv (`http://arxiv.org/`), DURAARK's Website, or an institutional repository, and subsequently made Open Access within 6 months of publication.

All public DURAARK deliverables will be made accessible through the project's website as soon as they are approved by the commission.

Beneficiaries shall always highlight the financial support obtained by the EU to carry out the project by adding a specific statement of financial support, when the foreground is protected, used and/or disseminated, mentioning the following text:

***The research/work leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under Grant Agreement no 600908 - DURAARK -.***

# 6 Conclusion

We have successfully established the necessary strategy for IPR management as a best practice to achieve the overall project goals. We also outlined the dissemination policies, as well as the intended licensing schemes for the DURAARK's outcome, in specific, for reports, software and datasets. The processes and mechanisms outlined in this document reflect the DURAARK spirit to make the foreground as accessible and open as possible, within the restrictions of the Consortium Agreement.

# References


[1] Guide to Intellectual Property Rules for FP7 projects. Version 3. European Commission. Seventh Framework Programme (FP7). ftp://ftp.cordis.europa.eu/pub/fp7/docs/ipr_en.pdf. Document fetched in March, 2013.

[2] ERC Scientific Council guidelines for open access. European Research Council. http://erc.europa.eu/, 2007.

[3] How to Manage IP in FP7 During and After the Project. IPR Help Desk. European Commission. http://www.iprhelpdesk.eu/node/587, 2011.

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[5] Case Study: DIRA–GREEN: The Importance of an IP Management Structure in a Research Project. IPR Help Desk. European Commission. http://www.iprhelpdesk.eu/node/1461, 2012.

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