



Declaration of Support relating to the Membership of the European Energy Research Alliance (EERA)

Context: the SET-plan

As outlined in the European Strategic Energy Technology Plan (SET-plan), energy technologies will be crucial to successfully combat climate change and securing world and European energy supply. Achieving Europe's 2020 and 2050 targets on greenhouse gas emissions, renewable energy and energy efficiency will require the deployment of more efficient and new technologies. Europe's potential to develop a new generation of decarbonised energy technologies is enormous. However EU energy research is fragmented, dispersed and often under-funded. If the opportunity facing the EU is to be seized, actions to develop new energy technologies, lower their costs and accelerate the process to bring them to the market must be better organised and carried out more efficiently.

The European Energy Research Alliance

On the 27th of October 2008, ten research institutes have taken the initiative to establish a European Energy Research Alliance (EERA). This initiative has been conceived with the close collaboration and support of the European Commission. The EERA aims to strengthen, expand and optimise EU energy research capabilities through the sharing of world-class national facilities in Europe and the joint realisation of pan-European research programmes. Development of promising technologies is often hampered at national level as there appears to be sub-critical mass in individual countries. National and European energy R&D programmes have to be streamlined and coordinated, to achieve accelerated energy technology development which can subsequently be shared and implemented via the commercial community. The primary focus of the EERA is on the strategic and targeted development of next generations of energy technologies drawing on results from fundamental research and maturing technologies to the point where it can be embedded in industry driven research.

Governance of the EERA

In 2009, a governance structure for the EERA has been accepted and implemented. A distinction is made between membership of the EERA Executive Committee and Membership on a programme level. Membership of the EERA is in principle open to all research organisations that can bring in significant R&D capacity and own resources to a Joint Programme of research in a particular field. The outline of the governance structure is available for download at the EERA website. The EERA will evolve over time as experience is gained in the implementation of Joint Programmes, possibly towards a legal structure in accordance with the EC Treaty. The Joint Programmes are the core activities of the EERA. Participants which significantly contribute to a Joint

Programme and as such are listed in the corresponding Description of Work will become Member of the EERA by signing both this Declaration of Support, that outlines the general principles of the EERA, and the Letter of Intent, thus expressing their commitment to contribute to a specific Joint Programme.

Key objectives of the EERA

The high-level objectives of the Alliance will be to:

- Accelerate the development of new energy technologies by conceiving and implementing Joint Programmes of research in support of the SET-Plan priorities, pooling and integrating activities and resources, combining national and Community sources of funding and maximising complementarities and synergies, including international partners.
- Work towards a long term, durable integration of excellent but dispersed research capacities across the EU, overcoming fragmentation, optimising the use of resources, building additional research capacity and developing a comprehensive range of world class pan-European energy research infrastructures.
- Strengthen Europe's capacity to initiate and execute large precompetitive high-risk high-gain research and development programmes.
- Develop links and sustained partnerships with industry to strengthen the interplay between research outcomes and innovation, facilitate industry access to world-class research and ensure the early take-up of promising results.
- Develop training, education and outreach activities, encouraging researcher mobility, providing a training environment for new researchers and professionals in strategic energy sectors and raising public awareness.

Main tasks of the EERA

In order to contribute to achieving the SET-Plan objectives and strengthen the research base in the EU, the EERA aims to:

- Identify and define Joint Programmes of research to be carried out by EERA-coalitions consistent with the SET-Plan taking into account activities of European Technology platforms and Industry Groupings.
- Implement Joint Programmes through the exploitation of existing 'own' resources (staff, facilities and funding as appropriate) from participating organisations, according to agreed rules, and attracting additional resources from other sources adding to scale and impact while ensuring coherence with other activities in the same fields.
- Share information and strategic plans to help identify strengths, weaknesses, overlaps and gaps, to determine potential areas coordinated efforts.
- Proactively engage with industry to create and exploit partnerships of mutual interest and benefit.
- Support pre-normative research efforts at Community level for energy technologies.
- When appropriate, engage in International Cooperation actions with leading research organisations in developed and emerging nations in support of the EU strategy on energy technology.
- Systematically monitor and review the progress of the Alliance and its research programmes, using appropriate indicators, in association with the SET-Plan Information System (SETIS).

owned in shares according to intellectual contributions of the employees of the participants.

Results must be protected where appropriate

Protection of results is a prerequisite for successful commercialisation. The participants of EERA should always consider carefully whether filing for protection of a result would be reasonable when the value of protection and the prospect for commercialisation are taken into consideration.

Background knowledge should be available to EERA projects

The participants in EERA projects recognise that they all have their individual areas of expertise and valuable background knowledge which could be of particular relevance for EERA projects. All EERA participants should support EERA projects by making available relevant background knowledge to the other participants if it is of relevance to an EERA project. However, no participant is obliged to grant access to its background knowledge.

To ensure that expectations are matched when preparing a joint EERA project proposal, the participants should as part of the preparation consider whether access to existing background knowledge of any of the participants will be required for carrying out the project or for exploiting results after completion of a project. The participants should identify any such background knowledge in writing.

The participants of EERA agree that any access to background knowledge will be subject to an agreement between the relevant participants. The terms and conditions of such access should reflect the purpose for which access to background knowledge is granted (project use/execution or commercial exploitation).

Access to project generated knowledge should be available to other EERA projects

The results from multiple projects within a work program may form a coherent platform for further use or commercialisation. The participants of EERA should always consider the possibility for creating coherent platforms and in good faith negotiate the required access to results to generate such platforms. Access must, however, be agreed between the EERA participants and no participant is obliged to grant access to generated results.

Licensing should generally be non-exclusive

The basic principle for access to EERA results and Background knowledge is non-exclusivity. However, the participants of EERA recognise that in order to find partners willing to fund further development of technology and move this into the market an exclusive license may be required. If an exclusive license is required, the EERA participant should always ensure that such license is defined and limited in its field of use, geographical area and duration. Further appropriate measures should be taken to ensure that the use of exclusively licensed technology will be pursued actively by the licensee.

Especially for enabling technologies the participants should ensure that exclusivity is even more limited in order to secure the possibility of spreading the technology to the widest extent possible.

The participants of EERA also recognise that licensing of results might not be sufficient or the best way to secure commercialisation. On the other hand, an assignment of ownership to results would imply a loss of control of the assigned results which could affect the research of EERA participants. But if assignment is considered as the best way to commercialise results, the participants of EERA may decide to do so.

Joint commercialisation should be pursued where possible

Commercialisation of a coherent set of results from a project is often more attractive to potential buyers of the results. Therefore the EERA participants should in each project and work program consider the possibility to jointly commercialise individually and jointly owned results.

The participants should consider appointing a commercial lead when preparing a joint EERA project. The role of the commercial lead would be to maintain focus on the commercial aspects (potential user feedback) and possibilities of the project and to ensure that these are considered throughout the duration of the project.

The participants should consider the mandate of the commercial lead and if appropriate include it in the contract.

EERA aims for commercialization in a global energy technology arena

The participants of EERA wish to facilitate the most efficient and effective utilisation of EERA results without distorting the competition in the market. Therefore all commercial exploitation of EERA results should be on market term and with no preference to companies registered in Europe.

EERA IPR Policy – October 2009

In the Declaration of Intent (“DoI”) the founding members of EERA have described the context, governance, key objectives and tasks of EERA. In line with the DoI the participants of EERA wish to ensure rapid uptake and adoption of new technologies, efficient and effective cooperation with industry and strengthening of European competitiveness and industrial activity. Furthermore, EERA participants wish to create and maintain a sound foundation on which the continuous development of EERA can be based. Hence it is important to ensure that results generated in EERA projects are protected and commercialised. Commercialisation should be done on market terms in order not to distort the competitiveness in the market.

The participants of EERA wish to be able to set up projects quickly and efficiently with a minimum of bureaucracy thereby maintaining speed and focus on the scientific challenges to be addressed. Agreement on an IPR policy within EERA will further this. An IPR policy will provide existing and new participants of EERA a transparent and predictable frame for cooperation and enable EERA to draft template agreements to be used in EERA projects thereby minimising the time spent negotiating agreements for individual projects.

Most participants of EERA are familiar with the existing legal regime of the European Union’s 7th Framework Programme. The terminology and principles are well established and recognised and will to the extent possible be used as basis for drafting EERA templates.

The EERA IPR Policy is mandatory for all participants of EERA and should be considered, respected and adhered to in each individual project.

Purpose

This EERA IPR Policy will be the common understanding and foundation for efficient and effective utilisation of results generated in EERA projects and shall ensure that the rights of the EERA participants are properly taken into account.

The policy shall also ensure an equitable transfer of results and know-how to industry thereby furthering the objectives of EERA and generating reasonable return on investments made by EERA participants.

The EERA IPR principles

The EERA policy on intellectual property rights are based on seven principles.

Ownership of results and inventions remain with the inventing institutions

Results and inventions generated in an EERA project should remain with the participants, whose employee(s) generated the results and inventions. In case of a joint effort leading to results or inventions, ownership of such results should be jointly

Intellectual Property Rights

The EERA Executive Committee has agreed upon the general principles of dealing with Intellectual Property Rights within the EERA Joint Programmes. The general principles are given in Appendix A.

Membership of the EERA

I, the undersigned, fully subscribe to the objectives and tasks of the EERA.

A handwritten signature in black ink, consisting of a stylized, cursive letter 'J' or 'G' enclosed within a circular loop.

.....

Groningen, 4 juli 2013