IMI Financial and IP matters

Magali Poinot
Legal Manager
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
Who is eligible for IMI funding?

- 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
Which activities at which rate?

- 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
Main categories of eligible costs

- Personnel
- Other direct costs
  (Equipment, Consumables, Travel...)
- Subcontracting
- Overheads
Eligible vs. Ineligible 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

- 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
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 programme)*
Simplified accounting/reporting

- 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
Payments

- Pre-financing at grant agreement signature
- Yearly interim payments following reports’ approval
  - Both cannot exceed 90% of the maximum IMI JU contribution
- Final payment, including any needed adjustments following final reports’ approval
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
Basics (1)

- Background remains the exclusive property of each participant
- Foreground are owned by the generator(s), unless otherwise agreed
- Protection lies with the owner(s)
- Mandatory mention of IMI support / EFPIA in-kind contribution in any dissemination support / patent application
Basics (2)

- Non-exclusive access rights, granted on written request unless otherwise agreed
- No sub-licences, unless otherwise agreed
- Not affected by the termination of participation
- Conditions to be agreed depending on the purpose:
  - Project completion
  - Research Use -> further developments
  - Exploitation -> commercialisation
## Access Rights: conditions

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

- **Rules for Participation** *(part of the Call Documents)*
- **IMI model Grant Agreement** *(lastly revised in March 2013)*
- **IMI Financial Guidelines** *(lastly revised in June 2013)*
- **IMI Reporting Templates and Guidelines** *(February 2012)*
- **IP Guidance Note** *(November 2010)*

www.imi.europa.eu/content/documents
Questions?

Visit the IMI website: www.imi.europa.eu

E-mail us

IMI Helpdesk: infodesk@imi.europa.eu
SOFIA Helpdesk: sofia@imi.europa.eu