

UNIVERSITY OF LUXEMBOURG

**GUIDING PRINCIPLES FOR
THE VALORISATION OF RESEARCH RESULTS AND
INTELLECTUAL PROPERTY RIGHTS**

Version 1 – April 2009

Executive Summary

In order to define a coherent and structured policy for the valorisation of research results, the University of Luxembourg (UL) adopts the following principles for employees having a working contract with the UL :

- 1) The UL develops a strong culture favouring the valorisation of research results.
- 2) The UL uses the widest possible means for valorising its research results including contractual cooperation with the private sector, systematic protection of Intellectual property rights (IPR), licensing of these IPR and the creation of spin-off companies.
- 3) The UL adopts the principle of ensuring the highest level of protection of research results over the coming years.
- 4) Revenues generated through the commercial exploitation of a patent owned by the UL are shared as follows:
 - 50% of the gross revenue generated by the direct exploitation of the patent to the inventors, divided up according to their contribution to the invention as defined in the invention statement.
 - 50% of the gross revenue to the UL.

This sharing applies in general but will not apply in the case of a litigation related to the patent. In such a case, all the litigation costs shall be deducted.

- 5) For the specific case of copyrights related to non-patentable software, the UL will afford to the employee who declares the non-patentable software, an equitable share in the revenue generated by the direct exploitation of the non-patentable software, on a case-by-case basis.
- 6) Literary and artistic works protected by copyrights (such as publications, books, paintings art, etc...) belong to their authors. This principle do not concern works performed by the UL as part of a service offered under contract by the UL to a third party. In this case the UL will transfer the copyrights to the third party that ordered the work.
- 7) Decisions relating to the implementation of this policy are made by the Rectorate.
- 8) The Rectorate will draw up an annual report on the status and development of the IPR portfolio held by the UL as well as the exploitation of research results.
- 9) The Rectorate is supported by Luxinnovation in all aspects of the valorisation of research results (awareness raising, detection, protection and exploitation) and will negotiate adequate amendments to the first collaboration agreement signed on 21st March 2007 in the coming months.

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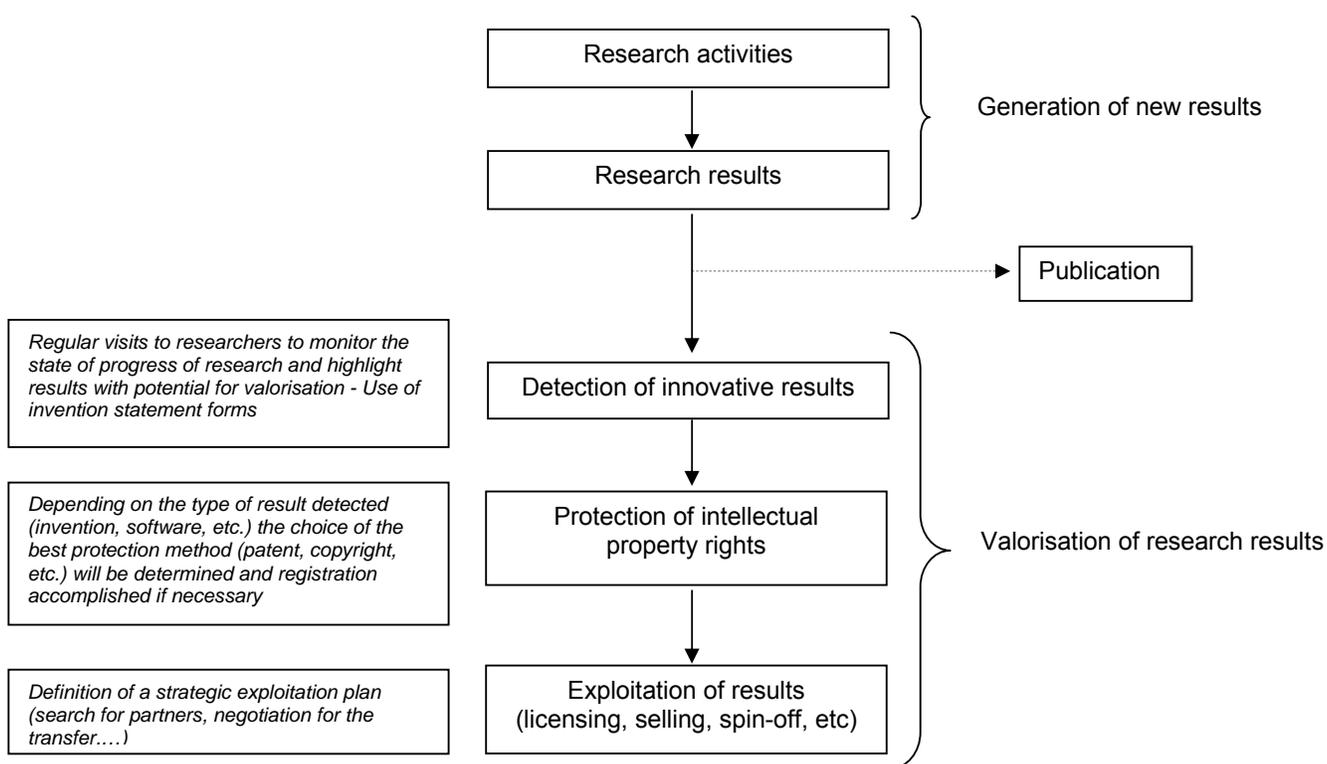
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1. Developing a Dynamic Policy for the Valorisation of Research Results

1.1. DEFINITION OF VALORISATION

Valorisation may be defined as all initiatives and activities undertaken with a view to increasing the value of research results and, more generally, enhancing knowledge. More specifically, valorisation involves the means used to adapt knowledge, results and capabilities acquired in research units to fit the socio-economic environment.

The procedure for the valorisation of research results is illustrated below:



Once research results are obtained, they can be published in a scientific journal and/or valorised socio-economically. These two approaches are not mutually exclusive but publication before prior filing of results with a valorisation potential has to be avoided (otherwise, the invention will not be new anymore and therefore not be patentable anymore).

The valorisation of research results allows to :

- accelerate scientific advances
- provide improved recognition of the skills of university research units
- maintain Luxembourg's competitiveness and contribute to its socio-economic development
- provide new ways of financing research.

1.2. THE UNIVERSITY'S APPROACH

The University of Luxembourg (UL), which is a driving force for societal and economic development in Luxembourg, has set up an approach for valorising its research results.

This approach is enshrined in:

- The law of 12th August 2003 by which the UL was founded and which states that valorisation is one of the UL's missions:
- Art. 2 Missions and objectives: The missions of the University (...) are to e. encourage the work of researchers, develop scientific culture, disseminate knowledge and exploit research results; (...)
- Art. 13. Research: (1) The University will develop and exploit both basic and applied research. (...)

- The UL's mission statement as approved by the Board of Governors on 16th April 2005, in which the UL defines its strategic positions of excellence in selected fields of research : "It promotes the rapid deployment of such research through innovation. (...) These centres of excellence are based firstly on (...) and secondly on fields with innovative development potential"

- The UL's 4-year plans, which define, in particular, primary and secondary research priorities.

- The collaboration agreement signed between Luxinnovation and the University, dated 21st March 2007 which covers 4 different topics: European programmes, cooperation with industry, communication and valorisation of research results.

The UL's general policy objectives in terms of valorisation of research results are as follows:

- Improve the UL's international scientific visibility;
- Encourage and promote the dissemination of UL's research results in the socio-economic environment;
- Keep researchers and attract new ones for whom the valorisation of their work and the resulting social and economic impacts are important besides the publication;
- Encourage the creation of spin-off and start-up companies;
- Develop a culture within the UL that favours the scientific and valorisation of research results.

To fulfil these objectives, the UL implements a coherent, structured policy to protect intellectual property rights and to support the valorisation of research results.

The basic principles listed below may be modified by specific texts for particular situations.

2. Different Steps of Valorisation of Research Results

The general procedure applicable in the UL is the following:

2.1. STEP 1 - DETECTING INNOVATIVE RESULTS

Detection is a structured and systematic procedure to highlight results of an innovative nature with valorisation potential. This involves regular meetings with UL researchers to monitor the state of progress of their work, as well as raising awareness among staff, such that they develop a way of working (laboratory notebooks, use of non-disclosure agreements, etc.) that encourages the valorisation of research results.

Detected results are reported in an Invention Statement by the inventor. This statement comprises two documents (see Appendices 1 and 2) and is sent to the Rectorate, which decides whether to initiate protection proceedings.

UL researchers are required to declare the results of work that has valorisation potential.

The following procedure is applicable.

- The researcher fills in Form A (see Appendix 1). This 1-page document is treated as the declaration of innovative results. It gives the Rectorate an overall view of the invention and its context.
- An initial check in terms of intellectual property rights and exploitation potential is performed.
- If this check is positive, Form B (see Appendix 2) has to be filled in. This document provides full details of the invention and is used, along with other items such as a state-of-the-art-search, to enable the Rectorate to make a decision on whether the invention should be protected with a view to valorisation.

2.2. STEP 2 - PROTECTING INNOVATIVE RESULTS

Research results are protected via intellectual property rights (IPR).

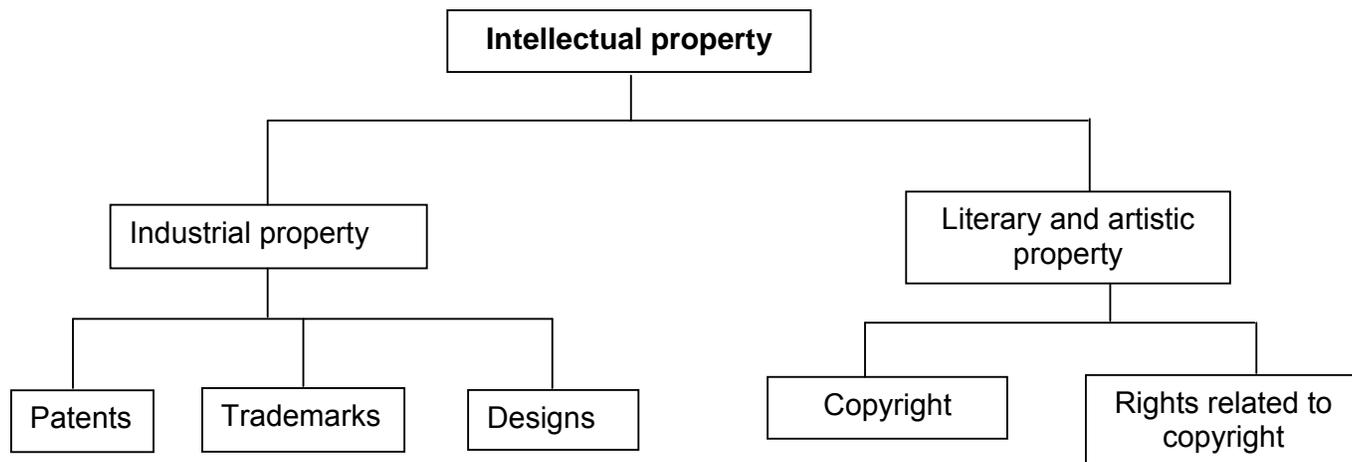
According to the World Intellectual Property Organisation (WIPO), intellectual property is understood as being creations of the mind : inventions, literary and artistic work, and symbols, names, images or designs used in commerce.

Intellectual property is divided into two categories :

- **Industrial property**, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source;
- **Literary and artistic property** which includes copyright (such as softwares, novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs), and rights related to copyright that include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programmes.

Software programmes and databases fall in principle under the scope of copyright protection. In some specific cases, they can also be protected by patents.

In all cases, except copyright, protection is subject to prior registration and is limited to a given territory for a specific period of time.



Due to the type of research carried out at the UL, patents and copyrights (software and databases) can be considered as the most important means of protecting results.

2.2.1. Most Important Intellectual Property Rights in the UL

2.2.1.1. Patents

⇒ Definition

According to the WIPO, a patent is defined as "*an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or*

offers a new technical solution to a problem. A patent provides protection for the invention to the owner of the patent. The protection is granted for a limited period, generally 20 years".

⇒ Criteria

A patent may only be filed for an invention.

There are 3 criteria to determine the patentability of an invention :

- Is the invention new ?
- Does it involve a new inventive stage ?
- Does it have any potential industrial application ?

Depending upon the strategic importance of an invention, a patent may be registered at national, European or international level.

⇒ Ownership at the UL

According to Luxembourg law, inventions made as part of an employment contract belong to the employer. The UL is therefore the owner of inventions made by its researchers in the following cases :

The University of Luxembourg (UL = employer) is the owner of an invention if it corresponds to one of the five following cases Extract of Article 13 of the Patent Law as amended by the Law of 24th May, 1998				
Case 1:	Case 2:	Case 3:	Case 4:	Case 5:
Invention made by an employee in the execution of an employment contract comprising an inventive mission that corresponds to his effective tasks	Invention made by an employee in the execution of a study or research explicitly entrusted to him	Invention made by an employee in the execution of his tasks	Invention made by an employee in the field of activity of the UL	Invention made by an employee through the knowledge or by use of the techniques or means specific to the UL or of data obtained by the UL

If a researcher (student, PhD, post-doc) has not signed an employment contract with the UL, it is necessary to rule the management of IPR through an appropriate prior agreement.

2.2.1.2. Copyright (and related rights)

⇒ Definition

According to the WIPO, copyright is defined as "all rights given to creators for their literary and artistic works (including computer programmes)". Rights related to copyright include those of performing artists, producers of phonograms and broadcasters in their radio and television programmes".

⇒ Criteria

Unlike patents, copyright does not need to be registered. A created work is protected by copyright as soon as it is created. Copyright covers a vast array of creative activity, from literature (theses, scientific publications, etc.) to computer programmes.

⇒ Ownership at the UL

According to Luxembourg law, copyright linked to a work created as part of an employment contract remains the property of its author. An exception is made for software programmes and databases.

Creative activity	Owner
Literary and artistic works	<p>Author</p> <p>- <i>Exception</i> If the work is performed by the UL as part of a service offered under contract, the UL will transfer the copyright to the third party that ordered the work.</p>
Software (Art 32 Law of 18 th April 2001)	<p>UL</p> <p><i>Comment: the researchers of the UL relinquish their moral right and authorise the UL to modify the software. Notwithstanding this, the original author retains his/her rights to oppose any alteration, or other modification of the software that might be prejudicial to his/her honour or reputation.</i></p>
Databases (definition: a database is a structured collection of records or data)	<p>UL</p>

2.2.2. Other Intellectual Property Rights in the UL:

2.2.2.1. *Trademarks*

According to the WIPO, a trademark is defined as "a **distinctive sign** which identifies certain goods or services as those produced or provided by a specific person or enterprise. Its origin dates back to ancient times, when craftsmen reproduced their signatures, or "marks" on their artistic or utilitarian products. Over the years these marks evolved into today's system of trademark registration and protection. The system helps consumers identify and purchase a product or service because its nature and quality, indicated by its **unique** trademark, meets their needs".

For the UL, this type of IPR concerns mainly the case of software or results issuing from human and social sciences.

2.2.2.2. *Designs*

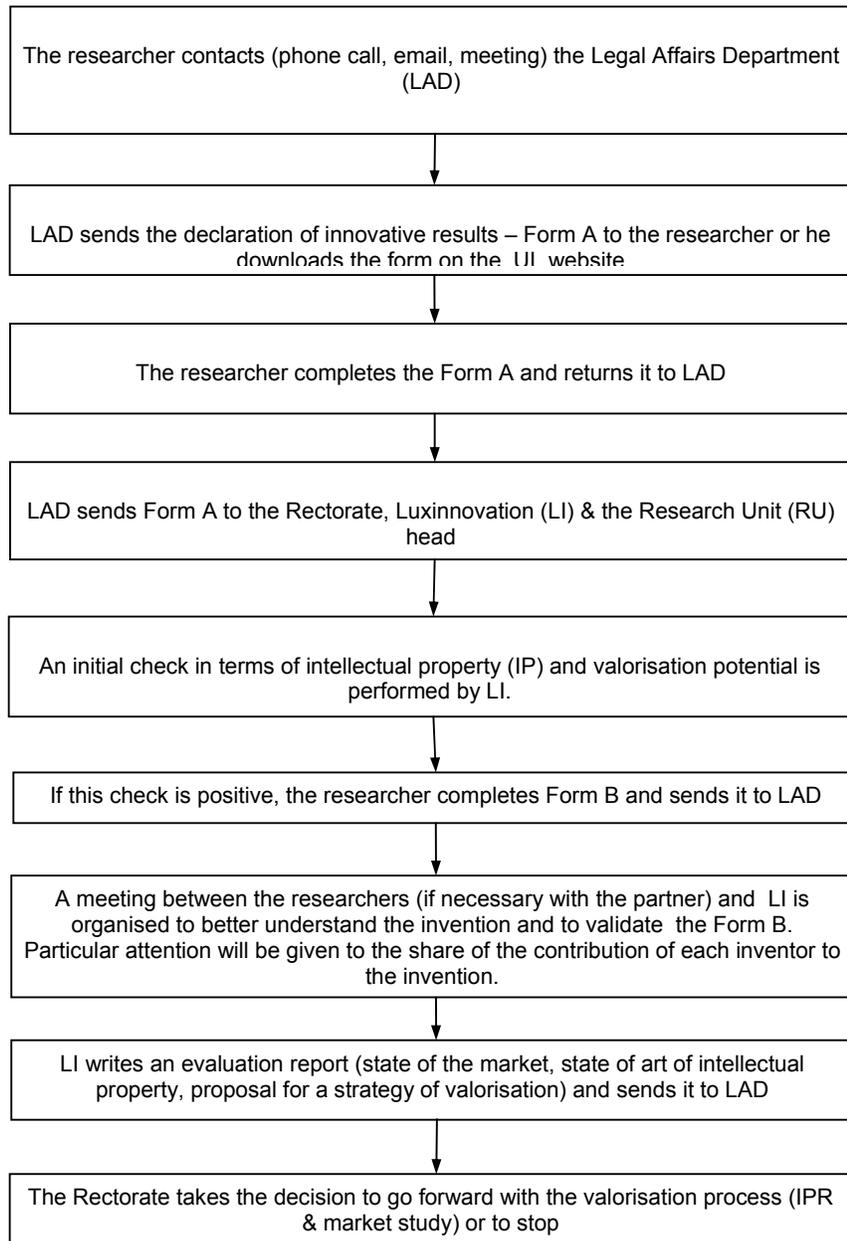
According to the WIPO, an industrial design is defined as "*the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color. Industrial designs are applied to a wide variety of products of industry and handicraft: from technical and medical instruments to watches, jewelry, and other luxury items; from housewares and electrical appliances to vehicles and architectural structures; from textile designs to leisure goods. To be protected under most national laws, an industrial design must appeal to the eye. This means that an industrial design is primarily of an aesthetic nature, and does not protect any technical features of the article to which it is applied*".

For the UL, this type of IPR concerns the protection of the design of printed circuits and to concepts from human and social sciences.

2.2.3. Managing Intellectual Property Rights

In the case of the UL is the owner of a result (declared in Form A), the UL has to take the decision whether this result has to be protected or not. This action will start with the receipt of Form B.

The general procedure is described below :



The criteria for deciding whether to protect results are as follows:

- Can the result be protected ?
- Is there a scientific interest ?
- State of art of intellectual property ?
- Is there an identified partner ?
- Is there a potential market ?
- What budgetary means are available to the UL to protect the invention ?

All the decisions on the protection of results are taken by the Rectorate. The UL will bear all costs related to protection (precedence search, drafting, filing and maintaining patents, experts, etc.).

The UL's general protection policy is to provide the greatest possible protection to innovative results:

- Patents: in principle, a European wide protection will be sought and extended worldwide where necessary.
- Trademarks and designs: depending on the scope of the result and the market, a Benelux or Community registration will be done. A worldwide extension may be sought.
- Software and/or databases: in order to obtain a certain precedence date, the UL will file an "i-depot" at the Benelux Office for Intellectual Property.

2.3. STEP 3 - EXPLOITING INNOVATIVE RESULTS

2.3.1. General Principles

The UL adopts the following general principles to encourage the exploitation of research results:

- the UL implements all necessary measures to optimise the socio-economic exploitation of research results;
- the UL encourages the development of contractual agreements with the private sector;
- where possible, the UL favours licensing rather than transfer of IPR as this enables it to retain control over its IPR;
- the UL encourages the creation of spin-offs and start-ups by its researchers.
- for the specific case of patents, and in order to avoid unjustified costs, the UL will try to transfer this IPR during the first 30 months (for further explanations, see appendix 4).

2.3.2. The Various Ways of Exploiting Research Results

Research results can be exploited in different ways:

- Contractual exploitation, which consists of developing relationships between the UL and public or private partners. These contracts can generate additional revenue for the research units and will develop UL's visibility;
- Licensing of IPR: this will generate new revenue for both the UL and the inventors
- Transfer of IPR: this solution will be used where licensing is not possible or not adequate;
- Creating spin-offs and start-ups: this type of exploitation will often require to give an exclusive license to the new company.

2.3.3. Exploitation Strategy

The exploitation strategy depends on a number of criteria, including the following:

- Market potential;
- Pre-existing contracts between the owners of the IPR;
- Level of technological innovation; ...

The UL will define an adequate socio-economic exploitation strategy for all innovative results.

All the decisions on the exploitation of results are taken by the Rectorate. The UL will bear all costs related to this exploitation (market search, experts, etc.).

2.3.4. Revenue Sharing

The revenues generated from the commercial exploitation of a patent owned by the UL are shared as follows:

- 50% of the gross revenue generated by the direct exploitation of the patent to the inventor, divided up according to their contribution to the invention as defined in the invention statement.
- 50% of the gross revenue to the UL.

This sharing applies in general but will not apply in the case of a litigation related to the patent. In such a case, all the litigation costs shall be deducted.

For the specific case of copyrights related to non-patentable software, the UL will afford to the employee who declares the non patentable software, an equitable share in the revenue generated by the direct exploitation of the non-patentable software, on a case-by-case basis.

This way of sharing the revenues is very favourable for the employees and will therefore constitute a strong incentive for attracting researchers to Luxembourg.

N.B. : This revenue sharing model only applies to patent and non-patentable software owned by the UL and is only applicable to people who has signed a work contract with the UL. For the other person, with no work contract such as trainees, their case will be dealt with on an individual basis.

Literary and artistic works protected by copyrights (such as publications, books, paintings art, etc...) belong to their authors. This principle do not concern works performed by the UL as part of a service offered under contract by the UL to a third party. In this case the UL will transfer the copyrights to the third party that ordered the work. (see table page 9)

3. Partnership with Luxinnovation

Luxinnovation, the National Agency for Innovation and Research, and the UL entered into first collaboration agreement on 21st March 2007. Under the terms of this agreement, Luxinnovation supports the UL in 4 different topics:

- European research programmes
- Collaboration with companies

- Communication
- Valorisation of research results.

This first agreement is of a general nature and will have to be modified in the coming months to take into account the current situation, in particular in what concerns the financial provisions. The Rectorate will negotiate these amendments with Luxinnovation.

In terms of support for the valorisation of research results, Luxinnovation provides the following support services to the UL:

Awareness raising and promotion

- Raising researchers' awareness on IPR issues;
- Raising researchers' awareness on socio-economic exploitation issues;
- Presenting the UL's results to private companies (in particular through the "Business meets Research" annual forums and the corresponding catalogue).

Systematic detection of research results

- Regular visits of UL's labs and research teams;
- 5 innovative results have currently been detected by Luxinnovation out of which 2 inventions are at the Form B phase
 - one from the Photovoltaic Lab (Philip Dale and Susanne Siebentritt)
 - the second one from the Cytoskeleton and cell plasticity lab (Evelyne Friedrich).

First assessment of the protection and exploitation potential

For each research result that is declared, Luxinnovation carries out a first analysis in terms of protection scope and exploitation potential. This assessment may be done with the support of external national and international experts (cf. below).

This analysis will be submitted to the Rectorate that will take the decision to go further or not

Protection of IPR

In case the first analysis is positive and the Rectorate decides to protect the research result, Luxinnovation will manage the following steps:

- search for the most adequate IPR experts (cf. below)
- setting-up of the meetings between the IPR experts, the inventor(s),... and participation in these meetings
- preparation of the administrative documents
- follow-up of the registration, ...

The UL is the owner of the IPR and the Rectorate takes all decisions related to the protection of UL's research results. All external costs related to this protection will be borne by the UL.

Socio-economic exploitation

Luxinnovation, with its experts' network, will provide the Rectorate with proposals for adequate exploitation strategies for declared research results (licensing or transfer of IPR, service contracts, spin-off companies,...

Once the strategy is accepted, Luxinnovation can support the UL in the following topics:

- Identification and negotiation with the most appropriate partners for licensing or transferring the IPR or for service contracts on a national and

international basis (with the support of the Europe Enterprise Network in which Luxinnovation is the Luxembourg member for technology transfer related issues)

- Assistance in terms of business planning
- Assistance for finding private investors (business angels, venture capital funds) as well as public support measures (Ministry of Economy, Ministry of Middle Classes, SNCI, CD-PME,...) (cf. appendice 5)
- Incubation (ecostart enterprise and innovation centre, Technoport) (cf. appendice 5)
- Support for the creation of spin-off companies.

The Rectorate takes all decisions related to the socio-economic exploitation of UL's research results. All external costs related to this exploitation will be borne by the UL.

Network of national and international experts

Luxinnovation will set up a network of national and international experts in the field of valorisation of research results (IPR attorneys, marketing experts, technology consultants, investors,...). Luxinnovation will use this network in order to provide the best possible support to the UL and its researchers.

Drawing up of documents and processes

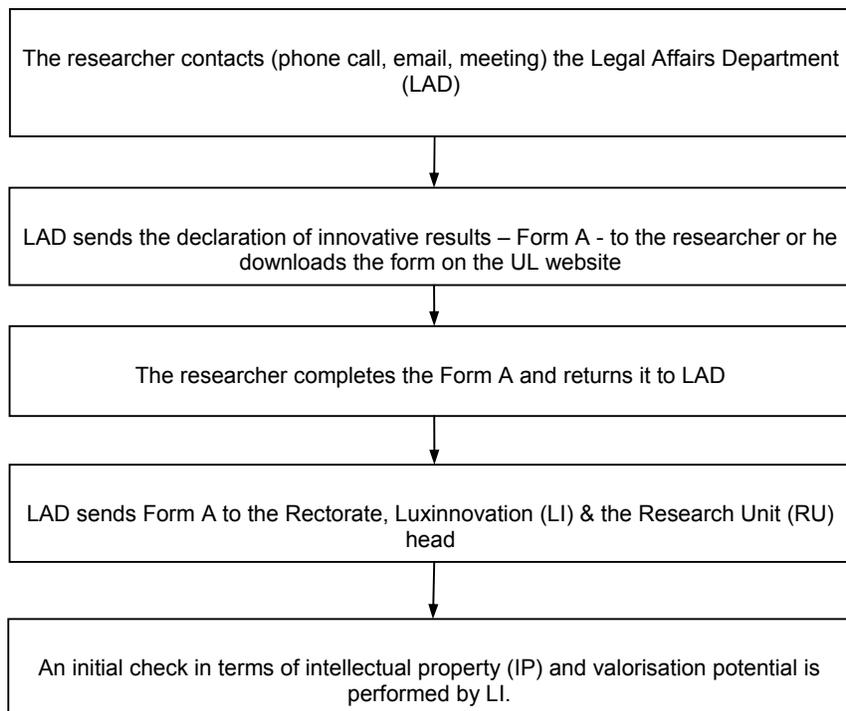
Luxinnovation supports the UL in the drawing up of all documents related to valorisation topics (procedures, guidelines, information brochures,...).

4. Appendices

APPENDICE 1: FORM A – DECLARATION OF INNOVATIVE RESULTS

- Objectives :
- inform the Rectorate that an innovative result has been made and by whom.
 - allow the Rectorate (with the support of Luxinnovation) to do an initial check if this result could be protected and exploited.

Procedure of invention statement (first part)



CONTRIBUTOR(S)	Faculty:	.....
	Research unit:	.....
RESULT	Laboratory:	.....
	Name and position of all contributor(s):	.....
	Name of contact person:	.....
	Title :	.....
	Acronym (if it exists) :	.....
Field of the innovative result :	.....
Novelty ¹ of the result (specific case of an invention) :	.....
Did you develop the result within the framework of your work contract at UL?	Yes..... <input type="checkbox"/> No <input type="checkbox"/> If No, specify:	
Application fields	• •	
Short description (key elements) :	..... ..... .....
Period of time relevant to the achievement of the result:	From .....to	

Result framework	What is the funding support of the work that led to the result?	Fully supported by UL	FNR	FP 7	Other E.U.	ESA	Contract with a company	Contract with public authorities	Other partner

¹ Novelty: the European Patent Convention (EPC) defines (art. 54) the novelty as following: 'An invention shall be considered to be new if it does not form part of the state of the art'. The state of the art is also defined, in the same article, as following: 'The state of the art shall be held to comprise everything made available to the public by means of a written or oral description by use, or in any other way before the date of filing of the European patent application'. In other words: what kind of problem is solved by your invention that was not solved before.

EXTERNAL COLLABORATION	Have some parts of the result involved external collaboration?	Yes	No
	If yes, specify the contribution, the address and the contact person for each external collaboration :	..... ..... ..... .....
PUBLICLY DISCLOSED² (specific case of an invention)	Has the result or part thereof already been <i>publicly</i> disclosed?	Yes	No
	If yes, provide details (where, when, to whom):	..... ..... ..... .....
COMMERCIAL POTENTIAL	Do you already have an idea of the market for your result?	Yes	No
	If yes, give a short description:	..... ..... ..... .....

Date:

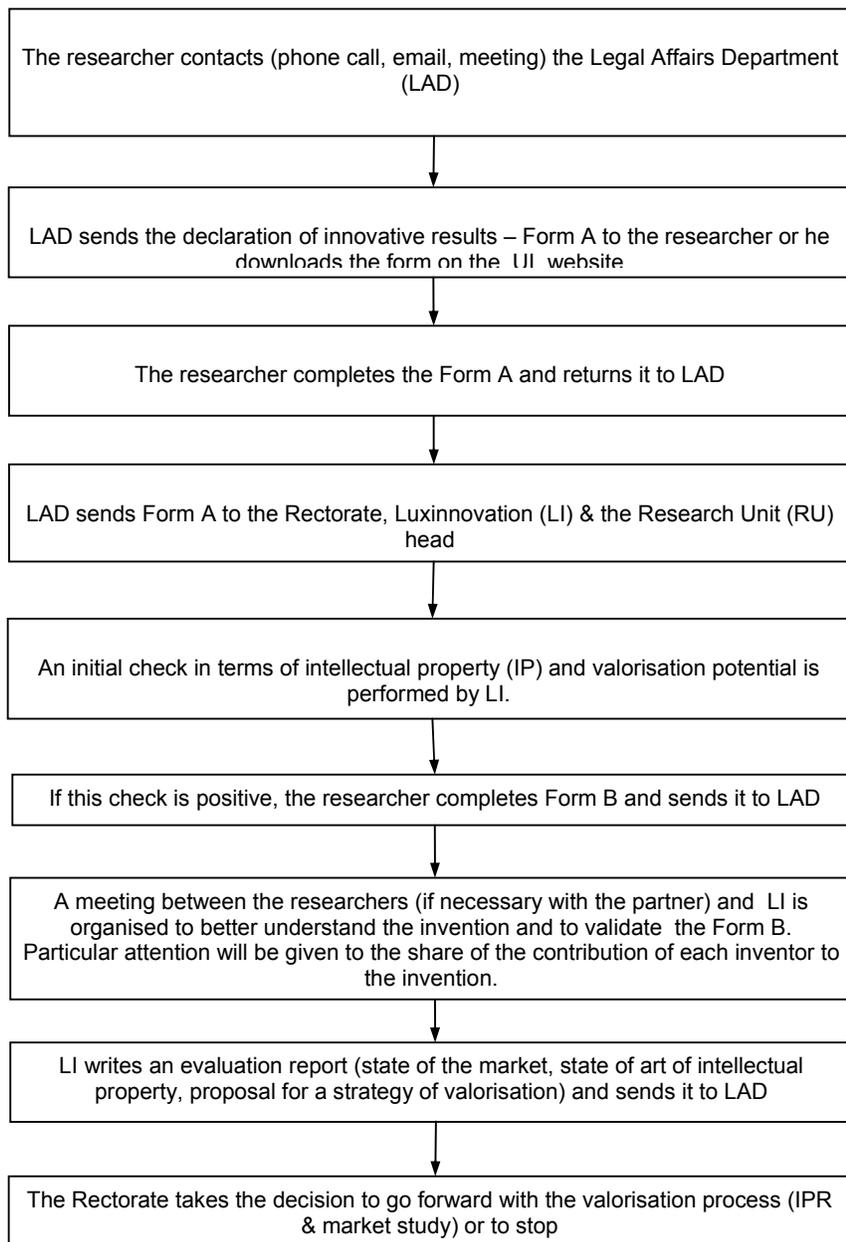
Name & Signature:

² This includes any article, any written notice, any oral communication, any exhibition published in whatever language, anywhere in the world, to third persons without a non-disclosure agreement.

APPENDICE 2: FORM B – INVENTION STATEMENT

Objective : - give the Rectorate (supported by Luxinnovation) sufficient information to take a decision on the protection and exploitation strategy.

Procedure of invention statement (complete)



**TITLE OF THE INVENTION /
ACRONYM**

.....

PART 1 – CONTRIBUTORS (YOU WILL HAVE TO FILL IN A MORE DETAILED FORM, FOR EACH CONTRIBUTOR AT THE END OF FORM B)

N°	Contributor (name)	Institution	Contribution* (%)
1			
2			
3			
4			
...			
			100%

* Contribution to the invention

PART 2 – TECHNICAL DESCRIPTION

What is your invention?	
<input type="checkbox"/> a new production process	<input type="checkbox"/> new biotechnology
<input type="checkbox"/> a new product	<input type="checkbox"/> a new chemical compound
<input type="checkbox"/> new software	<input type="checkbox"/> a new application of an existing product
<input type="checkbox"/> a new database	<input type="checkbox"/> a new methodology
<input type="checkbox"/> a new appliance (product, machine, etc.)	<input type="checkbox"/> other
<input type="checkbox"/> improvement to an existing process	.....

PART 3 – STATE OF THE ART

Describe the state of art (patents, publications, etc.) and indicate references and subjects

.....

Please enclose any documents describing the state of the art in the field of your invention.

PART 4 – NOVELTY³

Considering your knowledge of your invention and the current state of the art, how would you describe the novelty of your invention?

.....
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.....
.....
.....
.....

³ Novelty: the European Patent Convention (EPC) defines (art. 54) the novelty as following: '*An invention shall be considered to be new if it does not form part of the state of the art*'. The state of the art is also defined, in the same article, as follows: '*The state of the art shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filing of the European patent application*'.

PART 6 – PRIOR PUBLIC DISCLOSURE⁵

Have you already publicly disclosed your invention?

Where	X	Details (when, to whom, how)
In a publication		
In a poster or summary		
In an oral presentation		
In the Internet (forum, etc.)		
During a meeting		
During a PhD defence		
During a seminar		
During a conference		
Other (please specify)		

Please enclose a copy of all documents (conference or seminar proceedings, meeting reports, print-outs, etc.) related to the disclosure.

⁵ Public disclosure includes any article, written notice (such as a conference poster), oral communication (presentation at a conference, discussion with an economic partner, etc.) anywhere in the world to third persons without any protection agreements (NDA or MTA signed)

PART 7 – COMMERCIAL POTENTIAL

What are the potential application fields for your invention?

Market	X	Details
Life science or biotechnology		
Material science or engineering		
ICT		
Manufacturing		
Automotive, aircraft or space		
Legal, finance or economy		
Education, training or human resources		
Public policy or society		
Other (please specify)		

Please enclose a copy of all relevant documents.

How were the needs addressed by the invention met until now?

.....

For a partner, what potential competitive advantages does your invention provide?

.....

What are the potential limitation(s) of your invention compared with existing products?

.....

What are the potential obstacles to commercial exploitation (technical problem, problem with the IPR, cost of implementation for your partner, normative obstacle, legal issues, resistance to change, etc.)?

.....

What is the potential market?

.....

PART 8 - CONTRIBUTORS

CONTRIBUTOR (1)	Contribution to the invention:	%
------------------------	---	----------

Name		F		M	
First name					
Position					
Nationality					
Complete Personal Address					
Phone number					
Email					

Current Laboratory Details

Faculty & Research Unit		
Laboratory address Street / Zip / Town / Country		
Position		Since:
Phone number		
Email		

Laboratory at the time of the invention (if different than above)

University / Organism	
Faculty & Research Unit	

Can you describe your contribution to the invention ?	
---	--

Date & Signature:

CONTRIBUTOR (2)	Contribution to the invention:	%
------------------------	---	----------

Name		F		M	
First name					
Position					
Nationality					
Complete Personal Address					
Phone number					
Email					

Current Laboratory Details

Faculty & Research Unit		
Laboratory address Street / Zip / Town / Country		
Position		Since:
Phone number		
Email		

Laboratory at the time of the invention (if different than above)

University / Organism	
Faculty & Research unit	

Can you describe your contribution to the invention ?	
---	--

Date & Signature:

APPENDICE 3: INDICATIVE COSTS FOR THE REGISTRATION OF INTELLECTUAL PROPERTY RIGHTS

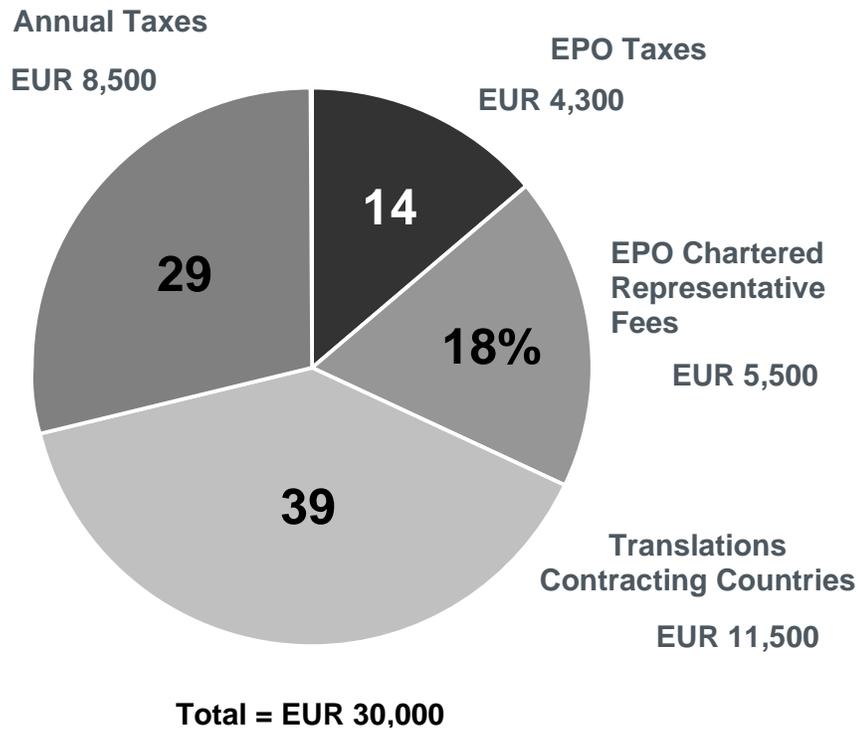
	Initial registration costs <u>paid by the UL</u>
European patent	8000 up to 15000 € (patent attorney's fees included)
Benelux trademark	Basic tax for individual trademark up to 3 categories 255 € Basic tax for collective trademark up to 3 categories 373 € Additional tax for each new category 15 € Precedence search up to 3 categories 150 € Additional tax for each new category 20 € <i>(Trademark attorney's fees not included).</i>
Benelux model and design	Simple deposit (1 element) 108 € Publication through representation 10 € sup. Multiple deposit First model or design 108 € Additional model or design (up to 10 per element) 54 € <i>(Model designs attorney's fees not included).</i>

The amounts listed above cover only the initial registration costs.

Additionally, the UL will have to cover:

- Translation costs
- Attorney fees
- International extensions
- Annual taxes in all the countries in which protection is sought.

Average cost⁶ for a European Patent (22 pages, 8 countries, and 10 years) – Source : European Patent Office



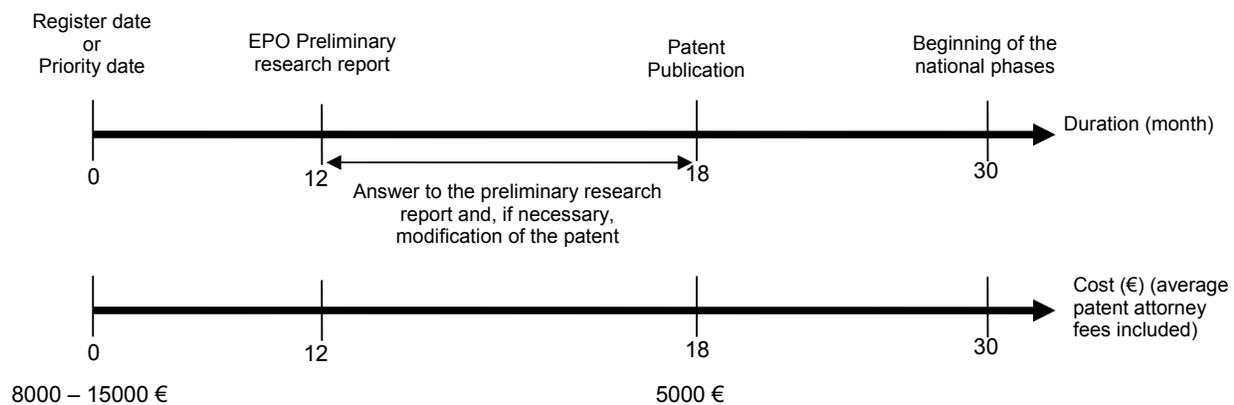
⁶ Strongly depends on EPO Chartered Representative fees

APPENDICE 4: PATENT TIMELINE

Regarding the patent timeline described below :

- **During the first 30 months**, the cost of a patent is not too expensive (approximately 20 000 €, but this amount strongly depends on the patent attorney's fees).
- **After 30 months**, with the beginning of the national phases, the cost of a patent strongly increases (for each country in which the UL wants to protect the invention : translation fees, national taxes, national patent attorney fees,...)

Example : case of the European registration



In terms of valorisation strategy, and to reduce the budget dedicated to the patent, it is relevant to try to find a partner for the transfer during the first 30 months.

After this deadline, the situation will be evaluated in order to understand why it was impossible to transfer the invention. A new strategy will be defined :

- if there is no market or partner, the UL will decide to renounce to the patent
- if first contacts will be initiated, or the invention has a strategic aspect for the UL, it will continue to pay annual taxes. Each year the situation will be evaluated to decide whether the UL maintains the protection or not.

APPENDICE 5: MAIN PUBLIC SUPPORT MEASURES FOR THE CREATION OF SPIN-OFF COMPANIES

Strategic business planning

Luxinnovation advises researchers who want to set up a spin-off company in terms of strategic business planning (provision of model business plans, review and comments, provision of data concerning market studies,...). This support may include the participation in the 1,2,3,go business plan network.

Support for the creation of the new company

Luxinnovation and its InnoStart network (Ministry of Economy, Ministry of Middle Classes, Chamber of Commerce and Chamber of Crafts) support the entrepreneurs for the setting up of the new company in terms of:

- choice of the appropriate legal structure
- authorisations (autorisation d'établissement and autorisation d'exploitation)
- administrative procedures for the incorporation

Incubation

Two incubators offer young innovative companies in Luxembourg accommodation and service:

- ecostart enterprise and innovation centre located in Foetz (office and production space for all sectors). This centre is owned by the Ministry of Economy. Support services for the hosted companies are provided by Luxinnovation.
- Technoport in Esch/Alzette (office space for IT companies). This incubator is operated by CRP Henri Tudor.

Financial support measures

Ministry of Economy and Ministry of Middle Classes

Both the Ministry of Economy and the Ministry of Middle Classes provide young innovative companies with grants for investment and of R&D projects.

SNCI

The Société nationale de crédit et d'investissement (SNCI) is a public financial institution that provides specific loans to spin-off companies from the University of Luxembourg through its "Facilité Université".

CD-PME

CD-PME (Capital développement pour les PME) is a company created by the SNCI and 5 private Luxembourg banks that invests in innovative small and medium sized companies in order to finance their growth.

For all these public support measures Luxinnovation can act as an intermediary and provide tailor-made orientation and advice.

Access to private investors

Luxinnovation can provide innovative entrepreneurs with contacts to business angels (including the Luxembourg Business Angels Network LBAN), private banks and venture capital funds.