



Innovative Medicines Initiative

IMI Financial and IPR matters

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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

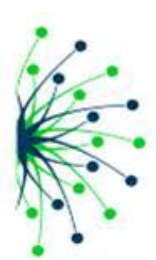
- Stage 1 : at least two independent legal entities eligible for funding
- Stage 2: + at least 2 EFPIA companies



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



Activities and Funding Rate

- **Research activities**
 - up to 75% of total eligible costs
- **Other activities -> management, training, communication, ...**
 - up to 100% of total eligible costs

No impact for beneficiaries changing their status



Direct costs

- **Direct eligible costs -> personnel, consumables, equipment,...**
 - Personnel costs: either actual or average personnel costs if aligned with usual accounting practices and applied in other EU programmes
 - SME Owners who do not receive a formal salary may use a flat rate similar to the one used in the EU's FP7 People programme



Indirect costs

- **Indirect eligible costs → ‘overheads’**
 - Flat-rate of 20% of direct eligible costs
 - actual indirect costs



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*)



- **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**



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



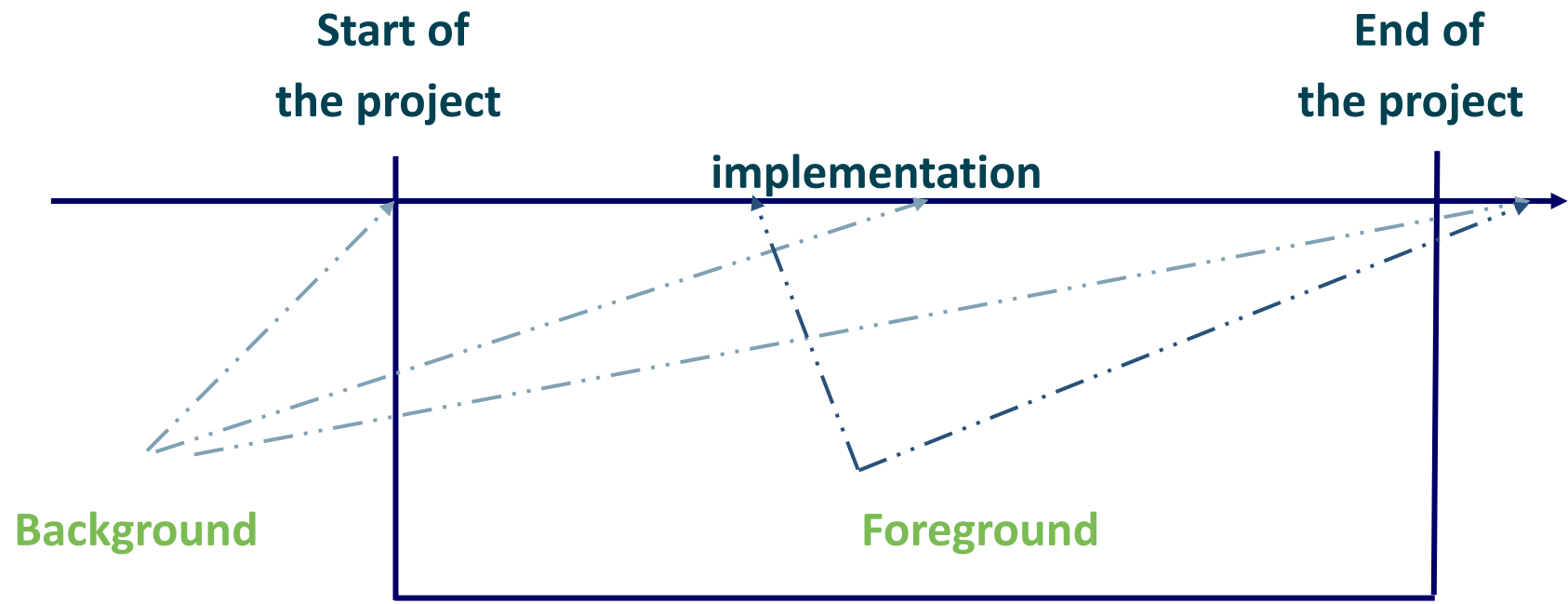
Project Agreement



- 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

Ownership: basic principles

- **Background remains the exclusive property of each participant**
- **Foreground are owned by the generator(s)**
- **Possibility to freely license, assign or otherwise dispose of its ownership rights provided access rights to other partners are respected**
- **Possible transfer of ownership**
- **Possible joint ownership**



Protection & Publications

- **Common practices (not mandatory):**
 - lies with the owner(s) in adequate and effective manner -> relevant (national) legal provisions, project's peculiarities, legitimate interests
 - if valuable Foreground left unprotected -> to be discussed within the consortium
- **Mandatory mention to IMI support & EFPIA in-kind contribution in patent applications / publications (NEW!)**
- **Promotion of open access publications (NEW!)**



Access Rights: basic principles

- **Granted on written request, unless otherwise agreed**
- **Non-exclusive basis approach**
- **No sub-licences, unless otherwise agreed**
- **Not affected by the termination of participation**
- **Guiding framework depending on the purpose:**
 - Research Use -> further developments
 - Exploitation -> commercialisation



Access Rights: conditions

| Access rights granted by a Participant to/on | Background (necessary and identified) | Foreground | Sideground |
|--|---|--|------------|
| Participants for completion of the Project | Royalty-free | Royalty-free | N.A. |
| Participants and affiliates for Research Use | Royalty-free OR Fair & reasonable terms for Background needed for using Foreground as determined in Project Agreement | Royalty-free OR Fair & reasonable terms as determined in Project Agreement | N.A. |
| Third Parties for Research Use after the Project | Fair & reasonable terms for Background needed for using Foreground as determined in Project Agreement | Fair & reasonable terms as determined in Project Agreement | N.A. |
| Participants and affiliates or Third Parties for Direct Exploitation | To be negotiated | To be negotiated | N.A. |



More information



- **Rules for Participation** (part of the Call Documents)
- **IMI model Grant Agreement** (lastly revised on 30 April 2012)
- **IMI Financial Guidelines** (January 2012)
- **IMI Reporting Templates and Guidelines** (February 2012)
- **IP Guidance Note** (November 2010)

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