



**Euro-BioImaging  
European Research Infrastructure for Imaging Technologies in Biological and  
Biomedical Sciences**

**WP 2 Legal, Governance and Ethical Issues**

**Task 2.2**

Establish an appropriate organizational and governance model

**Deliverable 2.5**

Draft IPR policy

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## 1 Introduction

Euro-Biolmaging will provide open access to cutting-edge biological and medical imaging technologies, training and expertise, and thereby supporting and promoting research projects that have the most potential for making a significant contribution to the advancement of knowledge in the life and health-related sciences as well as the development of tools and technologies in the field. For recognizing and securing the intellectual property rights of the Euro-Biolmaging users as well as the infrastructure providers, the future governance structure of the Euro-Biolmaging legal entity will provide an IPR model. This model will guide users to best insure that their research which has been undertaken using resources of the Euro-Biolmaging infrastructure is recognized and respected in compliance with property rights, personal privacy, any secrecy and confidentiality obligations as well as ethical and data owner's protection. This deliverable provides the first draft of the Euro-Biolmaging IPR policies.

## 2 About the deliverable and the Work Package task

### 2.1 Objective

Euro-Biolmaging will become a distributed infrastructure with operating nodes located in several member states. The successful construction and operation of Euro-Biolmaging will depend on establishing a governance and legal structure that is acceptable to all stakeholders including users, node providers, national imaging communities and the Euro-Biolmaging Member States. The governance structure will be developed addressing issues such as coordinated user access, coordination and integration activities, execution of member states' decisions, management structure, finance and cost model issues, scientific quality assurance, ethical and IPR issues.

Here, a policy draft for intellectual property rights (IPR) is suggested that will be further developed and adopted by Euro-Biolmaging for its operational phase, thereby becoming part of the future international consortium agreement between the Euro-Biolmaging partners.

### 2.2 Results

#### *IPR for user access at Euro-Biolmaging nodes*

Euro-Biolmaging will be an open access research infrastructure serving the users. **Therefore the principal objective is that the infrastructure user owns the data he is producing while accessing the Euro-Biolmaging node.** This is the major difference in comparison to typical research collaborations with shared ownership and co-authorship. In general, the Euro-Biolmaging user will be requested to apply the IPR policy of his home institution.

For acknowledging the service of Euro-Biolmaging, all users will be required to acknowledge Euro-Biolmaging when publishing any data produced by using the infrastructure. This will be also crucial for demonstrating the impact and guaranteeing sustainable high-quality service of the Euro-Biolmaging infrastructure for the life sciences and the European researchers.

Suggestion for acknowledgement: "*[We gratefully acknowledge the support of this project by open access to \(name technology\) provided by the Euro-Biolmaging Node \(name node\). Euro-Biolmaging is the research infrastructure for imaging technologies on the ESFRI roadmap - \[www.eurobioimaging.eu\]\(http://www.eurobioimaging.eu\).](#)*"

Exceptions will be required in those few cases, in which users (or industry partners) work together with a Euro-Biolmaging node on further developing a technology, image analysis software etc. In these few cases, the IPR of the Euro-Biolmaging node itself might apply. In case of foreground IP, the individual contribution by the node or the user (or industry partner) will be accounted for. However, as Euro-Biolmaging's major purpose is to provide access to robust and established imaging technologies, which are already beyond fundamental technology development, the number of these cases will be very limited.

Against this background, a draft for IPR policy is suggested here (based partly on the IPR policy of LIFEWATCH ERIC, which is attached in Annex 8 of the current draft ERIC statutes:

1. Euro-Biolmaging acknowledges that part of its value as an infrastructure is based on the enhancement of the benefits of knowledge, which is in the public domain.
2. Euro-Biolmaging will be an open access research infrastructure serving the users. Therefore the principal objective is that the infrastructure user owns the data he is producing while accessing the Euro-Biolmaging infrastructure.
3. Both users and infrastructure providers having access to data, know-how or other IPR resource in the custody of, or generated by Euro-Biolmaging acknowledge existing intellectual property rights and other rights of owners. Euro-Biolmaging data users and infrastructure providers should be able to demonstrate due diligence in ensuring that rights in the data within their custody are appropriately managed.
4. It is the responsibility of Euro-Biolmaging to provide guidance (e.g. via website) to researchers and their host institutions to ensure that any research undertaken using material in its custody is organised and undertaken within a framework of best practice that recognises the rights of the data subjects, the data owners and any others third parties and takes full account of any related ethical or legal issues.
5. Euro-Biolmaging is entitled to negotiate the allocation of intellectual property rights or its benefits as a financial resource that may compensate special efforts undergone on demand for the elaboration of particular service provision or know-how.
6. In the case of data sets in respect of which a third party holds intellectual property rights, Euro-Biolmaging shall ensure that its actions are taken only with the consent of that third party.
7. The term 'Intellectual Property' will be understood according to Article 2 of the Convention Establishing the World Intellectual Property Organisation signed on 14 July 1967.

Provisions regarding the IPR policy shall be taken up in the statutes of the future Euro-Biolmaging legal entity.

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### **3 Conclusion**

The mission of Euro-BiImaging is to provide service and open access to and training in essential imaging technologies for every biologist and medical scientist in Europe. The access to the infrastructure will be based on the scientific excellence of the proposed research project by the user, and the data produced will belong to the user.