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Science & Technology in childhood Obesity Policy



Science and Technology in
childhood Obesity Policy

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Start date of project: 1st June 2018 Duration: 48 months

D11.6: STOP intellectual property strategy for managing IP ownership and exploitation of in-project and post-project output

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Dissemination Level

PU	Public	<input checked="" type="checkbox"/>
PP	Restricted to other programme participants (including the Commission Services)	<input type="checkbox"/>
RE	Restricted to a group specified by the consortium (including the Commission Services)	<input type="checkbox"/>
CO	Confidential, only for members of the consortium (including the Commission Services)	<input type="checkbox"/>



Science and Technology in
childhood Obesity Policy

Abbreviation	Definition
STOP	Science and Technology in childhood Obesity Policy
DEC	Dissemination, Exploitation and Communication
IPR	Intellectual property rights



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1 Abstract

The Intellectual Property Rights (IPR) Strategy describes the approach to be taken in the European Commission Horizon 2020 funded STOP project with regard to management of intellectual property rights. Building on information in the project Consortium Agreement and Grant agreement, along with guidance from Horizon 2020 documentation, it outlines where intellectual property lies and procedures for managing disagreements over IPR. The strategy is written with the exploitation in-project and post-project in mind and will reflect some specific exploitation avenues which have already been identified.

In case of doubt, the STOP Consortium Agreement and STOP Grant Agreement take precedence over the present document.

2 Introduction

This document acts as the initial STOP intellectual property rights (IPR) strategy. It considers the necessary and most appropriate approach to effective exploitation opportunities in-project and post-project. It should be read in tandem with the STOP Dissemination and Exploitation Strategy (Deliverable D11.1).

The effective exploitation of research results depends on the proper management of intellectual property, which should be part of the overall management of knowledge generated in the project. This document will outline the strategy that will be taken in the STOP project with regards to IPR and the procedures for managing any disagreements.

The management of IPR is ruled by the Consortium Agreement and the STOP Grant Agreement, which take precedence over the strategies and guidance given in this document. This document provides a brief summary of clauses from these documents; please refer to these documents for detailed information.

This document will be monitored and updated once a year throughout the duration of the project. The next update will take place in November 2020.

3 Open Access

STOP is committed to the principle of open access, ensuring that, wherever possible, the qualitative and quantitative data generated by the project is publicly and freely accessible. The key knowledge and data produced by the project will be released through open access and none of the partners expects to claim or profit from intellectual property rights.

The STOP Consortium will ensure that all collection, process and storage of data complies with any relevant national EU legislation, including the EU General Data Protection Regulation (GDPR) legislation (EU2016/679), and any relevant policy at beneficiary level. All ethics and management records will be stored according to the Imperial College Data Management Policy. All data collected at WP level will be stored directly on the relevant beneficiaries' servers, in-line with the beneficiaries' own data management policies.



STOP will provide specific details of the type of data being exported and the security and mitigation procedures in place to avoid data loss or security breaches. The STOP Consortium aims to update the Data Management Plan regularly throughout the life of STOP (See D1.2).

4 Ownership of results

Background material brought to the project shall retain its original ownership.

Foreground material developed in the project shall be owned by the Party that generates them, in accordance with the Horizon 2020 Rules for Participation and the STOP Consortium Agreement. For joint ownership, see the next section.

The project website was developed by ISINNOVA and launched during the first six months of the project. The official project page provides access to the deliverables and resources developed throughout the STOP project.

In addition to the official project website, Consortium members may have STOP-related webpages on their Institutions websites, providing an overview of the project as well as any relevant information. These are independent from the main STOP website and managed by each partner.

Finally, the youth-facing website developed by the World Obesity Federation and which may exploit products from the STOP project shall be owned by the World Obesity Federation.

5 Joint ownership

If two or more parties have jointly generated results and it is not possible to (1) establish the respective contribution of each Party; or (2) separate the results in order to apply for, obtain or maintain the protection of the results; the results will be jointly owned by the Parties unless agreed otherwise in a separate agreement. Joint ownership is governed by Grant Agreement Article 26.2 with the following additions:

Unless otherwise agreed:

- each of the joint owners shall be entitled to use their jointly owned results for non-commercial research activities on a royalty-free basis, and without requiring the prior consent of the other joint owner(s), and
- each of the joint owners shall be entitled to otherwise exploit the jointly owned results and to grant non-exclusive licenses to third parties (without any right to sub-license), if the other joint owners are given:
 - o at least 45 calendar days advance notice;
 - and
 - o fair and reasonable share of any income generated.



6 Access rights

The partners have identified and agreed on the background for the project in Attachment 1 of the Consortium Agreement, and have also, where relevant, informed each other that access to specific background is subject to legal restrictions or limits. Anything not identified in this process shall not be the object of access right obligations regarding background.

Access rights to results if needed for exploitation of a party's own results shall be granted on fair and reasonable conditions.

Access rights to results for internal research activities, academic teaching and for education activities shall be granted on a royalty-free basis (free to use at the time and to continue to use without subsequent charges).

For the avoidance of doubt any grant of access rights not covered by the Grant Agreement or the Consortium Agreement shall be at the absolute discretion of the owning Party and subject to such terms and conditions as may be agreed between the owning and receiving Parties.

7 Disagreement on IPR

In the event of disagreements over intellectual property, STOP's Steering Committee will make a recommendation to the General Assembly on how to resolve the issue, and the General Assembly will make the Consortium's final decision. Any further dispute should follow the procedures outlined in the Consortium Agreement section 11.9 concerning the settlement of disputes.

A Member which can show that its own work, time for performance, costs, liabilities, intellectual property rights or other legitimate interests would be severely affected by a decision of a Consortium Body may exercise a veto with respect to the corresponding decision or relevant part of the decision.

8 STOP data

Procedures for generating and exchanging data are specified in the STOP Work Package 1, D1.2. This includes developing a protocol that elaborates the procedures and steps needed to provide high quality data. The protocol on data collection will describe procedures and steps needed to provide high quality data. The protocol on data collection will describe procedures of sampling, ethical approval and informed consent to ensure compliance with international and national standards and regulations for collection of data as well as ensuring standardisation to ensure data that are comparable across data collection sites/nations.

9 Post project obligations

After the conclusion of the project, the IPR provisions, such as the obligations regarding confidentiality, exploitation and dissemination, will remain in force. Consequently, participants are required to properly manage the post-contract phase and to consider the following:

- During implementation of the action and for four years after the end of the project (or such time as is determined in the national jurisdiction where the data are stored), in accordance with the Grant Agreement, participants must keep confidential any data, documents or



other material (in any form) that is identified as confidential. This confidentiality time limit may be extended for the information shared among the consortium partners in their Consortium Agreement.

- Without time limit, any data subject to confidentiality under the provisions of the General Data Protection Regulation and its local implementation remains confidential under the Regulation.
- Without time limit, any data collected by a partner under the terms of the partner's institutional ethical approval procedures shall remain subject to the terms of the ethical approval procedure.
- The obligation to protect results remains, including the need to include the statement of financial support in any application for the protection of results.
- Dissemination obligations also stay in force, including the need to acknowledge EU funding and to include a disclaimer.
- When disseminating results without protecting them first, deciding to stop protecting the results or not seeking an extension of the protection of the results, participants that have received EU funding must formally notify the Commission in advance, according to the requirements established in the Grant Agreement, for up to four years after the project.
- Subject to the requirements of national GDPR regulations, participants are entitled to request access rights up to one year (or any other time limit agreed) after the conclusion of the project and must obtain prior written waiver of rights from the other consortium partners concerned during this period.

10 Exploitation avenues in STOP

STOP will have a number of avenues for exploitation both during and after the project period. The table below is not exhaustive but gives examples of key exploitation opportunities for the project, and where the IPR for them will lie.

Example of exploitable activity or deliverable	Main consortium partner developer	IPR ownership
Youth-facing website	World Obesity Federation	World Obesity Federation
BIA obesity	Imperial College London	Imperial College London

Table 1. Examples of IPR ownership which may be included in STOP

11 Useful resources

- STOP Consortium Agreement
- STOP H2020 Grant Agreement
- European IPR Helpdesk (2015). Fact Sheet: IP Management in Horizon 2020: proposal stage.
- <https://www.iprhelphdesk.eu/sites/default/files/newsdocuments/Fact-Sheet-IPManagement-H2020-Proposal-Stage.pdf>



- European IPR Helpdesk (2015). Fact Sheet: How to manage IP in Horizon 2020: project implementation and conclusion. <https://www.iprhelphdesk.eu/sites/default/files/newsdocuments/Fact-Sheet-IPManagement-H2020-Project-Implementation-and-Conclusion.pdf>
- European IPR Helpdesk (2015). Fact Sheet: The Plan for the Exploitation and Dissemination of Results in Horizon 2020. <https://www.iprhelphdesk.eu/sites/default/files/newsdocuments/Fact-Sheet-Plan-for-theExploitation-and-Dissemination-of-Results-H2020.pdf>
- European IPR Helpdesk (2015). Fact Sheet: Exploitation channels for public research results. <https://www.iprhelphdesk.eu/sites/default/files/newsdocuments/Fact-Sheet-ExploitationChannels-for-Public-Research-Results.pdf>

12 STOP data access and use policy

The purpose of the policy is to:

- obtain the maximum possible benefit from our research by exploiting the material collected and developed in the project
- avoid wasteful or inappropriate overlap between research outputs
- ensure fair and appropriate use of Consortium members' work

12.1 Request from Consortium members to use STOP foreground data

Following the principles of open data all papers should be published in open access formats ('Green' or 'Gold'). See [h2020-hi-oa-pilot-guide_en.pdf](#) on the European Commission website and STOP Grant Agreement (paragraph 29.2).

The data collected in each WP are stored securely by the relevant partner in agreement with the WP leader and the STOP Steering Committee. Decisions on usage and publication of data collected are made by the Steering Committee, guided by the requirements of the Grant Agreement and the Consortium Agreement. A list of the data collected within each WP is maintained by the Co-ordinator and available to all STOP partners.

If researchers within the STOP consortium want to use data that have been gathered within a different WP, the following steps need to be followed:

1. A STOP Data Request Proposal Form (last page of this document) needs to be completed and submitted to the STOP Project Coordinator's Office;
2. This Form is considered by the Steering Committee;
3. Proposals will be deemed to be accepted unless a Steering Committee member objects within one month (unless notification of absence is received in which case this deadline



will be considered on a case-by-case basis). If there is an objection the request will need to be further considered by the Steering Committee which may require revisions to the proposal. If a disagreement cannot be resolved within the Steering Committee, the General Assembly can be asked for a decision. This decision will then be made as specified in the Consortium Agreement and is final;

4. Data will only be provided to members of other WPs after the originating WP has undertaken the first waves of data cleaning, reduction, and transformation;
5. After step 4, data should be available from the originating WP partner and supplied to an applicant in another WP within a maximum of four weeks after request, and ideally within two weeks;
6. The provided data may only be used for the analyses as specified in the accepted proposal (collaboration form). New research questions require a new submission of the proposal form;
7. Researchers who have requested or been granted access to a STOP dataset must inform the coordinating office about their strategy for data analysis in their application. Potential STOP collaborators (identified by the Steering Committee) must be given the opportunity to comment and contribute suggestions with regard to any analysis, methods, interpretations and data reporting;
8. A complete data syntax file (in SPSS, STATA or other file format) of the data analyses that have been conducted for a publication must be sent to the originating WP partner before the manuscript is submitted to the journal or commissioning organisation.
9. If any errors or coding inconsistencies in the data are found by any collaborating parties these should be reported to the originating WP partner so that the master data set can be corrected.
10. Ownership of the intellectual property relating to the data will remain with the originating WP partner or the STOP consortium.
11. The terms of the Consortium Agreement take precedence over the terms stated in this document.

The Steering Committee will review Data Request Proposal Forms to ensure adequate scientific rigour of all STOP publications and in addition will consider the following criteria:

- Is the proposed use of the data in line with the intended use of STOP data?
- Is there overlap with other known STOP analyses?
- Are all consortium collaborators included who should be?
- Is the STOP project and the consortium acknowledged appropriately?

12.2 Request from external parties to use STOP foreground data

Two forms of access rights are anticipated:

- a) Requests from external parties to use STOP foreground data to be pooled with other data to address a research question: External parties need to follow the steps (and need to comply with the rules) as described elsewhere in this document, and according to the Grant Agreement and the Consortium Agreement. The submitted proposal will be circulated to the Steering Committee, and discussed in a meeting (which may be conducted by telephone) within one month. An important prerequisite for data access by external groups will be that



requests must not overlap or compete with planned analyses by STOP partners. For manuscripts written using STOP data with many other data sets, the number of STOP authors will be agreed by the Steering Committee.

- b) Requests from external parties to use STOP foreground data alone (i.e. not in combination with other data sets or datasets being shared with STOP, such as COSI data) will not be considered until after the project has formally ended (1st June 2022).

13 STOP Data Access and Publication Policy

The purpose of the policy is to:

- guide researchers in performing analyses, writing papers and submitting publications and other types of reports based on data collected in the STOP project
- obtain the maximum possible benefit from our research by publishing our methods
- avoid inappropriate overlap between research outputs
- ensure fair and appropriate acknowledgement and authorship of contributors
- support early and mid-career researchers to enhance their publication record

Following the principles of open data all papers should be published in open access formats ('Green' or 'Gold'). See [h2020-hi-oa-pilot-guide_en.pdf](#) on the European Commission website, and STOP Grant Agreement (paragraph 29.2).

The data collected in each WP are stored securely by the relevant partner in agreement with the WP leader and the STOP Executive Board. Decisions on usage and publication of data collected are made by the Executive Board, guided by the requirements of the Grant Agreement and the Consortium Agreement. A list of the data collected within each WP is maintained by the Co-ordinator and available to all STOP partners.

If researchers within the STOP consortium want to use data that have been gathered within a WP or want to present or publish STOP results the following steps need to be followed:

1. A STOP Publication Proposal Form (last page of this document) needs to be completed and submitted to the STOP Project Support Office: <stop-management@imperial.ac.uk>; with copy to the administrative coordinator: <e.hathey@imperial.ac.uk>
2. This Form is considered by the Executive Board;
3. Proposals will be deemed to be accepted unless an Executive Board member objects within one month (unless notification of absence is received in which case this deadline will be considered on a case-by-case basis). If there is an objection the request will need to be further considered by the Executive Board which may require revisions to the proposal. Any proposal considered by the Board requires unanimous approval. If a disagreement cannot be resolved within the Board, the wider Steering Committee can



be asked for a decision. This decision will then be made as specified in the Consortium Agreement and is final;

4. Data will only be provided to members of other WPs after the originating WP has undertaken the first waves of data cleaning, reduction, and transformation;
5. After step 4, data should be available from the originating WP partner and supplied to an applicant in another WP within a maximum of four weeks after request, and ideally within two weeks;
6. Researchers who have requested or been granted access to a STOP dataset must inform the coordinating office about their strategy for data analysis in their application, and potential STOP collaborators (identified by the Executive Board) must be given the opportunity to comment and contribute suggestions with regard to any analyses and the manuscript of any papers or reports;
7. A complete data syntax file (in SPSS, STATA or other file format) of the data analyses that have been conducted for a publication must be sent to the originating WP partner before the manuscript is submitted to the journal or commissioning organisation.
8. If any errors or coding inconsistencies in the data are found by any collaborating parties these should be reported to the originating WP partner so that the master data set can be corrected.
9. If the authorship of a paper does not include any members of the Executive Board, the paper must be sent to the coordinator prior to submission. The coordinator will allocate the paper to a member of the Executive Board to review the paper within 1 week. Approval by that reviewer will be required prior to submission. If the first reviewer is unable to reply within that time the Executive Board will identify an alternative reviewer who will.
10. The provided data may only be used for the analyses as specified in the accepted proposal (collaboration form). New research questions require a new submission of the proposal form.
11. Ownership of the intellectual property relating to the data will remain with the originating WP partner or the STOP consortium.
12. The terms of the Consortium Agreement take precedence over the terms stated in this document.

The Executive Board will review Publication Proposal Forms to ensure adequate scientific rigour of all STOP publications and in addition will consider the following criteria:

- Is the publication, report or presentation abstract in line with the intended use of STOP data?
- Is there overlap with other known STOP analyses?
- Is the authorship appropriate?
- Are all authors included who should be?
- Is the STOP project and the consortium acknowledged appropriately?

The Executive Board will review progress against proposed submission dates on a quarterly basis. Papers that are overdue will be flagged in those meeting. Once a paper is more than 6



months overdue the Executive Board will reserve the right to reallocate the paper to different authors.

13.1 What you should include in your Presentation/ Abstract/ Poster/ Manuscript

13.1.1 Title text

Where allowed within the abstract submission rules, the title should be suffixed “The STOP project.”.

13.1.2 A Standardised Acknowledgement of the funding for STOP

All manuscripts utilising STOP data, methods or personnel should acknowledge funding for STOP by stating the relevant grant number, using the **EXACT** text below:

“The STOP project has received funding from the European Union’s Horizon 2020 research and innovation programme under grant agreement No 774548. The content of this document reflects only the authors’ views and the European Commission is not liable for any use that may be made of the information it contains.”

If possible, the acknowledgement should be accompanied by the EU emblem (see https://ec.europa.eu/info/sites/info/files/use-emblem_en.pdf). This acknowledgement may also identify other sources of funding.

13.1.3 A reference to the STOP protocol paper (after it has been published)

All manuscripts utilising STOP-funded output are advised to include a reference to the STOP protocol paper (usually in the introduction or the methods section). The web link to the protocol paper (open access) will be available on the STOP website.

13.1.4 Appropriate logos

If possible, posters and PowerPoint slides in which STOP is addressed should contain the STOP logo and the EU emblem.

13.2 Process for Submission, Review and Approval of Presentations, Abstracts and Manuscripts

13.2.1 STOP presentations

Abstracts should be submitted to the Executive Board by sending to stop-management@imperial.ac.uk (cc-ing Franco Sassi, Ella Hattey and Margot Neveux). The abstract will be circulated within the Executive Board, and members will be asked to respond **within 5 calendar days**. Lack of response will be assumed to signal agreement for submission. A negative response should be justified and will prompt further discussion, and this may delay or prevent submission of an abstract.



13.2.2 STOP manuscripts/reports

Authorship

For all planned STOP-related work, authorship for each manuscript should be stated in the Publication Proposal Form for agreement within the Executive Board, ensuring appropriate author positioning between data providers and analysts, and between junior and senior researchers. All authors of a paper must meet the ICMJE criteria for authorship¹.

General rules:

- All partners should be invited to contribute. The invitation should be made to the lead investigator for each partner, who will decide if a member of their team should be invited.
- After the list of authors, a suffix should be added: 'on behalf of the STOP consortium.'
- All authorship assignment needs to be in line with journal policies, and in accordance with the Vancouver-rules.
- The contributing authors will provide content and context review of the manuscript, work with the corresponding author where necessary, and agree the final version for submission.
- The corresponding author will inform the co-ordination administrator of the Executive Board when submission has occurred.
- Following acceptance for publication, a copy of the document should be sent to the coordination administrator to upload to the website (Members' area or Public area as appropriate) and to WP11 (World Obesity Federation) to arrange potential publicity and dissemination.

13.2.3 Request from external parties to use STOP foreground data

Two forms of access rights are anticipated:

- a) Requests from external parties to use STOP foreground data to be pooled with other data to address a research question: External parties need to follow the steps (and need to comply with the rules) as described elsewhere in this document, and according to the Grant Agreement and the Consortium Agreement. The submitted proposal will be circulated to the Executive Board, and discussed in a meeting (which may be conducted by telephone) within one month. An important prerequisite for data access by external groups will be that requests must not overlap or compete with planned analyses by STOP partners.

For manuscripts written using STOP data with many other data sets, the number of STOP authors will be agreed by the Executive Board.

- b) Requests from external parties to use STOP foreground data alone (i.e. not in combination with other data sets or datasets being shared with STOP) will not be considered until after the project has formally ended.

¹ See <http://www.icmje.org/recommendations/browse/roles-and-responsibilities/defining-the-role-of-authors-and-contributors.html>



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14 STOP Data Request and Publication Proposal Form

Purpose of data usage / or Paper's working title:	
Requesting investigator / or Paper's corresponding author:	
Other investigators / or Suggested co-authors:	
Research question(s):	
Variables to be used:	
Methods of analyses:	
Target journal (if known):	
Time schedule (start date, and expected completion date of planned investigation / submission to a journal):	

All co-authors should be informed about the strategy of the data analyses and given the opportunity to comment and contribute suggestions.

The data used in the proposed paper cannot be used for other papers or presentations or given to any other party without the consent of the STOP Executive Board.

To be filled out by the STOP coordinating office:

Date received:

Date approved:

Comments: