

“Some level of flexibility, innovative thinking and risk-taking from everyone involved is crucial to finding new knowledge valorisation pathways and making them work”



Hana Kosová is the Director of the Technology Transfer Office at Charles University in Prague, Czech Republic. We sat down with the well-versed knowledge and technology transfer expert to talk about some of the Code's recommendations related to licensing practices and exchange views on the specific challenges faced by universities and research organisations in Widening countries when it comes to knowledge valorisation.

European IP Helpdesk: What is your view on this Code of Practice? What do you think are strengths, and where do you possibly see weaknesses?

Hana Kosová: I think, in general, the concept of knowledge valorisation is very useful because it widens the approach to intellectual property. This Code of Practice is one of the documents that should support the idea of working with knowledge as a whole instead of only focusing on patents. For example, from the perspective of

a director of a Knowledge Transfer Office (KTO) of a university, which covers

quite a widerange of topics and types of intellectual assets, it's a very welcome document to tell everyone, written in black and white, that we should be working with knowledge and know-how, which is hidden among our academic researchers and also to cooperate more with other stakeholders in the whole ecosystem.

I also appreciate that the fundamental idea behind this code is more about managing than protecting IP, and I think it is helpful to take stock of that approach and have it in writing. On the other hand, there is not much new in the code, but I guess you cannot come up with anything more radical in such a document. I wouldn't expect it.

What is currently still missing is a better understanding by the broader community of what is actually meant by the knowledge valorisation concept and the Codes of Practice. There is still a lot of work to be done with

regard to awareness raising and explanation and the general acceptance of the new paradigm, as one could probably call it.

One of the key challenges and gaps that we hear from many experts is awareness raising. Do you see other challenges? Specifically, if we look at research organisations and universities, what are the significant issues they struggle with regarding knowledge valorisation?

Again, from the perspective of a university, which covers topics ranging from medicine and life sciences to social sciences and humanities, we, as KTO, see it as a great opportunity that we eventually have something to show to our management and our researchers and tell them that this is now the current trend in the entire EU and that we should be following this and try to work more with the unprotected know-how which is floating around somewhere.

But before people actually understand it, accept it and put it into practice in their daily work, both on the management side and the research side, it will take a while. It is also our task to promote it, also to the public sector or civil society and make them understand that they can benefit from this knowledge.

But at the same time, they can help us co-create and glue everything together much better. The original approach to knowledge valorisation was simply two-sided; you had academics on the one side, and there was the industry on the other side, and the knowledge was supposed to flow from research to industry for them to put it to use in a tangible way, something that you could touch and see. However, the new approach is more about social innovations and soft IP, which is much

more challenging to identify and sell. Consequently, finding the right partners to use this knowledge and make it visible is much more difficult. I think it is a great challenge to show the results and benefits to both the producers of knowledge and the users of this knowledge.

Do you also see specific challenges in bridging the innovation gap? What tasks and issues do universities and organisations in Widening countries face in particular? And how do they tackle those?

Currently, we are also involved in a project which is about public governance and how some of the widening countries, like public sectors, should be using knowledge streaming from academia. There are a lot of technical obstacles apart from the general mentality that the officers do not like to be helped in general. For them, it is rather difficult to accept that they might need to seek some external expertise or special know-how that is unavailable in-house in the ministry or some governmental agency. Alongside this, it's a lot about public procurement and the rules of how to access individual people's knowledge. In most countries, apart from very few exceptions, the knowledge generated is the property of the institution where the person works, such as universities, academies of science or other organisations in the science field. Still, the public sector tends to reach out to individual people and not to institutions.

Thus, what is missing and what we are trying to work on and clarify are rules of cooperation between the different institutions. We need more transparency here. Yet, in many Widening countries, governments still consider themselves untouchable, and no one should tell them what to do or advise them. That needs to change.

It requires changes in the mindsets of everyone involved, both universities and other academic institutions, as well as the public sector. In the private sector, this works much better, where companies can negotiate and sign contracts, and this is the normal part of the operations, but not in the public sector.

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Shifting our focus to the Code of Practice, in Chapter 4.3, a number of concrete recommendations are listed, also addressing practices more directed towards social impact, such as patent pools and collaborative licensing mechanisms. Where do you think we stand with that today?

I hope we are heading in the right direction, but again, we need to understand better what impact actually is. Often, when you talk to researchers, for example, they say we would like to achieve an impact with what we do. Still, when you ask them what exactly this could be, it is often difficult to define, and of course, it differs according to the scientific field we are discussing. In medicine, for instance, people would like to see more people cured or saved or having better, longer lives.

We must find plausible and credible ways to measure this because it's not only about implementing a patent. It is also about who gets the licence or gets hold of the rights. Again, we need to have a good understanding of the interests of every stakeholder involved in the process because the motivation can be very different, and it shouldn't be only about money, the larger societal impact should be considered too.

So, we need to seek novel and more flexible arrangements from a licensing point of view, too, and again, it needs more understanding and awareness raising on the management side of things, both in the private and public academic sectors.

Do you have a concrete example from your institution?

Recently, we dealt with a case of a large international consortium related to life sciences and medical topics. The consortium, stemming from some Horizon projects and Framework projects, has been working together for more than 15 years. They decided they would put all the IP created by the consortium into one shared pool, so

Code of Practice: Spot on!

"4.3. It is recommended to establish monitoring, transfer, and licensing practices by the following:

- (61) identifying relevant stakeholders to be involved in the dissemination and exploitation of results, including possible users where appropriate, and involve them accordingly in negotiations;
- (62) considering engaging in collaborative license mechanisms such as patent pools and clearing houses;
- (...)
- (65) committing to sustainable socially responsible licensing practices

basically, it is like joint Indivisible IP, which they transformed into a foundation. That foundation is now licensing the IP and receiving some nice money from this.

Based on the income, they have established a scheme of internal grants to fund basic research on novel diagnostics for leukaemia, accelerating research in this field. It only works because the institutions involved give something up; they agree to give up the individual ownership of IP because they realise, they are not as strong as the big group. Some institutions, however, did not agree to this and left the consortium because they still wanted the very traditional way of having a licence agreement, writing down on paper that they would get this and that percentage of the share of the income. Hence, this novel approach also requires some level of risk-taking and conviction to defend it to the management and say the money is part of the foundation, which is funding further research, but we don't have it in our account. In sum, some level of flexibility, innovative thinking and risk-taking from everyone involved is crucial to finding new knowledge valorisation pathways and making them work.

The Code of Practice also emphasises the need to monitor intellectual assets continuously. Practically

speaking, this requires time and human resources. How can organisations manage that?

It isn't easy. For example, my institution is quite large. We have around 50,000 students and more than 5,000 research staff. You can imagine the volume of know-how generated by this amount of people across many fields. Thus, we need to prioritise quite a lot. Of course, it would be great to monitor everything happening across the university, but that is almost impossible. We cannot talk to every one of those 55,000 people we should be taking care of. Yet, we try to address that with an organisational structure set up so that we have contacts in the different faculties, usually younger researchers who try to talk to their colleagues and capture what is going on. It is a kind of pyramidal structure with which we try to cover as much as possible, and so far, it has worked for us. But I admit we might be missing something somewhere at the far end of our research teams, specifically those not so well connected to some of our colleagues who work with us. I have been talking to many colleagues in similar roles and positions across Europe or even beyond, and this is a challenge to all of us.

In the future, increasing the individual motivation of our researchers to help us monitor, assess and disclose new IP more systematically would be very helpful. But we are not there yet. This has also to do with the way we evaluate researchers. Currently, many evaluation schemes are set up in a way that the number of publications, not IP disclosures, is still the top priority. Hence, if we managed to change these evaluation criteria, maybe researchers would be more motivated and more cooperative when it comes to monitoring IP. However, they only have limited capacities; they cannot manage everything.

Yes, and certainly, there are differences between different scientific fields. There are scientific areas that are more application-oriented, where you have greater IP awareness and thus better-established IP monitoring practices, and then there are others where there are not.

Time has been flying. Last question: what are the key ingredients for successful licensing practices?

First, the willingness of all parties involved. You have to balance both the giving and receiving parties, which is not always easy. In my experience, it is much easier when working with the private sector compared to the public sector, for example, or civil society organisations. Second, the need and the offer have to match well. This can also be tricky. Sometimes, we have something we think is useful, but then it becomes challenging to find the right partner to take up this knowledge and turn it into something useful. We try to talk to everyone to learn about their needs well in advance and try to push our researchers a little to see if they would be able and willing to adjust their research to the needs of an external cooperation entity. Still, researchers often perceive this as a clash with their academic freedom and are reluctant to accommodate anyone's needs. They want to follow their own curiosity.

However, I see slight changes in this regard, especially with the younger researchers. They often feel more strongly about their research making as much impact as possible. Hence, they are more open to listening to what is needed and adjusting their research so that external partners can better use their results.

Thus, I think it is all about relationships: knowing the people, knowing the institutions you work with and finding out what their needs are to possibly shape future research and collaborations in such a way that they benefit all parties involved.