



Decision Tool for Societal Benefit from Co-created Results Rights Management

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Outline and purpose of the document: The Decision Tool for Societal Benefit from Co-created Results is part of the IMPAC3T-IP co-creation toolkit. It is a practical, short, "yes/no" flowchart aimed at helping projects, particularly those addressing societal challenges and/or incorporating public and patient involvement (PPI), follow best-practice in managing expected intellectual property rights (IPR). The accompanying commentary is aimed at helping the user better understand common and underlying issues, and the implications of any decision.

Target readership: Any stakeholders in co-creation seeking a fast, transparent way to set participants expectations on ownership, licensing, and recognition before or during co-creation process. This may include project leads, facilitators, contributors (experts, patients, consumers, carers, charities, volunteers), researchers, clinicians, and so-called 'Engaged Research' or Citizen Science officers. The tool can also be used by technology transfer (TT) specialists working with researchers and project teams to facilitate exploitation of results.

Level: This document assumes a basic understanding of co-creation or social innovation projects, but no prior expertise in IPR. It may still be useful for those with a much deeper experience of co-creation and IPR, who are seeking a structured methodology to align stakeholder expectations when shaping a project and developing contractual elements.

Focus: To provide a simple way to set expectations on the IPR resulting from co-creation projects in the societal domain.

Scope: To aid participants in co-creation to make informed decisions when giving input to a project, based on expectations on the IPR of the project results. This is achieved through structured questions with supporting commentary.

Disclaimer: This guide reflects the authors' best understanding of issues that may arise in managing co-creation for societal impact projects at the time of writing. As these fields continue to evolve, it should be used only as general guidance and not as a substitute for professional legal, IP, or data-protection advice. The authors, IMPAC3T-IP, and project partners accept no responsibility for outcomes arising from its use.

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Index

Acronyms	1
1. What is the Decision Tool	2
2. How to use the Tool for your Project	2
3. Useful resources	4
Annex 1. Decision Tree logic	5
Annex 2. Decision Tree (A3).....	9

Acronyms

Acronym	Definition
IP	Intellectual Property
IPR	Intellectual Property Rights
NDA	Non-Disclosure Agreement
TT	Technology Transfer
RPO	Research Performing Organisation

1. What is the Decision Tool

The Decision Tool for Societal Benefit from Co-created Results is a short yes/no decision aid for co-creation, societal impact projects.

The questions will help current or potential project participants consider and evaluate their motivations, needs, level of trust, ability to manage rights, and expectations. Expectations regarding the 'openness' of the project's results are given particular importance. The decision tree does not replace legal consultation. It helps the project team to explore their own and other participants' expectations, their feasibility, and legal issues to be considered. The outcome of the decision tool is a recommendation useful when drafting non-disclosure agreements (NDAs), collaboration agreements, or licensing provisions for the project results.

The tree is intentionally brief and therefore will not cover every situation. The closest analogy should be used to understand a project's scenario, remembering that a deeper legal consultation during the project definition is often needed.

2. How to use the Tool for your Project

Find the Decision Tool (tree) at the end of this document – we recommend printing in A3 format.

The Decision Tool is primarily intended for co-creation project participants to use when engaging with other stakeholders about potential project results. You can treat the tool as a simple conversation starter, to help participants think about their own situation, and make more informed choices related to their contributions.

When, during project discussions, a participant is unsure how to handle their contribution and is confused about "what happens to my rights" or "what I will get from this", you can apply the decision tree to help understanding and define their own plan. The tree is designed to be used by the co-creation participants to go through individually, but it may also be collaboratively with the project lead or another member of the project team. Remember that all co-creation participants have their own motivations and circumstances that could affect their individual decisions.

The questions are all "yes / no", with short explanations provided in the commentary. This commentary is educational; typical aspects of societal benefit projects, such as the rarity of royalties, cost of IP protection, potential for open licences and limitations on what can be promised. The language is kept straightforward and does not claim to be legally robust.

The user starts at the top and answers the questions in sequence. The steps help you to continuously check motivation, interest in using/re-using project results, comfort with open sharing, capacity and willingness to engage in managing IP, and any specific conditions participants might have. The sequence ends at one of the "Your decision" nodes. These nodes do not force an outcome, but give a clarity on the decisions faced: i.e. to fully delegate IP decisions to the project, to effectively donate a contribution under an open licence or to the public domain, to request shared ownership (with all the responsibilities that come with it), to participate only if the results remain open, to seek legal advice and negotiate specific conditions, or to decide not to participate if basic conditions cannot be met.

The tree may also support decisions on IP management policy between multiple stakeholders. Each organisation or group representative can first answer the questions for themselves and note the final

“decision” they reach. A summary of the results is then used as a starting point for a structured discussion: whether partners are comfortable with delegation, whether they prefer openness, whether they expect royalties or special rights, and whether co-ownership is realistic.

Before using results of such a discussion to define IP policy, it is important to examine the conditions of the funding organisation, if they exist. Grant agreements may require certain results to be made public and openly available to use, may recommend specific licensing models, or may impose strict limits on ownership and revenue-sharing. Legal advice is always recommended and especially when unique or special conditions are imposed.

3. Useful resources

- *Open-Source Definition*

<https://opensource.org/osd>

- *Creative Commons Guide “Share your work”*

<https://creativecommons.org/share-your-work/>

- *WIPO Information on Mediation and Arbitration*

<https://www.wipo.int/en/web/business/mediation-arbitration>

- *PPI Ignite Network Ireland*

<https://www.ucd.ie/ppi/>

- *IMPAC3T Toolbox*

- *IMPAC3T-IP Co-creation IP Management Guide for Societal Challenges Projects*
- *IMPAC3T-IP Agreement framework and model tools (Co-Creation scenario)*
- *IMPAC3T-IP Co-creation results analysis tool*
- *IMPAC3T-IP Co-creation continuation opportunity mapping*
- *IMPAC3T-IP Guidance for Managing Intellectual Assets in PPI Context*
- *IMPAC3T-IP Guidelines and considerations for Open Science (disclosure rules, open access rules)*
- *IMPAC3T-IP Guidelines on business models for Galleries, Libraries, Archives, and Museums (GLAM)*
- *IMPAC3T-IP Guidelines on Creative Commons*

<https://www.impac3tip.eu/toolbox/>

Annex 1. Decision Tree logic

Node Name	Question Text	If 'Yes', Go To	If 'No', Go To
start	START	qMoney	–
qMoney	Do you have any financial motivation in contributing to the project? (e.g., royalties, using results to start a new business, increase income to your current organisation?) <i>Note: Many contributors to societal benefit projects donate their experience, time and stories. They receive recognition and better services, but not regular income from results.</i>	qUseResults	qSociety
qUseResults	Do you want to use project results in your own projects, or a new or existing company? <i>Note: Be aware that a contract with a funder typically includes certain conditions that may affect this. For example, it may specify which results should be made public. If 'yes', it is important to explore, in advance, either a licence on the project results for your future use, or other access to results via e.g. an open licence. Participation/contribution may facilitate negotiation of advantageous terms.</i>	qCapacity	qPlans
qPlans	Do either of the following apply: • You understand and believe a potential business model exists that could support and sustain realising impact from the project results • You have concerns or doubts that the project may not select a fair or effective way to realise impact through IP management and/or licensing. If your answer is 'yes' to either, follow the 'yes' arrow. If 'no' to both, follow the 'no' arrow.	qCapacity	qSociety
qSociety	Do you consider it important that results from this project are shared as widely and openly as possible, even if you cannot then control exactly how they are used, and lose the possibility of preferential access to your own benefit? <i>Answering 'yes' here will lead to options to open or donate your IP.</i>	qReadyToOpen	qCapacity
qReadyToOpen	Are you willing and able to agree that results derived from your contribution can be published under an open licence, as part of	qDonate	rDelegate

	the final results, if this aligns with the project goals?		
qDonate	<p>Will you be willing to contribute to the project if it will be impossible to make all the project results open?</p> <p><i>Note: results can be made open only if all the participants agree. It may also be a requirement of the funding body. Open source or open licences require specific exploitation models to make the project feasible from the outset. This can strongly influence the project methodology, and may make protective licensing the only viable option. If you plan to use the results in your own project and want some control or special rights, you will probably answer 'no' here and instead discuss a licence with the project lead.</i></p>	rTransfer	qAllOpen
qAllOpen	<p>Would you be satisfied if results derived from your contribution are open, while other project results are not?</p> <p><i>Note: Not all results can be separated and equally your contribution can not always be differentiated. Achieving separate treatment depends on the nature of the work and type of protection pursued. Legal advice required.</i></p>	rDelegate	rAllOpen
qCapacity	<p>Can you realistically manage your interest in project results / IPR? Think about these statements:</p> <ul style="list-style-type: none"> • I (or my organisation) have at least a basic understanding of IPR • I have access to a person, office or advisor who can help with IPR concerns • I broadly appreciate typical costs of IP protection (registration, renewals, legal advice) and how I would fund them • I have time and energy for administration and decisions that may take several years • I am ready to share responsibilities and costs with other co-owners. <p>Answering 'no' to any of these questions means follow the 'no' arrow.</p> <p><i>Note: Be aware that IP management is likely to need significant time and resources. It typically takes 5 years for a patent to be fully granted across a useful jurisdiction. This full grant of a single patent could cost around EUR 20k, once all necessary legal and professional services are accounted for, and up to EUR 300k to maintain over its subsequent lifetime.</i></p>	qClarity	qRoyalty
qRoyalty	Do you expect royalties, or do you set any other specific conditions over your	rDelegate	qReadyToOpen

	<p>participation in the project (e.g. licenses, results branding)?</p> <p><i>Note: Administration of royalties requires significant resources, so this outcome is rare in societal benefit projects. Also, royalties are usually limited to a few key contributors. University/funding organization policies on royalties may apply.</i></p>		
<i>qClarity</i>	<p>Are you confident that you can agree in writing:</p> <ul style="list-style-type: none"> • what exactly will be protected and who will be named as owner(s); • which countries or markets are in scope; • how long protection and licences should last; • how any income (if it ever appears) and costs will be shared; • what happens if protection is refused or becomes too expensive. <p>If your answer is 'no' to any of these, follow the 'no' arrow.</p> <p><i>Note: Participation of hospitals in IP ownership may complicate licensing and technology transfer decisions as approvals might become too complicated. Also, hospitals may face restrictions when holding equity in spin-off/start-up companies. If you represent a hospital and want to manage IP, you need an IP professional's advice. If there are hospitals involved it can affect the whole scheme of IP distribution.</i></p>	rShared	qTransfer
<i>qTransfer</i>	<p>Are you willing to let the project lead (or another agreed third party) hold and manage all IPR on behalf of the project?</p>	rDelegate	meet
<i>meet</i>	<p>Meet the project lead to discuss your participation conditions and possible alternatives</p>	–	–
<i>rTransfer</i>	<p>Your decision: Let the project lead manage IP for you.</p> <p>What to tell the project lead: 'I do not plan to manage IP myself. I will approve for the project lead to make IP decisions relating to results derived from my contributions. I am also open to my contribution being released under an appropriate open licence (for example, a Creative Commons licence) or placed in the public domain, if this suits the project.'</p>	–	–
<i>rDelegate</i>	<p>Your decision: Take further legal advice, enabling you to express specific conditions to the project lead. Be aware that you might need to cover related costs, and there is no guarantee you will get the conditions you</p>	–	–

	request, as the project will consider funding body limitations, the nature of the results, and the stance of other participants. Be ready to either back down and delegate IP decisions to the project lead, or decline to participate in the project.		
<i>rAllOpen</i>	Your decision: Participate only if all results will be kept open. What to tell the project lead: 'I would like the whole result of this co-creation endeavour to remain open for non-commercial use or under an agreed open licence for everyone to access and use, including all contributors.'	–	–
<i>rShared</i>	Your decision: Communicate your desire to become one of several co-owners with agreed rules for decisions, benefit-sharing and costs. What to tell the project lead: 'I would like to co-own protected results, and I am ready to share decisions, responsibilities and costs under a clear written co-ownership agreement.'	–	–

Annex 2. Decision Tree (A3)

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