



## **Annexes to the Call for proposals Perspectief**

Enabling new technology in the top sectors  
Call for public-private research programmes

2019/2020



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**Note: In case of divergence between the language versions, the Dutch version shall prevail.**

# 1. Intellectual Property (IP) Policy

## 1.1. Introduction

NWO Domain AES realises about knowledge transfer between technical sciences and users. In this process it is important that research results in general and patentable inventions in particular are handled responsibly. The aim of NWO Domain AES is to exploit and publish research results as widely as possible while retaining the option of establishing Intellectual Property (IP) rights and transferring or licensing them to the user(s), and to encourage cooperation between researchers and various companies.

The IP rules of NWO Domain AES support the Domain's mission and fit within the NWO IP policy. The NWO IP policy can be found in Section 4 of the NWO Grant Rules 2017, dated February 2019. The NWO IP policy is in line with the "Rules for public-private partnership" as presented to Dutch House of Representatives on 25 June 2013.

Main applicants and co-applicants should carry out NWO research while they are working for the knowledge institution. If this is not the case, the other employer should sign a waiver so as to guarantee knowledge ownership by NWO Domain AES and the research institute(s).

NWO Domain AES gives knowledge institutions the opportunity to make their own IP & publication (IP&P) arrangements with parties with which they cooperate. Its aim in doing this is to respond more effectively to the wishes of researchers and co-funders involved in NWO-projects. It is still possible to choose the approach where NWO Domain AES takes the lead in making arrangements on matters such as intellectual property. In this case, the IP rights to the research results accrue jointly to NWO and the beneficiary whose employee generated the results in question.

Knowledge institutions preferring to make their own IP&P arrangements must stipulate this choice at the time of submission (with the consent of the users concerned) and must conclude relevant written agreements within three months of the award of their NWO project. The lead in concluding such agreements is taken by the main applicant/project leader. The agreements are then checked by NWO Domain AES against the four criteria listed in Section 1.4. These criteria are in line with the task and mission of NWO Domain AES.

## 1.2. Choice on submission

NWO Domain AES asks the main applicant to state in the "Project details form" (annexed to the research application) what has been decided in terms of making IP&P arrangements for the research results. The two options and the associated implementation conditions are described in the box below.

**Responsibility for making Intellectual Property & Publication\* arrangements lies with NWO Domain AES (“AES IP&P arrangements”)**

Part 3 (Intellectual property) of the “Brochure Guidelines Users’ Committee NWO Domain AES 2017” (at <https://www.nwo.nl/en/about-nwo/organisation/nwo-domains/ttw/applicant>) applies.

**Access to foreground IP rights for private parties) / consortium:**

0-10% private contribution by private parties: No automatic right for private parties.

11-30% private contribution by private parties: Option right for private party/consortium.

31-50% private contribution by private parties: Non-exclusive non-transferable commercial licence + option rights to exclusive right. A contribution to patent costs may be required.

Private parties can add up their contributions to move into a more favourable category.

Confidential data will be treated confidentially.

Results can always be published; publication can be deferred for up to nine months due to protection (patenting) of results.

Arrangements must be confirmed in writing within six months of the award of funding.

*Further information on the options is available in Section 4 of the NWO Grant Rules 2017, dated February 2019, the “Brochure Guidelines Users’ Committee NWO Domain AES 2017” and the relevant or underlying call for proposals.*

**Responsibility for making Intellectual Property & Publication\* arrangements lies with the main applicant/project leader (“Own IP&P arrangements”)**

Own IP&P arrangements meet the following criteria:

i All necessary foreground IP rights (arising from the AES project) and – as far as legally possible – background IP rights (pre-existing rights of the company and/or knowledge institution) are available in order to carry out the project.

ii The agreement is focused on applying or sharing rights in the sense of publication.

iii Publication of the scientific knowledge resulting from the project will not be obstructed by users; rather, beneficiary and users will determine the publication dates in consultation.

iv Project results generated by the beneficiary will remain available to the beneficiary for teaching and research purposes.

On submission: The knowledge institution(s) and all users agree to apply their own IP&P arrangements to the AES project and declare that these IP&P arrangements meet or will meet criteria i to iv.

After award: The beneficiaries and all users accept the agreement in writing.

NWO Domain AES must receive the following from the project leader within three (!) months of the award:

i. The signed agreement containing IP&P arrangements made with the user(s).

ii. A signed IP&P declaration by which the beneficiaries confirm that the agreement containing IP&P arrangements with the user(s) meets the criteria. The project leader provides a reference to the relevant articles in the agreement.

NWO Domain AES reviews the agreement on the basis of the criteria; if the agreement is approved, NWO Domain AES informs the project leader that the project may start.

## 1.3. Responsibility for making IP&P arrangements lies with NWO Domain AES

NWO Domain AES takes the lead in negotiations on the IP&P arrangements. After the award, the user contributing to the project receives a letter from NWO Domain AES informing it that the knowledge institution's project has been awarded funding. In addition, NWO Domain AES asks the user to sign the letter for approval in order to (re)confirm its participation in and contribution to the project. A user may also wish to make the mutual rights and obligations in the partnership permanent by concluding a more detailed agreement. This is possible.

More information on the NWO IP policy can be found below (see also the "Brochure Guidelines Users' Committee NWO Domain AES 2017" at <https://www.nwo.nl/en/about-nwo/organisation/nwo-domains/ttw/applicant>).

\*NB: All scientific publications resulting from research funded by grants derived from this call for proposals are to be immediately (at the time of publication) accessible to all worldwide (Open Access). There are several ways for researchers to publish Open Access. A detailed explanation can be found on the NWO website <https://www.nwo.nl/en/policies/open+science>

## 1.4. Principles of the IP policy of NWO Domain AES

### Ownership of research results

Research results of an NWO project which are generated by the research institute(s) are owned jointly by the relevant knowledge institution(s) and NWO.

- Research results of an NWO project which are generated exclusively by one or more users are owned by the user(s) concerned. The user(s) will give NWO Domain AES and the research institute freedom to operate.
- Research results of an NWO project which are generated by the research institute(s) and one or more users jointly are owned by the relevant knowledge institution(s) and NWO. If a user contributing to the results has provided more than 10% personnel co-funding to the project, this user will receive a royalty-free, non-exclusive, non-transferable right of use.
- Existing IP rights will continue to be owned by the rights holder contributing the IP rights to the project. Where legally possible and provided there are no serious economic objections, this rights holder will, acting at its own reasonable discretion, give freedom to operate.
- Freedom to operate means that the owner of the IP rights grants licenses to other parties within the project:
  - where legally possible;
  - where necessary for the project (free of charge);
  - where necessary for exploitation of the current or other research results (at market price);
  - where this does not prejudice the reasonable commercial interests of the owner.

### Protection of research results, confidentiality and publications

NWO Domain AES attaches great importance to knowledge protection if such protection increases the likelihood of knowledge transfer. When admitted to the user committee at the start of or during the research, users undertake to maintain confidentiality with regard to the research results. Before or during a project, participants may agree not to protect knowledge within the project if this is to the benefit of knowledge exploitation.

The researcher is obliged to report any discoveries to NWO Domain AES immediately. NWO Domain AES should be made aware in advance about any obstacles to the free use or exploitation of results. If it emerges that there are obstacles to implementation of the IP policy of NWO Domain AES, NWO Domain AES will impose additional conditions. If it emerges during the project that the project leader has omitted to notify NWO Domain AES about such relevant information, NWO Domain AES may suspend the project until the obstacles have been removed. In this case, NWO Domain AES may request access to contracts and/or patents. Contracts must not conflict with the IP policy of NWO Domain AES. If it emerges that NWO Domain AES cannot have free access to the results of the AES research, NWO Domain AES may decide not to award the project or to discontinue it.

## 1.5. Responsibility for making IP&P arrangements lies with the main applicant/project leader

If the main applicant/project leader opts to make their own IP&P arrangements with the user(s), these agreements must be laid down in writing and meet the following conditions:

- i. All necessary foreground IP rights (arising from the NWO project) and – as far as legally possible – background IP rights (pre-existing rights of the company and/or knowledge institution) are available in order to carry out the project.
- ii. The agreement is focused on applying or sharing rights in the sense of publication.
- iii. Publication of the scientific knowledge resulting from the project will not be obstructed by users; rather, beneficiary and users will determine the publication dates in consultation.
- iv. Project results generated by the beneficiary will remain available to the beneficiary for teaching and research purposes.

In addition, the following condition applies on submission or award:

- On submission: The beneficiaries and all users agree to apply their own IP&P arrangements to the NWO project and declare that these arrangements meet or will meet criteria i to iv.
- After award: The beneficiaries and all users accept the agreement in writing.

Within three months of the award, the project leader will provide a copy of the agreement, indicating where in the agreement each of the above conditions has been included.

In addition, all beneficiaries and users involved must within three months after the award declare that the conditions have been met by signing and returning the contract.

If, on review, it emerges that the arrangements made do not meet the above conditions, NWO Domain AES may extend the aforementioned period of three months after award by a single period of up to two months in order to give the user(s) and beneficiaries the opportunity to amend the arrangements so that they do meet the criteria.

If the conditions are not met, the conditions of award are not met and the funding will not be allocated.



## 2. Notes on co-funding criteria

### 2.1. Notes on co-funding criteria in cash and in-kind

- NWO Domain AES uses the financial co-funding to cover part of the project costs. After a project is approved, NWO Domain AES sends an invoice to users who have pledged a financial contribution. Once the funds have been received, they are allocated to the project. The financial contribution referred to in the letter of support is paid in one to four instalments to NWO Domain AES.
- NWO Domain AES accepts personnel input and material contributions as co-funding on condition that these are capitalised and that they form an integral part of the project. This should be made clear in the description and planning/phasing of the research.
- NWO Domain AES is the main funder of the projects. Project applications where the co-funding from users exceeds the amount to be borne by NWO Domain AES will not be considered.
- NWO Domain AES assumes that providers of co-funding have a vested interest as users and so as appliers of the research results outside of science. Co-funders always participate in the user committee.
- NWO Domain AES assumes that providers of co-funding have a vested interest as users and so as appliers of the research results outside science.
- Co-funders, like project parties, always participate in the user committee.
- Government agencies can play various roles in NWO projects, namely: (1) as a research partner (without entitlement to AES funding), (2) as a performer of a specific assignment (at market rate) or (3) as a user. Government agencies may act as users under the same conditions as private users.
- The co-funding to be provided by users must be confirmed in a letter of support.

### 2.2. Notes on in-kind co-funding criteria

- Part of the research may be conducted by third parties. A condition is that the expertise provided in the form of man-hours is not already available in the knowledge institution(s) and is used specifically for the AES project. For personnel support by third parties, NWO Domain AES applies fixed rates in order to capitalise the number of man-hours used (up to 1,400 direct hours/year/FTE) for a senior or junior researcher. For the current rates, see the document “Hourly rates for in-kind contributions by third parties in the form of hours worked” available at <https://www.nwo.nl/aesapplicant>. The 2019 rates apply to the 2019/2020 Perspectief round, i.e. € 103 for all employees with an academic qualification and € 71 for all employees with a higher education background.
- For pledges of material resources, you should charge the cost price. Commercial rates are not accepted. For pledges of equipment, you should take previous depreciations and the intensity of use into account.
- Pledges in the form of supplies of services are possible only if the service can be itemised as an identifiable new endeavour. The service should not already be available in the knowledge institution(s) conducting the research. Applicants may wish to claim services already supplied (such as a database, software or plant lines) as in-kind co-funding. Acceptance is not automatic in such cases. You should contact NWO Domain AES in this regard. Further consultations will take place to decide whether a specific value can be determined for this supply of services.

### 3. Co-funding example calculations

The minimum size of the NWO contribution per programme is M€ 1.5, and the maximum NWO contribution per programme is M€ 4. In addition to the NWO contribution, co-funding by users is compulsory, except in the case of the Governance project.

For the Governance project, the maximum NWO contribution is 5% of the total NWO contribution to the programme. No co-funding is required for the separate Governance project. The maximum NWO contribution of M€ 4 is including the requested budget for the Governance project.

In the 2019/2020 Perspectief round, applicants can choose one of two options:

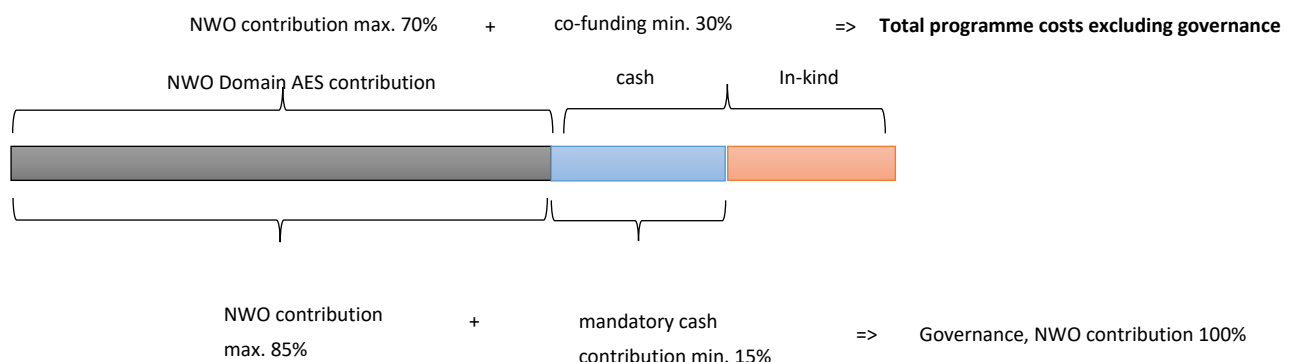
1. After the award of funding, a programme is treated as a single large project (with work packages rather than coherent projects), Option 1 in Call for proposals, Section 3.2.3;
2. The programme is regarded as a set of separate but coherent projects, Option 1 in Call for proposals, Section 3.2.3.

The co-funding requirement applies to the whole programme, with the exception of the Governance project. No co-funding is required for the separate Governance project and the latter is not included in the calculation for the minimum compulsory co-funding. The basic principle is that NWO funds up to 70% of the total programme costs, excluding the Governance project, and the co-funding is at least 30% of the total programme costs, excluding the Governance project. The co-funding has a mandatory in-cash element of at least 15% of the required financial resources; the remainder may consist of in-kind co-funding (see Figure 1).

The minimum 30% co-funding requirement should be provided by companies and institutions that cannot act as applicants for NWO projects. Universities of applied sciences cannot provide co-funding. Foreign companies can provide co-funding under the same conditions as Dutch companies.

If you opt for a formal division of the programme into projects (Option 2 in Call for proposals, Section 3.2.3), co-funding will be pledged and provided for each project. The co-funding requirement applies to the *whole programme*, with the exception of the Governance project; it does not apply at project level. This ensures that scientifically merited project initiatives which do not meet the co-funding requirement can be compensated by other projects under the same programme with a high user contribution. However, NWO should be the main funder for each individual project and at least two-thirds of the projects individually should meet the co-funding requirement.

**Figure 1: Overview NWO contribution compared to the required cash and in-kind co-funding**





To ensure that the mandatory cash contribution does not rise without limit in line with increasing in-kind contributions, the contributions are defined as follows:

- financial contributions are used to cover part of the project costs and thus, together with the NWO contribution, constitute the required financial resources;
- in-kind contributions mean capitalised personnel and/or material contributions from users.

If one or more TO2 institutes are participating as co-applicants, a distinction should be made in the budget between the eligible costs associated with the activities of this institution(s) and the eligible costs of other partners. If one or more TO2 institutes are participating as co-applicants, the grant will be applied in such a way that the NWO contribution therefore no longer amounts to 50% of the eligible costs associated with these activities. For the part of the budget requested for TO2 institutes the co-funding is at least 50%. In addition, for other applicants and associated costs, the NWO contribution should not exceed 70% of the eligible costs on average. Therefore, the required co-funding for the total programme should be at least 30%, and is higher if a TO2 institutes participates as co-applicant. Costs within the Governance project are in all cases excluded from this co-funding requirement and maximum percentage contribution.

#### **Example calculations (without the participation of one or more TO2 institutions participating as co-applicant)**

For both Phases 2 and 3, you should carry out an overall calculation for the **whole programme**.

If desired, you can use the Excel file “Financial Planning Perspectief programme” as assistance for Phase 2 (see documents on the website). In Phase 2, it only serves as assistance and need not be submitted. From February 2020, the Phase 3 Excel file “Budget overview programme and projects” will be available that should be completed and submitted in Phase 3.

Suppose you estimate the **required financial resources** for your programme at M€ 3.1, including M€ 0.1 for the Governance project.

If the **co-funding consists only of cash**, the minimum mandatory cash contribution is 30% of M€ 3, i.e. M€ 0.9. In this case, the maximum NWO contribution is 70%, i.e. M€ 2.1 plus M€ 0.1 for the Governance project.

If the **co-funding consists of both cash and in-kind**, the minimum cash contribution is 15% of the required financial resources, i.e. M€ 0.45, and NWO contributes the amount of M€ 2.55 – separate from the M€ 0.1 contribution for the Governance project. The additional in-kind co-funding required is calculated as follows: the M€ 2.55 (amount excluding Governance project) from NWO is the maximum 70%, so the minimum co-funding requirement is  $30/70^{\text{th}}$  of M€ 2.55, i.e. M€ 1.093. After deducting the minimum mandatory cash contribution of M€ 0.45, a minimum in-kind contribution of M€ 0.643 remains. In this case, the total project costs, excluding the Governance project, are the required financial resources (M€ 3.0) plus the in-kind co-funding (M€ 0.643), totalling M€ 3.643.

Suppose you are applying for a project where the **total project costs** (including all co-funding) are M€ 3.1, including M€ 0.1 for the Governance project. In this case, the NWO contribution is a maximum of M€ 2.1 (70% of the total) plus 100% of the Governance project cost, i.e. M€ 0.1 (totalling M€ 2.2). The total co-funding is at least M€ 0.9 (30% of the total excluding Governance), at least M€ 0.37 of which is in cash (15% of the required financial resources or  $15/85^{\text{th}}$  of the NWO contribution). The remaining M€ 0.53 in co-funding may be provided in kind.

In every case, you should check that the NWO contribution requested for the costs of the Governance project does not exceed 5% of the total NWO contribution to the programme.

Please note that confirmation of the contribution will be requested after a programme proposal has been awarded funding.

**If one or more TO2 institutes are participating as co-applicants**

For the part of the budget requested for TO2 institutes the co-funding is at least 50%. In addition, for other applicants and associated costs, the NWO contribution should not exceed 70% of the eligible costs on average. Therefore, the required co-funding for the total programme should be at least 30%, and is higher if a TO2 institutes participates as co-applicant. When preparing the full application (only after invitation by the NWO Domain AES Board, from February 2020) the Phase 3 Excel file “Budget overview programme and projects” will be available. This additional condition will be included in this Excel file.

If anything is unclear, please contact the coordinators Anke Stekelenburg (+31 30 600 1314, [a.stekelenburg@nwo.nl](mailto:a.stekelenburg@nwo.nl)) and Bastiaan de Jonge (+31 30 600 1273, [b.dejonge@nwo.nl](mailto:b.dejonge@nwo.nl)).

## 4. Letters of support

### 4.1. Template for letter of support, Phase 2

Company

Logo

Address

Date [as recent as possible]

Dear [name (co)applicant/project leader]

Introduction: Brief description of the company and the core business (type of company, size, which service, products). An explanation as to why the theme and answering of the research question are important to the company. How does this solution fit in their strategy?

Description of support: A statement that the company is interested in and will commit itself to the research. What the company will/might contribute in concrete terms (cash and/or in kind, incl. capitalization) and why/how this fits in the research proposal/planning. (Further specification of the in-kind support is asked in Phase 3 of the procedure.)

Signed by an authorized signatory

Name and function

## 4.2. Template for letter of support, Phase 3

Company

Logo

Address

Date [as recent as possible]

Dear [name (co)applicant/project leader],

Introduction: Brief description of the company and the core business (type of company, size, which service, products). An explanation as to why the theme and answering of the research question are important to the company. How does this solution fit in their strategy?

Description of support: A statement that the company is interested in and will commit itself to the research. What the company will contribute in concrete terms (cash and/or in kind, incl. capitalization) and why/how this fits in the research proposal/planning. The cash contribution stated in the letter is paid to NWO.

Further specification of the in-kind support, both hours (number and/or tariff applied) and materials, for example:

<i>Description</i>	<i>number</i>	<i>cost price/ tariff</i>	<i>Total</i>	<i>Percentage that can be attributed to the project</i>	<i>etc</i>
XXX	X	XX	XX	XX%	
XXX	X	XX	XX	XX%	

***Obligatory paragraph:***

We have read and have been fully informed about the application. We state that we will actively participate in the User Committee (UC) established and that we will comply with the applicable terms and conditions for participation.

Furthermore we are aware that the above mentioned project is part of a NWO Domain AES Perspectief programme.

Signed by an authorized signatory

Name and function

## 5. Technology & Societal Readiness Level

In the KPI's (see brochure, monitoring and evaluation) and the mandatory format (Phase 3, available in February 2020) you will be asked to state the Technology Readiness Level (TRL), and if applicable the Societal Readiness Level (SRL), of the technology at the start of the programme and the expected TRL at the end of the programme. The TRLs & SRLs are described below.

Technology Readiness Level	Description
TRL 1.	Basic principles observed
TRL 2.	Technology concept formulated
TRL 3.	Experimental proof of concept
TRL 4.	Technology validated in lab
TRL 5.	Technology validated in relevant environment (industrially relevant environment in the case of key enabling technologies)
TRL 6.	Technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies)
TRL 7.	System prototype demonstration in operational environment
TRL 8.	System complete and qualified
TRL 9.	Actual system proven in operational environment (competitive manufacturing in the case of key enabling technologies)

Societal Readiness Level	Description <sup>1</sup>
SRL 1.	Identifying problem and identifying societal readiness
SRL 2.	Formulation of problem, proposed solution(s) and potential impact, expected societal readiness; identifying relevant stakeholders for the project.
SRL 3.	Initial testing of proposed solution(s) together with relevant stakeholders
SRL 4.	problem validated through pilot testing in relevant environment to substantiate proposed impact and societal readiness
SRL 5.	proposed solution(s) validated, now by relevant stakeholders in the area
SRL 6.	solution(s) demonstrated in relevant environment and in co-operation with relevant stakeholders to gain initial feedback on potential impact
SRL 7.	refinement of project and/or solution and, if needed, retesting in relevant environment with relevant stakeholders
SRL 8.	proposed solution(s) as well as a plan for societal adaptation complete and qualified
SRL 9.	actual project solution(s) proven in relevant environment

<sup>1</sup> [https://innovationsfonden.dk/sites/default/files/2018-08/societal\\_readiness\\_levels\\_-\\_srl.pdf](https://innovationsfonden.dk/sites/default/files/2018-08/societal_readiness_levels_-_srl.pdf)

## 6. Data management section

***Please use the form “Data management section” for your application!***

### Notes on data management

**NWO only requires the storage of data that is relevant for reuse.** NWO assumes in principle that there is a broadly accepted view within scientific fields on which data are relevant for reuse and should be stored. Research Data Netherlands offers a checklist for the selection of data that may be eligible for archiving.

Research results should be stored in such a way that they can be retrieved and re-used in the long term, including by researchers from fields and organisations other than those in which the research took place. The basic principle is that all stored data are freely accessible and that access is restricted only if required on account of aspects such as privacy, public safety, ethical restrictions, property rights and commercial interests.

Data management costs are eligible for funding and should be included in the application budget. Important factors that determine the costs are:

- the type of data;
- the required storage and backup capacity;
- the extent of manual work involved in assigning metadata and producing other documentation such as code books and used queries in the statistical package;
- the required level of data security;
- the hiring of external data management or other expertise.

By means of the data management section, NWO mainly aims to promote awareness of the importance of responsible data management. Consequently, the section is not included in a committee's decision on whether or not to grant an application. However, NWO does submit the section to the committee and referees for their opinion. After an application has been granted, the applicant should elaborate the data management section into a data management plan. In doing so, applicants may make use of the committee's and referees' opinion.

### Questions from the NWO data management section for the application form:

1. Will data be collected or generated that are suitable for reuse?

**Yes:** answer questions 2 to 4.

**No:** explain why the research will not lead to reusable data, or will lead to data that cannot be stored or are otherwise not relevant for reuse.

2. Where will the data be stored during the research?

3. How will the data be stored for the long term after the end of the project and made available to third parties for reuse? Who will have access to the data?

4. Which facilities (ICT, (secure) archives, cold stores or legal expertise) are expected to be required for data storage during and after the research? Are these available?\*

*\*ICT facilities for data storage mean things such as capacity for data storage, bandwidth for data transport and computing power for data processing.*



## 7. Explanation knowledge transfer moments (KTM)

### What is a "Knowledge transfer moment" (KTM)?

Scientific and/or technical knowledge, insights, concrete results and deliverables or indications emerging from AES project or an activity organised by NWO in relation to this (workshop, brainstorm) are tangibly and visibly transferred to a company or societal party that will actively determine the potential economic or societal value and (if profitable or useful) implement it, exploit it in the operational management or products, services, legislation, standards, et cetera.

The following types of KTM are distinguished:

- KTM0: Start-up
- KTM1: Algorithms & Software
- KTM2: Methods & Formulas
- KTM3: Demonstrators & Prototypes
- KTM4: Material, mixture or substance developed
- KTM5: New plant cultivar or bacterial strain
- KTM6: Know-how
- KTM7: Measurement results
- KTM8: Patents and licenses
- KTM9: OTHER

This is about the concrete transfer of project results to users and is therefore not about:

- Presentation of results at general broad user committee meetings, symposia, congresses, matchmaking sessions, brainstorm sessions
- Facilitating new contacts between users and academics
- Publication of results in professional journals and leaflets or on websites

## 8. Contact

For specific questions about Perspectief and this call for proposals, please contact the Perspectief coordinators via [ttw-perspectief@nwo.nl](mailto:ttw-perspectief@nwo.nl)



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