

ARTICLE

RESEARCH, INNOVATION AND INDUSTRIAL PROPERTY: DRIVERS OF THE FRENCH RECOVERY PLAN

Patent Law | 08/09/20 | François Pochart Océane Millon de La Verteville

PROPRIÉTÉ INTELLECTUELLE

On 3 September, the French government launched a €100 billion recovery plan aimed at reviving the French economy and face the crisis resulting from the Covid-19 pandemic[1].

Presented by the French Prime Minister as Europe's "most massive" , this plan is based on 3 priorities: ecology (€30 billion), competitiveness (€34 billion) and cohesion (€36 billion).

Support for research and innovation is one of the driving forces behind this recovery plan. Especially in the following areas:

- The ecological and energy transition and, in particular, the chemical recycling of plastics, green hydrogen, clean aircraft and vehicles;
- The plant protein sector for food and feed;
- The space sector;
- The nuclear sector, especially the management of nuclear waste.

Support for innovation will be provided, in part, by the fourth « investment programme for the future » (PIA4) which will mobilise as part of the recovery plan, €11 billion between now and 2022[2].

Among the missions of this new PIA will be that of "supporting higher education, research and innovation ecosystems". In particular, the plan provides that:

"The fourth investment programme for the future (PIA4) will amplify support to universities, schools, and research and technology transfer organisations. It will strengthen their international and scientific influence, develop campuses which will demonstrate major social transitions, accompany innovations to the market and make France the most fertile breeding ground in Europe for researchers and entrepreneurs.

Issue

The French economy's capacity for innovation is a major determinant of its potential for growth and job creation; it relies on the influence and attractiveness of our universities and schools and the dynamism of our research ecosystems to generate innovation, but also on our ability to accompany these innovations to the market, transforming them into patents, licences, start-ups and experiments. (...)

Technical description of the measure

The PIA4, in its structural logic of intervention, will contribute to the financing of higher education, research and innovation ecosystems. (...)

Examples of projects [supported by the PIA]:

(...)

At the heart of a cluster dedicated in the centre of Strasbourg – with the IRCAD, Strasbourg's University and University Hospitals - the institute has demonstrated the strength of a multidisciplinary and agile organisation, capable of accelerating research and transferring health innovations, with more than 2,000 scientific publications, 38,000 trained health professionals, 18 international clinical recommendations, 3,000 patients in clinical trials, 82 patents, 13 incubated companies, 48 industrial partnerships, and an economic leverage effect x6 to the benefit of the regional and national economy. (...)

Impacts

The expected impact is a progression of French universities in international rankings, the development of industrial property (patents, licences), an increase in the creation of tech start-ups stemming from research results and the dynamics of technology transfer from academic players to companies, particularly industrial ones. (...)





Another significant result: as of 1 January 2020, the SATTs[3] had filed and managed 2,783 patents and granted 1,001 licences signed with manufacturers. As for the companies created, the results are just as encouraging since the SATTs have, as a whole, enabled the emergence of 493 start-ups employing 1,578 people in highly qualified jobs, and having raised a total of €580 million, demonstrating the appetite of investors. A large majority of them are developing deeptech technologies in the fields of digital, cleantech and engineering, medtech and biotech.

Indicators

- International ranking of French universities
- Number of patents filed by public and para-public research operators and share of patents valorised.
- Number of start-ups created through public research / funds raised by these same start-ups".

We can be pleased with the fact that the plan foresees, among the expected impacts of the PIA4, an increase in technology transfer from researchers to companies. We can especially hope for an increase in public-private partnerships, for a valorisation of public research results. Indeed, in public research:

- only one invention in a thousand generates a return on investment;
- one patent out of 10 generates incomes slightly higher than the expenses in valorisation;
- 18% of patent applications are maintained until the end of their term[4].

For these reasons, and because inventions resulting from public research generally have a very low "technological readiness level" (TRL), it is important to encourage their development and exploitation by industrial companies so that these inventions reach the market.

Finally, it is hoped that the plan will lead to an increase in French patent applications, which have been declining since 2016[5], and more generally contribute to a rise in French patent exports.

In order not to miss out on the opportunities offered by industrial property and to develop the best patent filing, litigation, contractual and valorisation strategies, it is advisable to consult patent attorneys specialised in industrial property and experienced in proceedings before courts and patent offices (INPI, EPO).

August Debouzy's patent team, made up of attorneys at law, industrial property attorneys (IP attorneys) and patent attorneys registered with the European Patent Office (EPA), is at your disposal with its experience in patent drafting, licensing, assignment of industrial property titles and litigation on patent validity and infringement.

[1] <https://www.economie.gouv.fr/plan-de-relance>

[2] The first three PIAs are presented here: <https://www.gouvernement.fr/le-programme-d-investissements-d-avenir>

[3] Technology Transfer Accelerator Offices or SATT are French private TTOs, shared between several public research organizations, created to develop and commercialize research results to be transformed into innovative products. They are part of the measures implemented for the "Investment for the Future" program (PIA), whose ambition is to meet the innovation gap. See : <https://www.satt.fr/en/what-are-satt/>

[4] https://www.iptrust.fr/wp-content/uploads/2016/03/Strate%CC%81gie_breese_masson.pdf

[5] https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=FR
