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Deliverable D4.1
Assessment Methodology of Ethical rules & IPR issues

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Abstract

This deliverable provides a description of the ethical principles defined for EuWireless project and the general principles on how to handle IPR. It also describes the assessment procedure to verify compliance of the ethical principles and IPR issues.

Keywords

Ethical rules, principles, IPR.

Executive Summary

The EuWireless project, as a research and innovation activity, is committed to comply with all requirements defined by the relevant national, European Union and international legislation regarding ethical principles.

According to this, The EuWireless Grant Agreement [4] includes the obligation to comply with the principles of ethics defined for all Horizon 2020 projects in its Article 34.

In the EuWireless proposal preparation, the project consortium decided to assess that the project complies with the legal framework, improving this way the quality of the project.

The following rights shall be especially considered: privacy, the protection of personal data, the physical and mental integrity of a person, the non-discrimination and the need to ensure high levels of human health protection.

This document also deals with the way to manage internal knowledge within EuWireless project, and to handle any possible IPR issue.

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List of Abbreviations

CA	Consortium Agreement		IPR	Intellectual Property Rights
EC	European Commission		PEKH	Pre-Existing Know-How
GR	General Data Protection Regulation		PMC	Project Management Committee
IP	Intellectual Property		WP	Work Package

1 Introduction

The EU Regulation, in the Horizon 2020, Article 19 ('Ethical principles') [1] establishes that: "all the research and innovation activities carried out under Horizon 2020 shall comply with ethical principles and relevant national, Union and international legislation", such as the Charter of Fundamental Rights of the European Union [2] and the European Convention on Human Rights [3].

The EuWireless Grant Agreement [4] defines the obligation to comply with principles of ethics in all Horizon 2020 projects in its Article 34.

In the EuWireless proposal preparation, the project consortium decided to ensure through assessment that the project complies with the legal framework and to improve the quality of the project.

Additionally, this document describes the way to manage internal knowledge within EuWireless project, and to handle any IPR issue. It must be noted that most of the material generated from the project will be public so the risk of conflict between partners is very unlikely. In case of occurrence of conflicts, the project members will try to solve the issue(s) internally. If this is not possible, they will recur to the grant agreement to search for clarification.

2 Ethics principles

The EuWireless project partners shall perform to the highest standards of research integrity, as set out in the European Code of Conduct for Research Integrity [5].

The following ethical principles will guide the behaviour of the EuWireless partners:

- **Honesty** in developing, reviewing, reporting and communicating research in a transparent, fair, full and unbiased way.
- **Reliability** in ensuring the quality of research in the design, the methodology, the analysis and the use of resources.
- **Respect** for colleagues, research partners, society and the environment.
- **Accountability** for the research.
- **Integrity** ensuring that investigations are fair, comprehensive and in a well-conducted manner, without compromising accuracy, objectivity or thoroughness.
- **Impartiality** ensuring the equal treatment of all colleagues and partners and their work.
- **Open communication** ensuring that the work is made available to partners in a timely, open, transparent, and accurate manner and ensuring honesty in the communication to the general public and to the EU Commission.
- **Duty of care** ensuring that the partners design, carry out, analyse and document research in a careful and well-considered manner and in accordance with legal and ethical provisions.
- **Fairness** ensuring that investigations are carried out with due process and in fairness to all parties.
- **Responsibility** for future science generations.

2.1 Partners ethical rules of professional conduct

The EuWireless project partners shall ensure that persons carrying out research tasks:

- Present their research goals and intentions in an honest and transparent manner.
- Design their research carefully and conduct it in a reliable way, taking its impact on society into account.
- Use techniques and methodologies (including for data collection and management) that are appropriate for the fields concerned.
- Exercise due care for the subjects of research.
- Ensure objectivity, accuracy and impartiality when disseminating the results.
- Allow access to research data (as much as possible and taking into account the legitimate interest of the partners), in order to enable research to be reproduced.
- Make the necessary references to their tasks inside the project and the ones of other researchers.
- Refrain from practicing any form of plagiarism, data falsification or fabrication.
- Avoid double funding, conflicts of interest and misrepresentation of credentials or other research misconduct.
- Behave according to the personal conduct defined in section 2.2.

2.2 Partners ethical rules of personal conduct

EuWireless project has defined a set of ethical rules for personal behaviour, listed below.

1. Treat other persons inside or outside the project with professionalism and respect, even in situations of high pressure and/or urgency.
2. Do not intimidate anyone verbally, physically or sexually.
3. Do not discriminate others based on personal characteristics or group membership.
4. Discuss and communicate constructively, offering and accepting objective work criticism.
5. Do not insult or use demeaning behaviour or language.
6. Be impartial and behave with integrity under any circumstances that might originate a conflict of interest.
7. Respect the privacy and the confidentiality of data.
8. Promote the rules of this Code and act actively to avoid that those rules are ignored,

Figure 1. EuWireless project partners shall perform to the highest standards of research integrity

3   Knowledge management and protection

This chapter describes how the internal knowledge shall be managed in the EuWireless project.
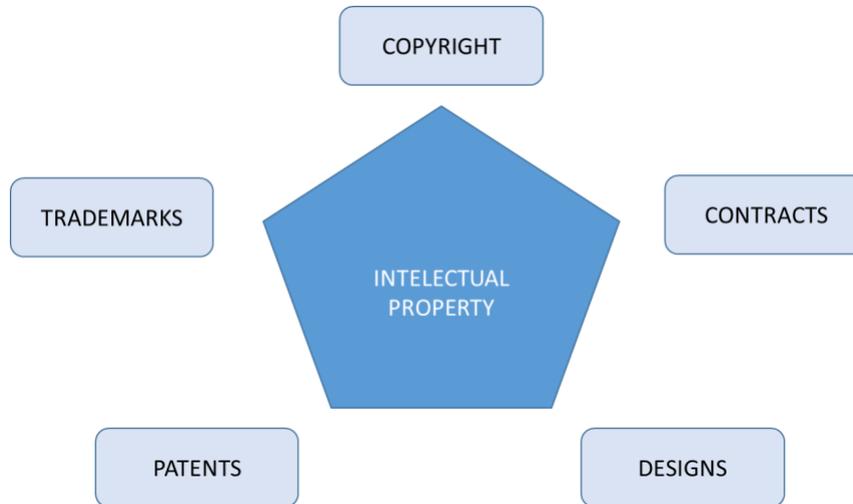

Figure 2. IP Management

Internal knowledge management will be facilitated through a web-based secure professional collaborative space for information and document sharing. Each partner will have a section where it can upload key documents and papers.

For greater consistency, IPR protection and IPR strategy activities are managed under WP5 following the principles defined in this document. The overall IPR strategy of the project is to ensure that partners are free to benefit from their complementarities and to fully exploit their market position. Hence, the project has a policy of patenting where possible. Additionally, Consortium Partners will deposit all the obtained research data (using classical and digital means) in order to provide:

- Access and use free of charge to all data and information considered public.
- Restricted access and/or use to all data and information considered private.
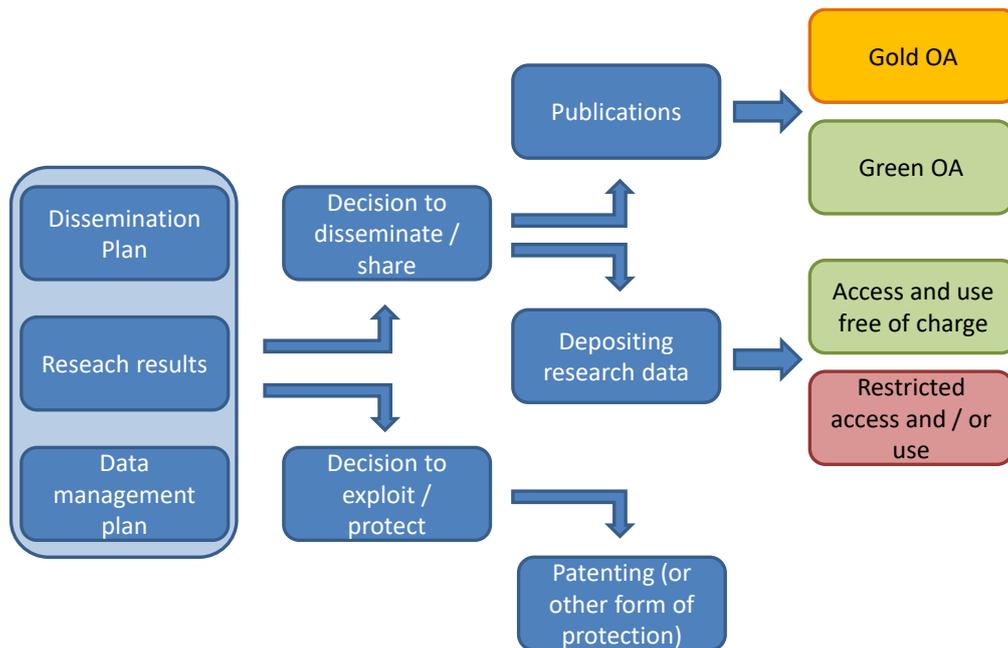
Figure 3. Strategy for knowledge management and protection

The strategy for knowledge management is outlined in Figure 3. In order to address the Open Access (OA) subject, the publications in the context of research and innovation, resulting from project implementation will be referred to as "green OA[1]". The publications will follow one of the two main routes towards open access by self-archiving the published article or the final peer-reviewed manuscript by the researcher or by a representative, in an online repository before, after or alongside its publication process. With regard to scientific publications relating to foreground published before or after the final report details/ references and an abstract of the publication must be provided to the Commission at the latest two months following publication. Furthermore, an electronic copy of the published version or the final manuscript accepted for publication shall also be provided to the Commission at the same time for the purpose set out in Article II.12 (2) if this does not infringe any rights of third parties. The Parties undertake to cooperate to allow the timely submission, examination, publication and defence of any dissertation or thesis for a degree which includes their Foreground or Background. The concerned project partners receive access rights to the project results under reasonable conditions. For use of project results in research and teaching without any commercial character the respective project partners receive access rights on royalty free basis.

The consortium applies the general principles for Pre-Existing Know-How (PEKH) or "Background", meaning that each partner remains the sole owner of its PEKH and all intellectual and industrial property rights related to this PEKH. PEKH of Academic contractors or research contractors is limited to the know-how accumulated and developed within the specific research group participating at the project and not to the entire Academic or Research contractors PEKH. Regarding ownership of the foreground, it is agreed that foreground will be the property of the beneficiary carrying out the work generating that foreground. Where several beneficiaries have jointly carried out work generating foreground and where their respective share of the work cannot be ascertained, they will have joint ownership of such foreground. They will establish an

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[1] Green Open Access consists of publishing a pre-print version of the manuscript/paper in the project website. Gold Open Access means that the manuscript is open access published in the publisher website.

agreement regarding the allocation and terms of exercising the joint ownership, including definition of the conditions (compensation to other joint owner(s), time plans etc.) for granting licences to third parties. Conditions of the transfer of ownership of the own foreground to third parties have been predefined in the Consortium Agreement (CA) ensuring that the rights of the other Project Partners are not affected by such transfer. Beneficiaries have also defined the background needed for the purposes of the project development in a written agreement and, where appropriate, may agree to exclude specific background. This agreement may be updated if required and agreed by the project partners. Access rights to foreground and background will be granted to the other beneficiaries, if it is needed to enable those beneficiaries to carry out their own work under the project and/or to use their own foreground provided that the beneficiary concerned is entitled to grant them. Such access rights shall be free of any administrative transfer costs and will be granted under fair and reasonable conditions or on a royalty-free basis unless otherwise agreed by all beneficiaries in a specific agreement. All access rights will be granted upon written request. Necessary agreements need to be set up between the partners to obtain and maintain the relevant IPRs also with regard to the use after the project duration.

The management of IP includes the handling of IP development, the appropriate protection of background and foreground IP, and the exchange and sharing of IP within an open-knowledge environment. A thorough inventory of the background IP already existing before the start of the project will be necessary to lay a solid foundation for trustful cooperation in healthy "business symmetry" (where none of the partners is only providing and none is only receiving). The information regarding these agreements will be available at the web repository.

In practice, two objectives are to be met by the Consortium: the distribution of the generated knowledge as broadly as possible, to quickly involve a critical mass of organizations, and to protect the IPR of the exploitable project results. Dissemination and Exploitation are basically compatible objectives and specific activities are planned to ensure the conditions for a proper dissemination of knowledge and to pursue the exploitation and use of the project's outcome. In contrast, background knowledge remains the intellectual property of the providing partner, while the basic knowledge is regulated by the CA. This agreement has been signed at the project initiation and is specified in the CA. The partners are entitled to utilize the results originating from the project royalty-free but are obliged to support the intended dissemination and exploitation activities.

4 Assessment Methodology of Ethical Rules & IPR issues

The EuWireless project will perform a continuous assessment on all the activities performed in the project, while the project is being carried out, to verify whether any ethics or IPR issue is raised and, in case it happens, whether it is adequately addressed.

The assessment is carried out as a self-assessment process and it will be managed by each project Work Package leader for the activities performed in that WP.

Specifically, whenever a new activity is to be started, the Work Package leader will identity if this activity may imply any ethical issue or IPR issue taking into account if this activity may involve for example personal data collection and/or processing. When the activity is finished the WP leader will verify that no issues have been raised and if so, a report will be generated and a meeting will be held between the consortium partners to address the issue.

The template available in Annex B of this document may be used to collect the activity information.

The PMC will also review that all tasks comply with the principles defined.

In order to perform the self-assessment, the guidelines indicated in [9] may be followed.

The self-assessment process applies to all principles detailed in this document, and pays special attention to the activities that involve collecting or processing personal data as described in the section below.

The figure below shows the flow defined in EuWireless project indicating the actions to be performed to determine if any Ethical / IPR issues may arise, and the actions to take should they appear.
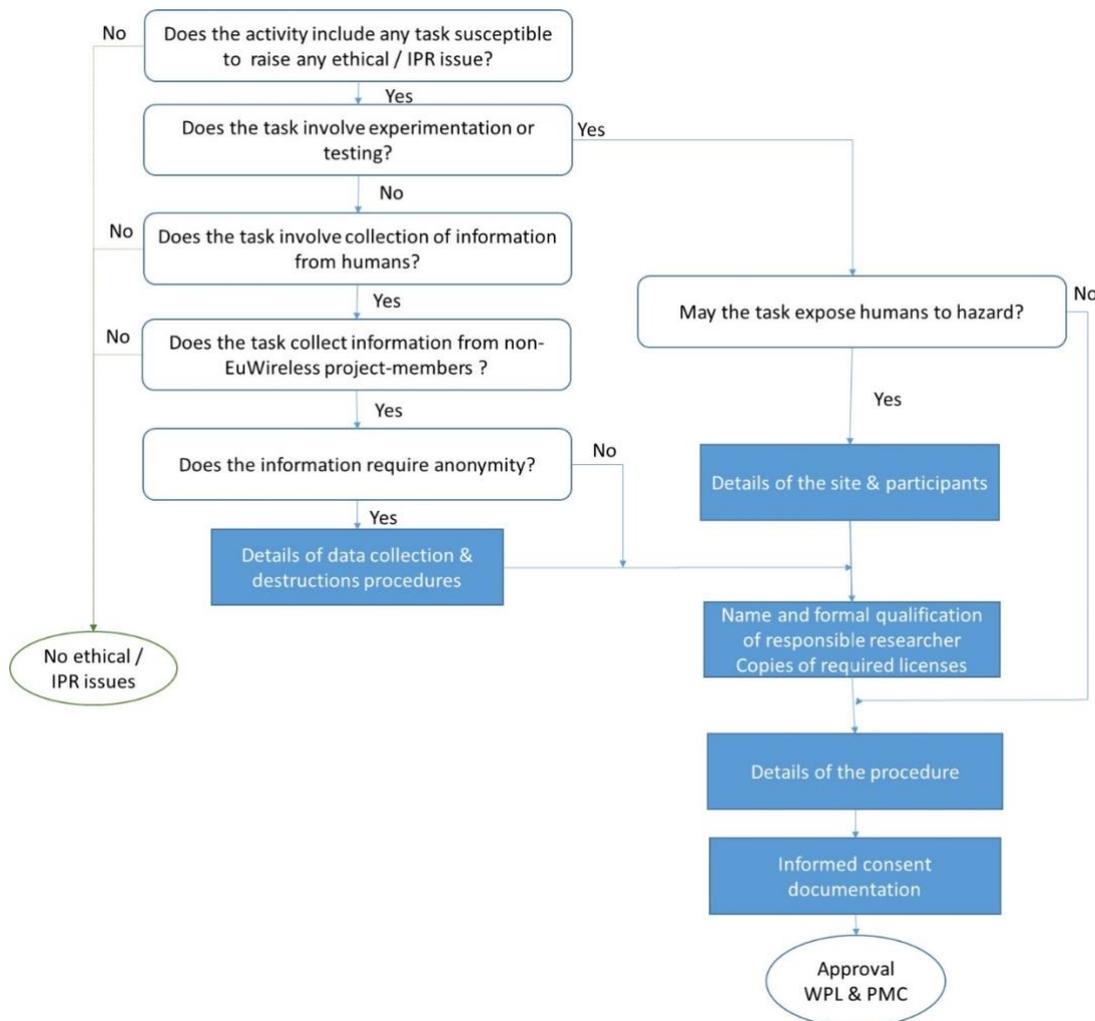
Figure 4. Ethical / IPR issues handling flow

Annex C of this document provides a template to collect Informed Consent from non-EuWireless-project individuals if required.

4.1   Personal data

This section refers to activities that involve processing personal data, regardless of the method used such as questionnaires, interviews, online retrieval etc.).

"Personal data" refers to any information, private or professional, which relates to an identified or identifiable natural person (as defined in Article 2(a) of EU Directive 95/46/EC (GDPD)) [2]"
[6].

"Processing of personal data" refers to any operation (manual or automatic) performed on personal data, including but not limited to:
- Collection (digital recording, video caption, etc.).
- Recording.
- Organization & storage (cloud, LAN or WAN servers).
- Adaptation or alteration.
- Retrieval & consultation.
- Use.
- Disclosure by dissemination, transmission or any other means.
- Deleting, destruction or blocking.

Every time a new activity that involves personal data collection or processing is started inside a WP, the WP leader will go over the checklist described in the annex to verify the work is performed according to the ethical principles and will take corrective actions if required.

Additionally, the following specific cases shall be taken into account:
- Secondary use. If any data from a secondary source is used in the project, it must originate from a public source or be authorised for use in the EuWireless project.
- Recording information. Any audio or video recorded information need special consideration to ensure that privacy and personal identities are protected.
- Sensitive data. If sensitive data is collected or processed, authorization by the national data protection authority may be required
- Electronic data. The EuWireless project shall comply with the relevant legislation (in particular EU Directive 2002/58/EC and 2006/24/EC) regarding, protecting privacy in the electronic communications sector and retaining data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks such as cloud and big data.

5   Non-compliance

If a partner breaches any of its obligations regarding Ethics and Research integrity, the grant may be reduced (as defined in Article 43 – Reduction of the Grant, of the Grant Agreement of the project) and the Agreement or participation of the partner may be terminated (as specified in Article 50 - Termination of the Agreement, or the participation of one or more beneficiaries).

Such breaches may also lead to any of the other measures described in Chapter 6 of the Grant Agreement such as rejection of costs and sanctions.

6 References

[1] Regulation (EU) No 1291/2013 of the European Parliament and of the Council. https://ec.europa.eu/research/participants/data/ref/h2020/legal_basis/fp/h2020-eu-establact_en.pdf

[2] Charter of Fundamental Rights of the European Union. https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en.

[3] European Convention on Human Rights. https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c.

[4] EuWireless Grant Agreement.

[5] European Code of Conduct for Research Integrity (2017 edition) http://www.allea.org/publications/joint-publications/european-code-conduct-research-integrity/.

[6] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A31995L0046.

[7] European Commission Research & Innovation, Participant Portal H2020 online manual. Ethics. http://ec.europa.eu/research/participants/docs/h2020-funding-guide/cross-cutting-issues/ethics_en.htm.

[8] European Commission Research & Innovation, Participant Portal H2020 online manual. Ethics review. http://ec.europa.eu/research/participants/docs/h2020-funding-guide/grants/from-evaluation-to-grant-signature/grant-preparation/ethics_review_en.htm#ethics_impl.

[9] Horizon 2020 Programme. How to complete your ethics self-assessment. http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/ethics/h2020_hi_ethics-self-assess_en.pdf.

[10] Regulation (EU) 2016/679 of the European Parliament and of the Council. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN

ANNEX A. Personal data checklist

The table below list the items to be identified for any activity that involves personal data collection and/or processing.

Table 1. Personal data checklist

Activity that involves personal data collection and/or processing	
Procedure for data collection	
Storage media	
Exchange (LAN, cloud, etc.)	
Preservation (encryption, anonymization, etc.)	
Detail the data safety procedures to protect the personal data information	
Is the personal data collected really necessary for your research?	
Has an informed consent been obtained?	
Does the activity involve the collection or processing of sensitive personal data (e.g. health, sexual lifestyle, ethnicity, political opinion, religious or philosophical conviction)? (e.g. health, sexual lifestyle, ethnicity, political opinion, religious or philosophical conviction)	
If your activity involves the collection or processing of sensitive personal data, is the information processed in accordance with the General Data Protection Regulation No 2016/679?	
Does it involve tracking or observation of participants (e.g., surveillance or localization data, and WAN data, such as IP address, ACs, cookies etc.)?	
Does your research involve further processing of previously collected personal data ('secondary use') (including use of pre-existing data sets or sources, merging existing data sets, sharing data with non-EU member states)?	

ANNEX B. Ethics issue template

Table 2. Ethics issue Memo template

Work Package	
Task	
Date	
WP leader	
Responsible partner	
Responsible partner email contact	
Activity description	
Ethics / IPR issue	
Mitigation proposal	

ANNEX C. Informed Consent Form for EuWireless Project Data Collection

About EuWireless project
The objective of EuWireless proposal is to develop the design of the first pan-European infrastructure to support research in mobile communication networks using regulated spectrum, with the goal of contributing to keep Europe's leadership in mobile communication technologies. The output of the project will be a complete design report addressing the pan-European operator, the regulatory aspects, the business model, the technical solutions and the roadmap for implementation of the proposed infrastructure, as well as prototypes that confirm its feasibility.

Duration, funding and partners
The EuWirelesss project is funded by the European Commission under Horizon 2020, running from 01 January 2018 to 31 December 2019, with an overall budget of approximately € 2 million. The project gathers partners from 5 European countries, and from all areas of research. The research procedures in which you are involved will be carried out under the responsibility of lead-researcher _____

Purpose of the data collection in which you are involved
The objective of collecting this information is to get feedback from stakeholders about what is the current situation of experimentation infrastructures in mobile communication research, and how EuWireless project can in the future improve the European research capabilities, foster product development (e.g. SMEs, vendors), and support regulation efforts in this field.

Data collection and storage: _____

Anonymity _____

Refusal or cessation of participation
Participation in this study is voluntary. You do not have to participate in the study if you do not want to. If you choose to participate, you can nonetheless chose to withdraw or leave the study at any time without consequences for you and without being required to provide any explanations.

Additional information may be obtained by contacting EuWireless project coordinator at info@euwireless.eu.

I hereby consent:
Name: _____

Organization: _____

Date: _____

Signature: _____