

ESA IP for Commercialisation Funding - Open Call

ESA REF: AD-IP-1 & 2

CREACTION REF: AD-IP-1 CREA Invitation + introduction documents

Date: January 2024



Invitation to Apply to ESA IP for Commercialization LUXEMBOURG

Reference: ESA IP for Commercialization LUXEMBOURG Open Call (2024-2026)

Thank you for your interest in ESA IP for Commercialization LUXEMBOURG.

The purpose and objective of ESA IP for Commercialization is to provide support to the Economic Operators to assess and define a strategy to protect, manage and commercially exploit their intellectual property that results from ESA or national activities and programmes, and which provide competitive positioning in the space market in Luxembourg.

In Luxembourg, CREACTION is the ESA TECHNOLOGY BROKER and is responsible for managing and implementing the ESA IP for Commercialization Open Call.

For ESA IP for Commercialization LUXEMBOURG, the ESA TECHNOLOGY BROKER Luxembourg and Delegation to ESA (LSA) welcome applications addressing:

- The request of funding to perform one (or more) of the following activities to be carried out by an IP Specialist external to the Economic Operator:
 - IP management and strategy*
 - IP protection
 - IP revenue management
- The ESA IP for Commercialization shall be based upon Intellectual Property generated by the Economic Operator under ESA contracts or publicly funded space activities in Luxembourg. Other IP generated by Economic Operators based in Luxembourg with promising impact on the space industry of Luxembourg may be considered.
- Such Intellectual Property provides to the Economic Operators a potential competitive positioning on the target market.

(*) With regard to IP management and strategy, IPIL offers a service package covering the following elements: i) IP pre-diagnosis; ii) Freedom to operate analysis; iii) IP management recommendations

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CREACTION hereby invites you to submit your application for ESA IP for Commercialization Funding LUXEMBOURG. This document introduces the application and evaluation process and contains references to the templates that should be used when applying.

Please contact CREACTION,

Cyrille Dubois for technical questions

E-mail address: cyrille.dubois@creaction-int.eu

Yours sincerely,

Jean-Paul HENRY

Managing Director

CREACTION INT Sàrl

Introduction

The purpose of this Open Call for ESA IP for Commercialization Funding LUXEMBOURG is to inform about the opportunity for entities looking to assess and define a strategy to protect, manage and commercially exploit their intellectual property that results from ESA and/or national activities and programmes, and which provide competitive positioning in the space market in Luxembourg.

Selection and evaluation of applications are scheduled periodically, see

https://creaction-int.eu/esatechbroker/esa_ip_for_commercialization_luxembourg_open_call/8

The Call is permanently open, has no closing date for the submission of applications unless CREACTION has indicated otherwise.

The funding available per proposal is limited to a maximum of 10.000 € with a maximum duration of one year.

Who can apply?

ESA IP for Commercialization funding is primarily targeted at SMEs or entities who have generated intellectual property with potential for commercialization under ESA or

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national funding and would like to assess the best strategy to manage and/or to protect it.

However, some further formal criteria apply. To be eligible for contract award, applicants must fulfil all the requirements below:

- Be a legal entity (a public law company / a private law company / an association / a foundation, etc.) registered under the laws of Luxembourg.
- Be headquartered in Luxembourg.
- Be fully compliant with Luxembourg tax and social security obligations.
- Observe the remaining requirements stated in this document.
- When acting in collaboration with other national or foreign entities, the applicant will be the sole contractor and will be fully responsible for managing the funding.
- Declare that Intellectual property proposed under the submitted ESA IP for Commercialization project has been created as a result of an ESA or national activities and programmes, or has a clear link to space (i.e. in relation to a space spin-off technology or a space spin-in technology).

How to apply

Please make sure you have received the following templates, which are part of the Open Call documentation:

- ESA IP for Commercialization Application Template:
 - Description of the Intellectual Property, its commercial and strategic value and under which activity it was created (ESA or national funding).
 - Selection of the activity(ies) to be performed.
 - Information of the Intellectual Property Specialist who will provide the service and the cost quotation.
- Draft ESA IP for Commercialization Contract.

Fill in all required sections and pay particular attention to the following:

- Instructions inside the documents shall be followed in order to fulfil all pre-conditions of the Open Call and for the application to be accepted.
- Please read this document as well as the Draft ESA IP for Commercialization Funding Contract carefully. The Cover Letter shall include a clear, explicit and unambiguous statement declaring that the applicant has read, understood and accepted the terms and conditions contained in the contractual documentation (this is part of the template). Modifications or amendments to the ESA IP for Commercialization

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Funding Contract may be done in exceptional cases. Please contact CREACTION INT for guidance.

- Make sure the Cover Letter and the Requirement Checklist are signed by an authorised representative of the entity applying.
- As part of the application, an Activity Proposal must be submitted. This should include details on how you intend to spend the ESA IP for Commercialization Funding. Details on eligible costs can be found below. Note that, the funding should primarily be spent in Luxembourg.

Please submit the completed ESA IP for Commercialization Funding Application Template in electronic form as a single .pdf document to the following e-mail address: creation.international@gmail.com with subject "ESA IP for Commercialization Funding Luxembourg Open Call".

Any questions related to submission of proposals should be sent to the same e-mail address: creation.international@gmail.com

Eligible costs

In order to be eligible, all project costs must be:

- Subcontracting costs of the Intellectual Property Specialist as described in the proposal:
 - Necessary to the execution of the project;
 - Incurred by the beneficiary and recorded in its accounts;
 - Incurred during the contract term;
 - Indicated in the cost planning in the proposal;
 - Without VAT, interest owed, or duties.

Expenses incurred in the preparation and dispatch of the proposal will not be reimbursed.

Non-eligible costs:

- Staff costs of the beneficiary of the ESA IP for Commercialization Funding.
- Access to data sources or intellectual property;
- Materials, equipment, and facilities;
- Travelling, subsistence, and accommodation costs.

Other costs not included in the above categories but deemed critical to the execution of the project should be agreed in advance with CREACTION INT.

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The evaluation procedure

The evaluation of all received applications is managed locally by CREACTION INT and follows common ESA IP for Commercialization Funding procedures, as described hereafter:

Once a published submission deadline has passed, CREACTION first assesses the formal aspects of applications received before the submission deadline. If a non-compliance of a minor nature is found, the applicant may be asked to address this in an updated proposal within 48 hours. If the proposal is found non-admissible, the applicant will be informed and the reason will be explained. In such a case an applicant is eligible to submit a revised proposal at a later date.

If the application is compliant with the formal requirements, the proposal will be evaluated by CREACTION INT. The evaluation will typically take place a few days after the submission deadline.

The application will be marked against the criteria in **Erreur ! Source du renvoi introuvable.**:

Evaluation Criteria	Sub-Criteria	Yes/No
Intellectual Property	Proof that it is resulting from an ESA or national programme Or evidence that the IP can enable and support a spin-in or a spin-off commercial undertaking	
Intellectual Property	Commercial and strategic value well described	
IP Specialist proposal and quotation	In line with the services requested and within the maximum budget.	

All applicants will be notified in writing about the outcome of the evaluation. The applicant may require, within 10 calendar days from the receipt of the notification, an oral debriefing explaining the reason why the application was not successful.

CREACTION INT will enter into contract negotiations with successful applicants, taking the comments of the evaluation board into account. CREACTION INT has the right not to place a contract if, after three months following the notification to a

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successful applicant, a contract has still not been signed, and this is because of a reason for which the applicant can be held accountable.

Furthermore, we kindly ask you to pay attention to the following:

- Please note that applications will be treated as confidential. However, in spite of the efforts undertaken by CREACTION INT to ensure full confidentiality, the applicant's idea may through this application fall into the public domain. Therefore, we strongly recommend that the applicant discusses the protection of his/her idea with a dedicated expert in this field prior to application, and – if relevant – takes appropriate steps to protect the idea (e.g. by applying for a patent).
- No expenses incurred in either stage of the application procedure will be reimbursed to the applicant by CREACTION INT ESA, and/or any third party.
- This Open Call does not impose any obligation upon CREACTION INT to enter into negotiations with any applicant or to enter into any other specific arrangement.

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ANNEX A – DETAILS OF DELIVERABLES

Under an ESA IP for Commercialization Funding project, the Contractor shall deliver a document addressing:

- The work performed by the Intellectual Property Specialist.
- The value of the work performed for the contractor and its impact in their strategy, hence for Luxembourg.
- When a submission of a patent application or any other IPR resulted from this activity, the contractor shall include the reference number.
In addition, when the IP was generated under an ESA contract the Contractor shall prove that the actions related to the obligations towards the ESA contract have been put in place, and in particular the update of the Contract Closure Document (CCD) according to the ESA contract.

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ANNEX B – ESA IP for Commercialization Application Template

[Sender: Name]

[Company Name]

[Address]

[E-Mail]

[Web Site]

ESA IP for Commercialisation
Funding LUXEMBOURG

For the attention of CREACTION INT
67, rue du Château
L-1329 Luxembourg

SUBJECT: Application for ESA IP for Commercialization Funding LUXEMBOURG

REF: [please insert your own reference number here]

Dear Madam, dear Sir,

In response to the Permanent Open Call for Proposals for ESA IP for Commercialization Funding issued by CREACTION INT, managing the ESA IP for Commercialization Funding LUXEMBOURG, [Company Name] is pleased to submit **our proposal** for the project named [insert project name].

Please find enclosed the following information:

- Description of the Intellectual Property, its strategic value to enable and support a space spin-off or spin-in commercial undertaking, and under which activity it was created.
Selection of the Activity(ies) to be performed.
- Information regarding the Intellectual Property Specialist who will provide the service and the cost quotation.

1. We hereby declare that the Application is **compliant with the Requirements** set out in the Call for Proposals as shown in the Requirement Checklist below.

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2. We hereby confirm that the **contract conditions have been read, understood and accepted, and none of the Applicant's terms and conditions do not apply.**

Any queries relevant to the proposal are to be addressed to the attention of:

[Name(s)]

[Address(es)]

[Phone]

[E-Mail]

Contact information of the person(s) who will be in charge of the day-to-day management:

[Name(s)]

[Address(es)]

[Phone]

[E-Mail]

Contact information of the legal representative who will be signing the contract:

[Name(s)]

[Address(es)]

[Phone]

[E-Mail]

Signature(s):

Date: [insert date of submission]

ESA IP for Commercialisation General Application Requirements:	Compliance statement
The Applicant's Intellectual Property subject to this proposal was generated under ESA contracts or publicly funded space activities in Luxembourg or is at least linked to a space activity(ies).	[compliant/non-compliant/partially-compliant]
The Applicant is a legal entity (a public law company / a private law company / an association / a foundation, etc.) registered under the laws of Luxembourg.	[compliant/non-compliant/partially-compliant]
The Applicant is headquartered in Luxembourg.	[compliant/non-compliant/partially-compliant]
The Applicant is fully compliant with Luxembourg tax and social security obligations.	[compliant/non-compliant/partially-compliant]
The Applicant does not conduct business activities promoting, or being related to alcohol abuse, tobacco, religion, politics, intolerance, violence, firearms, pornography, obscenity, gambling or illegal drugs.	[compliant/non-compliant/partially-compliant]

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The Applicant is able to communicate in English.	[compliant/non-compliant/partially-compliant]
The Applicant states that the terms and conditions of the Draft ESA IP for Commercialization Contract are accepted without any reservations.	[compliant/non-compliant/partially-compliant]
The Funding is linked to work packages within the ESA IP for Commercialization Funding project only.	[compliant/non-compliant/partially-compliant]
The Funding is granted in net amounts (not including VAT).	[compliant/non-compliant/partially-compliant]
The information provided in the application and in the supplementary data sheet is binding and forms the basis of the funding granted. Any changes to this information must be reported immediately and are subject to approval.	[compliant/non-compliant/partially-compliant]

I hereby declare that my application is compliant with the ESA General Application Requirements.

Signature(s):

Date: [insert date of submission]

DATA PROTECTION

By submitting the application for ESA IP for Commercialization Funding LUXEMBOURG, the Applicant gives by signing beneath this statement, free, specific, informed and unambiguous consent to CREACTION INT responsible for ESA IP for Commercialization Funding LUXEMBOURG with the controlling of the personal data contained in the proposal and business application in relation to this Permanent Open Call and for the purpose of possible selection for ESA IP for Commercialization Funding LUXEMBOURG upon fulfilment of all requirements set in the Permanent Open Call. Such consent to the controlling of the personal data shall be permitted only for a necessary period up to a maximum duration of 1 (one) year upon signature of the present consent.

The Applicant shall have the right to information and the right of access to their personal data, right to rectification and erasure (right to be forgotten), right to restriction of processing, right to data portability, right to object, right not to be subject to a decision based solely on automated processing. The particularities of these rights are stipulated in the Regulation (EU) 2016/679 of the European Parliament and the Council.

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The data subject shall have the right to withdraw its consent at any time. Such withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. It shall be as easy to withdraw as to give consent.

The data subject has moreover the right to lodge a complaint with a supervisory authority established in each of the EU Member State as indicated in the GDPR legal framework.

I hereby give full consent to the above statement.

Name(s) and Signature(s):¹

Date:

Description of the intellectual property

Include a brief description of the intellectual property to be used in the activity as well as its commercial and strategic relevance to enable and support a spin-off / spin-in commercial undertaking.

Include the reference of the contracts where the IP was generated, the name of the project/activity and the funding entity.

Activities to be carried out by an Intellectual Property Specialist external to the Economic Operator:

Choose one or more activities to be carried out with the funding and include the rationale for the selection:

1. Intellectual Property Management and Strategy.
2. Intellectual Property Protection.
3. Intellectual Property Revenue Management.

Provide a short proposal including the timeline from the Intellectual Property Specialist who will provide the service and the cost quotation.