



A project of the European Anti-Cybercrime Technology Development Association (EACTDA)



D1.7 Report on IPR Management activities



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1. Introduction

1.1. Overview of the Tools4LEAs project

EACTDA is the acronym of the European Anti-Cybercrime Technology Development Association, which is a private non-profit association, established in San Sebastian, Spain. The members of the Association include European Union (EU) public entities fighting cybercrime, universities and research technology organisations, for-profit private companies, and other relevant actors in the field of the EU security research and innovation.

The Tools4LEAs projects are a series of projects that receive a Direct Award under the ISFP programme, and which main goal is to facilitate and promote the uptake of innovative technologies by EU public entities fighting cybercrime. EACTDA, via the Tools4LEAs projects, aims at further developing pre-existing assets, mainly from EU-funded security research and development projects, so that they are offered with no license cost and with access to the source code to EU public entities fighting cybercrime.

In the first Tools4LEAs project (v1; Jul'21 to Jun'23), the focus was on designing and setting up the infrastructures, processes, and governance / decision-making mechanisms, whilst delivering the first set of "fully-tested and operational-ready" tools via Europol's Tool Repository. Though 11 tools were further developed in the v1 project, it is expected that 3 of them will not be released to their targeted audience as they do not pass the pre-established quality threshold of "operational-ready". Also, an End-User Advisory Board (EUAB) composed as of Dec'25 by 24 members from 14 EU member states and co-chaired by two Europol units (EC3 and Innovation Lab) was established and it is the body responsible for identifying and prioritising end-user needs and which has veto right over the decisions done by EACTDA/Tools4LEAs with regard to the tool development roadmap.

In the second Tools4LEAs project (v2; Jul'23 to Jun'25), it is proposed to double the number of tools delivered. Also, the repository of tools implemented in v1, and currently used to host the results of the Tools4LEAs projects, will be enhanced and reused to host the results of EU-funded security research projects (when relevant in the field of cybercrime). EACTDA will play the role of custodian of these results, and the technical, IPR, and administrative aspects needed to create this new repository of security research results will be put in place. In addition, the v2 project will include a pilot to proof the concept of initial and limited support&maintenance periods for a selection of tools. Besides, a pilot of the concept of EACTDA National Nodes (NN) will be included, with nodes planned in Lithuania, France, Spain, and maybe one or two additional ones. Also, a platform for end-users to evaluate online tools will be implemented. Finally, the v2 project will include activities to further build the community of Tools4LEAs stakeholders and to promote the creation and/or adoption of technical blueprints, and in general, of commonly accepted best practices.

1.2. Main objective of this document

The main objective of this document is to provide a summary of the main the Intellectual Property Right (IPR) management related activities carried out within the Tools4LEAs-v2 project.

1.3. Relation to other deliverables

This deliverable is closely related to the following deliverables:

- **D1.6 IPR management handbook:** Deliverable D1.7 presents at the end of the project (month 30) the report of the IPR related activities conducted during the project, based on the procedures and practices presented in D1.6.

1.4. Structure of the deliverable

Section 2 of this document introduces the concept of Software IPR and its management practices.

Section 3 presents the IPR management activities carried out within Tools4LEAs-v2, based on the procedures and practices presented in deliverable D1.6 IPR management handbook.

Finally, section 4 summarises which is the goal and key aspects of this document, it acknowledges that there is still work to be done to improve the document, and it presents some of the areas of future work that have already been identified.

2. Intellectual Property Rights Protection and Management

Tools4LEAs series of projects mainly deal with intellectual property (IP) of software, which is slightly different from traditional IP.

Intellectual Property refers to creations of the mind that have commercial value and can be legally protected. Essentially, IP is the intangible asset that represents the originality and innovation behind a product. In software development, this includes:

- Source code
- Algorithms
- User interface designs
- Documentation
- Brand names and logos

Software IP is mainly protected by copy right, patent and trade secrets, but industrial design, plant varieties trademarks, trade dress and related rights could also apply¹.

We would like to note that IPR protection depends on applicable national and international regulation.

Table 1 presents the main characteristics of each of the applicable types of IPR for software protection. As we can see in Table 1, different elements of software can be protected by different IPR types. The applicable protection of IPR depends on the IPR management strategy and the objectives of the software developer.

Table 1 Ways for software IPR protection

IPR type	Subject of protection	Registration required	Duration of protection	Remarks
Copyright	Software source and object code ² , user interface	No	Depends on national law. Usually, 50/70 years after the death of the last living author	-Proof of creation date, authorship, and originality needed
Patent	Invention (the scope differs in different countries)	Yes	Until the patent fee is paid, but not longer than 20 years	-applies only in countries and scope specified in the patent application. -provides the right to exclude -high maintenance costs
Trade secrets	Software source code, computer service, and maintenance manuals	No	Unlimited or until secrecy is maintained	proof of being a trade secret and the date Protection by national laws

¹ Software can also be protected by trade dress and trade mark. But it is less applicable.

² Not protected if it is public domain software or if it protected as trade secret.

2.1. Software copyright

Copyright has been the most applicable method for software protection since 1980. Copyright protection for software was introduced as an argument that computer software is analogous to the traditional copyright category of an 'original literary work of authorship'³, therefore the same way of protection should apply. It was firstly enacted in USA⁴ and followed by the international 1995 TRIPS agreement (Art. 10 (1))⁵ and the 1996 WIPO Copyright Treaty (Art. 5)⁶. The later documents emphasize that both in source and object code, must be protected by copyright. Later on, in 2009, the EU enacted it in Directive on the legal protection of computer programs (2009/24)⁷.

The subject of copyright protection is usually prescribed as source code⁸. However, it also applies to the object code and user interface or to the separate elements of the user interface as well.

Copyright protection does not require registration and starts automatically when the software is created. However, despite its automatic application, some countries may still require to register software copyright additionally⁹. Also, copyright does not provide protection to public domain software and software protected as a trade secret.

The copyright provides its author with exceptional non-commercial and commercial rights.

The non-commercial rights are:

- right to the authorship
- right to the author's name.

Commercial rights are as follows.

- right to perform,
- right to display,
- right to copy,
- right to modify,
- right to distribute
- right to sublicense.

As Table 2 illustrates, there are four types of software copyright licences:

³ Ralph Oman, Computer Software as Copyrightable Subject Matter: Oracle v. Google, Legislative Intent, and the Scope of Rights in Digital Works, Harvard Journal of Law & Technology Volume 31, Special Issue Spring 2018, <https://jolt.law.harvard.edu/assets/articlePDFs/v31/31HarvJLTech639.pdf>.

⁴ Lisa C. Green, Copyright Protection and Computer Programs: Identifying Creative Expression in a Computer Program's Nonliteral Elements, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1032&context=iplj>

⁵ Agreement on Trade-Related Aspects of Intellectual Property Rights (as amended on 23 January 2017), https://www.wto.org/english/docs_e/legal_e/31bis_trips_01_e.htm.

⁶ WIPO Copyright Treaty, <https://www.wipo.int/treaties/en/ip/wct/>

⁷ Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32009L0024>.

⁸ Alan Story, *Intellectual Property and Computer Software*, https://unctad.org/system/files/official-document/ictsd2004ipd10_en.pdf

⁹ Software Copyright Mini Guide 2021, <https://cpl.thalesgroup.com/software-monetization/software-copyright-guide>

1. permissive Open Libre / Open Source Software (FLOSS) licence – it grants use rights and includes right to relicense (allows proprietization, license compatibility);
2. copyleft FLOSS license - grants use rights but forbids proprietization;
3. non commercial license – grants rights for noncommercial use only. May be combined with copyleft FLOSS license.
4. Proprietary license, also known as non-free software or closed-source software, is computer software for which the software's publisher or another person reserves rights to use, modify, share modifications, or share the software. Proprietary license sometimes includes [patent](#) rights¹⁰.

Table 2 Software licenses and rights granted in the context of the copyright¹¹.

Copyrights granted	Public domain	Permissive FLOSS license	Copyleft FLOSS license	Freeware/ Shareware/ Freemium (non-commercial license)	Proprietary license
	PD, CC0	MIT, Apache, MPL	GPL, AGPL	JRL, AFPL	no public license
Copyright retained	Yes	Yes	Yes	Yes	Yes
Right to perform	Yes	Yes	Yes	Yes	Yes
Right to display	Yes	Yes	Yes	Yes	Yes
Right to copy	Yes	Yes	Yes	Often	No
Right to modify	Yes	Yes	Yes	No	No
Right to distribute	Yes, under the same conditions	Yes, under same license	Yes, under same license	Often	No
Right to sublicense	Yes, but under the same conditions	Yes	No	No	No

¹⁰ Alan Story, *Intellectual Property and Computer Software*, https://unctad.org/system/files/official-document/ictsd2004ipd10_en.pdf

¹¹ Based on Mark Webbink, *Packing Open Source*, <https://www.jolts.world/index.php/jolts/article/view/26/35>

2.2. Software patent

A software patent is a type of IP that gives its owner the legal right to exclude others from making, using, or selling an invention on a piece of software, such as a computer program, libraries, user interface, or algorithm for a limited period of time in a limited territory.

To obtain a patent, inventors must meet the novelty requirements, file patent applications in each and every country in which they want a patent to be issued, and once it is issued maintain the patent by paying certain amount of patent fee. Differently from copyright, IPR rights under patents apply only if registered and in territories where it is registered.

The territorial aspect of patent applies not only to its protection scope but also to the patentability requirements and scope of software that can be patented.

Patent and copyright protection might cover the same scope, but they serve a different purpose. Copyright protection allows the creator of software to prevent another entity from copying the program. Patents give their owners the right to prevent others from using the technology defined by the patent claims¹². That naturally causes complaints from the open-source community because license fees demanded by patent owners are too high, offered licenses with terms that the open-source software developers cannot accept because it conflicts with the concept of free software license¹³.

Patented software is licensed under conditions set by its owner. Even though it might be free, because of the nature of the patent itself, it is an exception rather than a general rule. Usually royalty payment or lump sum fee is foreseen in patented software license agreement.

2.3. Software trade secret

Trade secrets are information of any type that is valuable to its owner because it is not generally known in the industry and its owner has taken reasonable steps to maintain the information in confidence¹⁴.

The codes in FLOSS programs are not protected under trade secret laws as they are open, non-confidential. But proprietary software developers choose to keep their source code trade secret or patent. Although the software object code can be licensed, keeping source code as a trade secret ensures the exclusivity for its owner.

Computer service and maintenance manuals might also be protected as software trade secrets.

¹² Decision [T 1173/97](#) (Computer program product/IBM) of 1.7.1998, European Patent Office, Boards of Appeal, 1 July 1998, Decision T 0424/03 (Clipboard formats I/MICROSOFT) of 23.2.2006, European Patent Office Boards of Appeal, 23 February 2006.

¹³ Software Patents in Action, <https://web.archive.org/web/20070210164646/http://swpat.ffii.org/patents/effects/>.

¹⁴ What is a trade secret?, <https://www.wipo.int/tradesecrets/en/>.

3. IPR management activities within Tools4LEAs-v2

During the Tools4LEAs-v2 project several different IPR management activities have taken place. Below we summarize the most important ones, including references and links when considered appropriate for the reader to obtain additional information and details on some of the most important aspects.

Also, EACTDA has published a presentation at its website that provides a quick overview of the collaboration agreements and of the licensing scheme it uses as the most important part of its IPR management framework. This presentation can be found at:

https://eactda.eu/assets/files/EACTDA_Overview-of-the-Collaboration-Agreements-and-of-the-Licensing-Scheme.pdf

3.1. IP, IPR, and software licensing knowledge building

Intellectual property in what relates to software is still an area in which a significant part of the European security innovation value chain community lacks sufficient knowledge. Therefore, one of the efforts done by EACTDA as part of Tools4LEAs-v2 project has been to build and to share knowledge on this matter.

In the spring of 2025, several IP related workshops were organized with technology providers, end-users, and legal experts to review, discuss, and identify elements for improvement within EACTDA's licensing scheme and collaboration agreements with other key stakeholders. The first of these workshops took place in Brussels, on June 4th and 5th, 2025. The second workshop took place in Amsterdam the week after, on June 11th and 12th. With the support of an external expert on IPR matters, the Board of EACTDA analysed the outcomes of these two workshops and decided a set of short-term changes to be implemented, as well as a set of follow-up actions to further analyse and consider some of the aspects related to identifying and strengthening or removing incentives and barriers respectively. One of the decisions made for the short-term for example was to offer technology providers the possibility to acquire the co-ownership of the IP produced during the “last-mile” development projects, if they decide to do so. The cost of this IP transfer agreement will depend on the efforts (resources) allocated by the technology provider to undertake the “last-mile” development project as well as on the nature of the technology provider. Should the technology provider be an end-user organization (e.g., EU and Schengen Area public entity fighting cybercrime), the aim will be to transfer the IP with no (or the minimum legally established) cost for the technology provider.

Besides, during the November 2025 six-month event organized by EACTDA in Athens, a session focused on the IP, IPR, software licensing, and contractual agreements used by EACTDA in the context of the Tools4LEAs series of projects. The presentation used to drive this session has been published and can be found at:

https://eactda.eu/assets/files/EACTDA_Overview-of-the-Collaboration-Agreements-and-of-the-Licensing-Scheme.pdf

3.2. IPR and software licensing activities

3.2.1. Compliance

Ensuring compliance with the intellectual property rights established by the licenses of the software components included as part of the Tools4LEAs tools is a critical task. EACTDA invests significant efforts and pays close attention to this matter.

In all Tools4LEAs “last-mile” development projects, as well as in all “maintenance” version developments carried out, one of the mandatory tasks is to extract the Software Bill of Materials (SBOM) of the pre-existing background, to analyse it to check which software licenses those components have, and to ensure that those licenses do not enter into conflict with EACTDA’s licensing business rules. Also, this step allows ensuring that the terms of the software components used to further develop Tools4LEAs tools are respected. Should there be any software component with a license that does not meet EACTDA’s licensing business rules, or which might imply some conditions that do not fit nicely with it, EACTDA always tries to replace that software component by another one with a friendlier license, or by an in-house developed alternative.

When a new version of a Tools4LEAs tool is released and distributed, the software package includes, among several other things, the SBOM and a report which includes detailed information about the licenses used by all the third party components included in it.

Users with the right to access it can find this at EACTDA Portal and the Final Tools Repository service included in it, where the software packages of all Tools4LEAs tools can be found. EACTDA Portal can be found at: <https://portal.eactda.eu/>

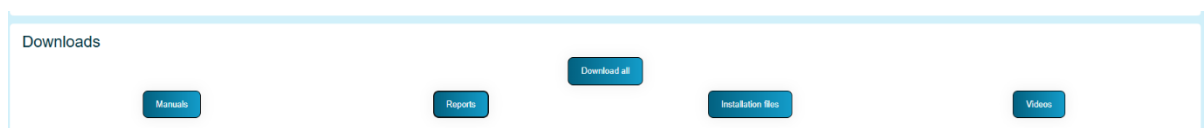


Figure 1 - Screen shot of the section "Downloads" from one tool's page at the Finalized Repository of Tools service that is available at EACTDA Portal

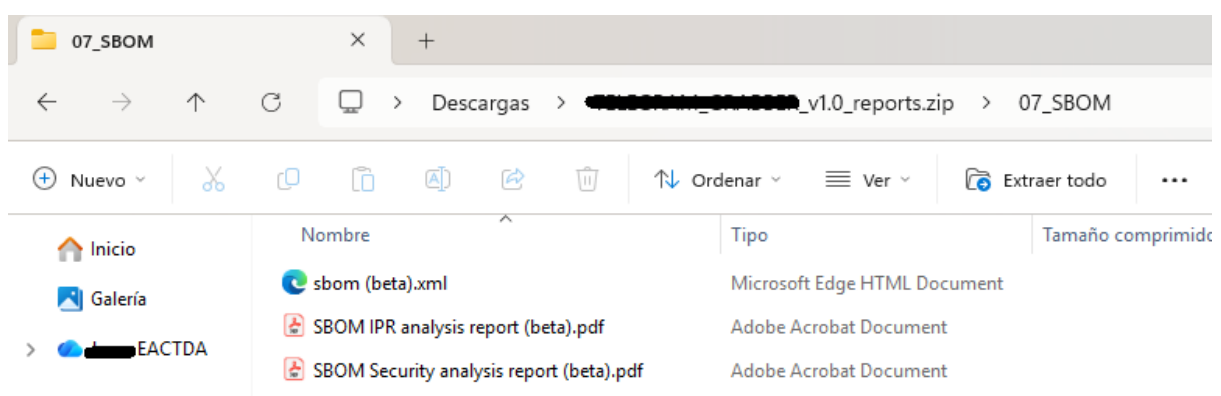


Figure 2 - Example of the documents that can be found in one of the "Reports" zip file which can be downloaded from EACTDA Portal Finalized Tool Repository

17/11/25, 16:53

SbomIPRChecker report

License	Quantity	Permissions					Conditions					Limitations		
		Commercial use	Distribution	Modification	Patent use	Private use	Disclose source	License and copyright notice	Network use & distribution	Same license	State changes	Liability	Trademark use	Warranty
Component	Version	Quantity	Package URL				URL							
react-data-table-component	7.7.0	1	pkg:npm/react-data-table-component@7.7.0				https://www.npmjs.com/package/react-data-table-component							
react-data-table-component-with-filter	7.6.3	1	pkg:npm/react-data-table-component-with-filter@7.6.3				https://www.npmjs.com/package/react-data-table-component-with-filter							
rxjs	7.8.2	1	pkg:npm/rxjs@7.8.2				https://www.npmjs.com/package/rxjs							
text-decoder	1.2.3	1	pkg:npm/text-decoder@1.2.3				https://www.npmjs.com/package/text-decoder							
requests	2.32.3	1	pkg:pypi/requests@2.32.3				https://pypi.org/project/requests							
rsa	4.9	1	pkg:pypi/rsa@4.9				https://pypi.org/project/rsa							
tzdata	2024.2	1	pkg:pypi/tzdata@2024.2				https://pypi.org/project/tzdata							
websocket-client	1.8.0	1	pkg:pypi/websocket-client@1.8.0				https://pypi.org/project/websocket-client							
 MIT License	604													
Component	Version	Quantity	Package URL				URL							
@babel/code-frame	7.27.1	1	pkg:npm/%40babel/code-frame@7.27.1				https://www.npmjs.com/package/%40babel/code-frame							
@babel/compat-data	7.27.2	1	pkg:npm/%40babel/compat-data@7.27.2				https://www.npmjs.com/package/%40babel/compat-data							
@babel/core	7.27.1	1	pkg:npm/%40babel/core@7.27.1				https://www.npmjs.com/package/%40babel/core							
@babel/generator	7.27.1	1	pkg:npm/%40babel/generator@7.27.1				https://www.npmjs.com/package/%40babel/generator							
@babel/helper-annotate-as-pure	7.27.1	1	pkg:npm/%40babel/helper-annotate-as-pure@7.27.1				https://www.npmjs.com/package/%40babel/helper-annotate-as-pure							
@babel/helper-compilation-targets	7.27.2	1	pkg:npm/%40babel/helper-compilation-targets@7.27.2				https://www.npmjs.com/package/%40babel/helper-compilation-targets							
@babel/helper-module-imports	7.27.1	1	pkg:npm/%40babel/helper-module-imports@7.27.1				https://www.npmjs.com/package/%40babel/helper-module-imports							
@babel/helper-module-transforms	7.27.1	1	pkg:npm/%40babel/helper-module-transforms@7.27.1				https://www.npmjs.com/package/%40babel/helper-module-transforms							
@babel/helper-plugin-utils	7.27.1	1	pkg:npm/%40babel/helper-plugin-utils@7.27.1				https://www.npmjs.com/package/%40babel/helper-plugin-utils							

file:///C:/Users/eactda/AppData/Local/Temp/6700c6b3-17e9-4b11-a1c1-d2f9c72b0de6_artifacts.zip.de/sbom-report.html

3/37

Figure 3 - Example of one of the multiple pages of a SBOM IPR checker's report for one of Tools4LEAs' tools

3.2.2. IPR and licensing of EACTDA owned IP

When distributing a new release of a Tools4LEAs tool, EACTDA creates a software package, which is packed in a ZIP file. This software package includes the SBOM as well as the SBOM IPR checker's report, including information about the licenses of all the identified components included in the SBOM. Before the distribution of any new release of a Tools4LEAs tool, a hash file is created of the software package's ZIP file, as well as of all the individual files included it. In this way, EACTDA can prove the authorship of the IP contained within it (source code, user interface, logos, etc.). The software package is released including also an EACTDA software license that applies to the newly created IP. The latest versions of all EACTDA licenses can be found at: <https://eactda.eu/licenses.html>

Besides, to ensure protection of the IP produced within the Tools4LEAs projects, the following measures have to be taken:

1. Special clauses on IPR ownership by EACTDA and confidentiality commitment must be specified in employment contracts and agreements with contractors (legal and natural persons).
2. Non-disclosure agreements have been signed by other subjects that have cooperated with EACTDA and who have therefore accessed confidential information.
3. Licenses have been issued of the foreground produced during the Tools4LEAs project

4. Summary

4.1. Conclusions

In this document we have summarised the IPR management activities carried out within the Tools4LEAs-v2 project. During the course of the project, it was identified the need to review and improve some aspects of EACTDA's IPR management and software licensing scheme, and therefore a series of workshops with key stakeholders took place during the summer of 2025. The outcome of these workshops have allowed identifying a few improvement to the scheme, some of which have already been implemented before the end of 2025, whilst some others might require more time for implementation and/or to be analysed in further details before deciding exactly how to implement them.

4.2. Evaluation

Though this document does not provide full details about each individual Tools4LEAs-v2 IP asset and how it has been managed, it presents an overview of the IPR management activities carried out during the project, and it provides to the reader the references that can allow him/her obtaining more information about individual IP assets (e.g., Tools4LEAs tools).

4.3. Future work

This deliverable will not be updated. However, EACTDA's IPR management framework will continue being revisited and improved on a regular basis, as part of the continuous improvement cycles and approach that EACTDA follows for all its activities.

Also, the templates provided in the ANNEXES are going to be reviewed by an expert legal advisor and they will most likely be updated.