

Treatment of Intellectual Property at the University of Hradec Králové

PART I

INTRODUCTORY PROVISIONS

Article 1

Subject-Matter of Decree

1. This Decree is issued to ensure uniform procedure in claiming and protecting both creative and non-creative industrial property rights, especially the patent and innovation rights, design rights, trademark rights as well as other rights related to intellectual activity in industry and science, originated at the University of Hradec Králové (hereinafter the UHK or the Employer), in order to protect legitimate interests of the UHK and its employees as much as possible and to create support for the use of creative potential of the UHK and its employees.
2. The subject-matter of this Decree is to (a) define the term “intellectual property” at the University of Hradec Králové (hereinafter the UHK), (b) determine the rights and duties related to the creation, notification, registration, protection, use, and commercial use of the intellectual property rights, and (c) regulate the treatment of the research and development results at the UHK.
3. The term Intellectual Property means the results of activity created by the originator/author during fulfilment of tasks resulting from his/her employment or other similar type of employment relationship with the UHK and/or within fulfilment of his/her study duties. It may include:
 - a. Industrial property;
 - b. Copyrighted works;
 - c. Other intellectual property subjects not falling under points a and b.

Article 2

Definitions

1. The following terms are used in this Decrees:

Industrial Property: Results of intellectual activity that are new and usable in industry (commerce). These include inventions, patents, technical solutions protected by a utility model, designs, topographies of semi-conductor products, improvement proposals, plant varieties, biotechnological inventions, and trademarks.

Protection of Industrial Property: Implemented by granting (and maintaining) patents or by registration (and extension of registration validity) of utility models, designs, and trademarks in registers of competent authorities in the Czech Republic or in any other country in the world.

Invention¹: Technical solution which is new, is a result of inventive steps, is susceptible of industrial application and can be protected by a patent or utility model.

UHK Invention: Invention created by the originator during the fulfilment of his/her tasks resulting from his/her employment or another similar type of employment relationship with the UHK.

Patent: A document granted to protect an invention. The patent owner has the exclusive right to use the protected invention, to give consent for use by other persons (e.g., licences) and to transfer the patent to another person.

Utility Model²: Form of protection for technical solutions that are new, go beyond the scope of mere professional skills and are susceptible of industrial application. A utility model represents a lower stage of protection than a patent.

Design³: Appearance of a product or its part consisting mainly in lines, contours, colours, shape, structure or materials of the product itself, or its decoration.

Trademark⁴: Any identification that can be represented graphically, especially words (including personal names), colours, drawings, letters, figures, shape

¹ Act No. 527/1990 Sb., on inventions, designs and improvement proposals, as amended

² Act No. 478/1992 Sb., on utility models, as amended

³ Act No. 207/2000 Sb., on designs protection and on change of Act No. 527/1990 Sb., on inventions, designs and improvement proposals, as amended

⁴ Act No. 441/2003 Sb., on trademarks, as amended

of a product or its packaging, if such identification is capable to distinguish products or services of one person from products or services of another person.

Improvement Proposal⁵: Technical, manufacturing or operational improvement as well as solution of health and safety at work and environmental issues of which the innovator has the right to dispose.

Biotechnological invention⁶: Invention that relates (1) biological material which is isolated from its natural environment or produced using a technical process although it can be found in the nature; (2) plants or animals unless the technical feasibility is limited to a specific plant or animal variety; or (3) microbiological or another technical procedure and product other than a plant or animal variety, obtained in this way.

Originator: Any natural person who is employed by the UHK or is in another type of employment relationship with the UHK, who participated in creation of the Industrial Property (i.e. the UHK employee – both academician and non-academician but also, for example, a visiting professor, visiting assistant professor or any other person who works or perform research at the UHK temporarily). In this Decree, the Originator means also a whole group of co-originators of the given result of research and development.

Co-Originator: Any natural person who is employed by the UHK or is in another type of employment relationship with the UHK, who participated in creation of the Industrial Property in a determined share, i.e. if more persons and/or organizations participated in the Industrial Property creation.

Licensee: A person (natural or legal) that obtains a right to the UHK Intellectual Property on the basis of a contract made with the UHK.

Intellectual Property Protected by the Civil Code⁷: Intellectual Property that cannot be protected by registration in a register and that, at the same time, is neither a copyrighted work, includes not registered identification, trade secret, confidential information, or know-how.

Copyrights⁸: Include rights to literary, other artistic, or scientific works.

⁵ Act No. 527/1990 Sb., on inventions, designs and improvement proposals, as amended (sections 72–74).

⁶ Act No. 206/2000 Sb., on protection of biotechnological inventions, as amended.

⁷ Act No. 89/2012 Sb., the Civil Code, as amended.

⁸ Act No. 121/2000 Sb., on copyright, on rights related to copyright and on amendments to some acts (the Copyright Act), as amended (hereinafter the Copyright Act) as amended.

Author: A natural person who created the Work; in case of a collection as a whole, the Author means a natural person who has collected or arranged the Works in a creative way.

Copyrighted Work (Work): Literary, artistic and scientific work that is a unique result of the author's creative activity and is expressed in any objectively perceptible form including the electronic form, permanently or temporarily, without regard to its extent, purpose or meaning. The Work usually includes literary, photographic, audio-visual, cinematographic, and/or cartographic works. The Copyrighted Work includes databases and software as well.

Employee's Work: Work created by the author to meet his/her duties resulting from his/her employment with the UHK. The Employee's Work includes a collective work, i.e. such work that was created by more authors at the UHK initiative and led by the UHK and that is published under the UHK name; contributions to such work cannot be used separately.

School Work: Work that was created by the UHK student to fulfil his/her study duties. The School Work also includes the work created by a participant of the lifelong education.

Know-How: A set of findings, skills, experience and proficiency of production, technical, operational, business, scientific, research or another nature, that are not generally known or available, are substantial, describable (i.e. exist in an objectively perceivable form) and commercially exploitable.

Trade secret⁹: Consists of competitively important, definable, measurable and generally unavailable (in the respective business communities) facts related to the University. The Trade Secret includes, but is not limited to, projects and results of research, development and/or technical development; business plans, production plans, business or promotion strategies or other plans; pricing principles including the price calculation and budgeting; principles of licencing policy with respect to the industrial or other intellectual property as well as principles of other contractual policies; principles of safety policy of property and personal protection including the personal data protection; application for registration of an industrial property in the respective public register including all attachments and supporting documents and any related documents or other information, which also relates the period before such application was filed; constructional, technological or other production and technical documents., e.g., drawings, bills of materials, specifications

⁹ Section 504 of Act No. 89/2012 Sb., the Civil Code, as amended.

of component parts, technological procedures, recipes etc.; scientific and research, project, engineering, analytical or advisory documents; strength and technological calculation of a machine part or machine; prototypes, 3D models, samples or demonstrations or tests of a service; instructions for a product manufacture or service provision; technical templates or drawings of a product, or service schedules; technical reports on products, services, machines, results of science, research or development including laboratory reports and results of standardization activities; the UHK inventions or other UHK solutions, employee's (UHK) designs or any such subjects of industrial property without regard to their registrability; improvement proposals; employee's computer programmes, photographs or databases or other subjects of copyright or rights related to copyright including problem analyses, programme analyses and other potential documents, and source texts of employee's computer programmes.

Transfer of Knowledge¹⁰: Procedure the aim of which is to get, collect and share explicit and implicit knowledge including skills and competences in both economic and non-economic activities like, for example, cooperation in research, counselling, provision of licences, establishment of spin-off companies, publication and mobilities of researchers and other persons who participate in the said activities.

Licence: Permission or authorization to claim the right to use the Work for all or individual ways of use in limited or unlimited extent.

Start-Up: Start-up usually means a business plan which is at least in the stage of an idea, which has marketable potential and which strives to solve the market situation or business problem in an innovative way. The Start-up can include any newly starting company, especially of technological nature, that strives to solve problems in a locally and timely innovative way.

Spin-Off: Legal person established (either with or without the UHK participating interest) with the aim to commercialize the result or several results of the UHK research and development, or also a legal person who strives for such findings commercialization.

Proof of Concept Activities: Activities performed with a result of the UHK research and development that lead to practical, at least partial, verification of the benefit and practical function of the result of research and development or that lead to increase of quality, and also the value of information about

¹⁰ *Communication from the Commission, Framework for State Aid for Research and Development and Innovation (2014/C 198/01).*

the given result of research and development. It usually involves production of a functional sample and/or its partial development, verification of some production principles and possibilities of production, performance of certified and independent measurements and tests, and testing of functional samples in practice or simulated operation.

TTO: Technology Transfer Office that provides for the intellectual property protection and performance of all specified activities required for the commercialization process.¹¹

¹¹ The powers of the UHK Technology Transfer Office are exercised by the **UHK Science and Knowledge Transfer Office**

PART II

UHK INTELLECTUAL PROPERTY

Article 3

Intellectual Property Management

1. The UHK treats the results of research and development using the below described procedure. Every employee who invents a new or improves the existing technical solution within the performance of his/her work and valid job description, discovers new facts, innovates a work procedure, device or tool, or participates in the origination of such results, is obliged to follow the procedure specified in Article 4 and is considered the Originator. Powers and duties of the individual participants of the process of the research and development results treatment are specified in Annex 3 hereof.
2. The UHK treats the research and development results towards third parties (especially the public procurement entities in the field of research and development and cooperating organizations) in accordance with the European^{12,13} and national legislature. The main principles are specified in Annex 5 to this Decree.

Article 4

Intellectual Property Treatment Procedure

1. The Originator is obliged to notify the TTO in writing of a research and development result by filing a completed form titled Notification of a Research and Development Result (hereinafter the Notification) which forms Annex 1 to this Decree.
2. The TTO performs a formal check of the Notification and in case of need, helps the Originator to remove deficiencies. The TTO then confirms the Notification receipt, registers it and gives a registration number to it.
3. In case of need of the Notification amendment, the Originator is obliged to cooperate timely with the TTO.

¹² *Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty Text with EEA relevance (Block Exemption Regulation, GBER Regulation).*

¹³ *Communication from the Commission, Framework for State Aid for Research and Development and Innovation (2014/C 198/01).*

4. The TTO proposes the Vice-Rector for science and creative activities to convene the Intellectual Property Evaluation Committee (hereinafter the Committee) and proposes the Committee composition. If the Vice-Rector for science and creative activities approves the evaluation by the Committee, he/she convenes the Committee and appoints its members. Supporting documents for the Committee meeting are prepared by the TTO.
5. The Committee assesses the quality of the reported result and then recommends to claim or reject the rights to the given result. If the Committee recommends the rights claiming, it also proposes a suitable form of the Intellectual Property protection.
6. If it is evident that the rights to the research and development results will be claimed due to the planned output of the solved scientific and research project, the TTO may decide not to use the procedure specified in paragraphs 4 and 5 above. In such case, the Committee's recommendation and proposal of a suitable form of protection is replaced by the recommendation of the Vice-Rector for science and creative activities.
7. The resulting recommendation and proposal of a suitable form of protection is passed to the UHK Rector for final decision.
8. The UHK Rector decides whether the UHK will claim the rights to the given result. The Originator of an improvement proposal is notified of the UHK Rector's decision within maximum 2 months; Originators of other results are notified within 3 months from the submission of the completed Notification of a Research and Development Result as specified in paragraph 1. The TTO makes a record on the Rector's decision.
9. If the UHK fails to claim the right for the result towards the Originator within 3 months, the right passes to the Originator. In this period of time, both the Originator and the UHK as the employer are obliged to keep the given findings confidential towards third parties.
10. The TTO convenes the Commercialization Board (hereinafter the Board) and submits the claimed results for evaluation of their potential commercialization.
11. If the Board decides to commercialize the result, the TTO prepares supporting documents for the next Board meeting, usually in form of a commercialization project.
12. The TTO elaborates the commercialization project usually within 2 months from the moment of the Rector's decision to claim the right to the given result within the meaning of paragraph 8 above.

13. The draft of the commercialization project must include, in general, the following information:
 - Denomination of the research result (technology, invention, improvement proposal, computer programme, database etc.);
 - Selected ways of legal protection of the result or variants of legal protection, and planned way of commercial application;
 - Planned steps of technical, market, and commercial nature for the planned increase of the scientific result value for commercial application (e.g., proof of concept activity, checks of demand at the target markets);
 - Schedule and financial plan including the sources for payment of the above mentioned steps;
 - Factual and/or fixed-term schedule of future steps; the schedule contains the STOP/GO decision points;
 - Information about co-ownerships, formerly used and planned sources of financing and their conditions;
 - Summary of existing relations and planned contracts;
 - Conditions of cooperation, considered preferences and their implications in contractual conditions (in case a spin-off company establishment is considered).
14. In case a Spin-Off company establishment is considered, the commercialization project must include a business plan the essentials of which are specified in Annex 5 hereof.
15. The commercialization project is approved by the Board which also determines, supported professionally by the TTO, the procedure and other parameters of the preparation and implementation of commercialization and manages, within its powers, the implementation of commercialization.
16. Specific conditions of contractual relations resulting from the commercialization are not approved by the Board; the TTO comments them in cooperation with the UHK lawyer and the UHK Rector approves them. The Rector may sign a commercialization-related contract only if conditions regulating contracts circulation at the UHK, determined by a decree, are met. The Vice-Rector for science and creative activities is informed of the intent to make such contract before the contract is made, which he/she confirms by his/her signature on the sheet accompanying the given contract. At the same time, he/she confirms by signing that he/she checked the fulfilment of the individual steps of the above specified procedure of intellectual property treatment at the UHK.

17. The TTO then monitors how and whether the contract is being implemented.
18. The UHK Rector decides continuously, based on the Board recommendation, the key steps and financing of the commercialization activities and/or of stopping the commercialization activities. If the commercialization activities are stopped, the Vice-Rector for science and creative activities charges the TTO to discuss the conditions and make a quotation of the transfer and sell-off of the intellectual property to the originators if they are interested in such transfer.

Article 5

Copyrighted Work

1. The University of Hradec Králové uses, in particular, literary and scientific, photographic, audio-visual, cinematographic, and cartographic works for its activity; a computer programme is also considered the Work under the copyright law. Collections include, for example, collections of papers, journals, exhibitions, databases, computer programmes etc.
2. Copyrighted works are treated according to the general provisions of Act No. 121/2000 Sb., on copyright, on rights related to copyright and on amendments to some acts (the Copyright Act), as amended (hereinafter the Copyright Act).

Article 5a

Employee's Work

1. Unless agreed otherwise, the UHK as an Employer exercises, in its own name and on its own account, the property rights to the Work created by the Author within the fulfilment of his/her tasks resulting from his/her employment or another type of employment relationship with the Employer. The Employer may pass the right to exercise the property rights under this paragraph to a third person with the Author's approval only.
2. The exercise of property rights to an Employee's Work consists of the following:
 - The UHK may publish the Work, adjust it, process it (including a translation), join it with another Work, include it in a collection and publish under the UHK name;
 - The UHK may grant a licence with and without the right to sub-licence to other entities;
 - The UHK may finish an unfinished Employee's Work if the Author is, even after a written invitation to finish the Work, in delay with the creation/finish

of the Employee's Work or if his/her obligation to finish such Work ceases due to impossibility to finish it or death;

- The author of the Employee's Work has the right to get an extra remuneration from the UHK if there is an apparent disproportion between the wage or any other remuneration and the profit from the use of the rights to the Employee's Work;
 - Different relationships than those specified in paragraphs 1 to 3 above may be agreed contractually between the Employer and the Employee; for example, the Employee-Author may publish the work at his/her own expense, or the Employer grants a licence to the Author with the right to grant sub-licences etc.;
 - If the UHK does not exercise the rights to the Employee's Work at all, or if it exercises them insufficiently, the Author may ask the Employer to grant him/her a sub-licence under usual conditions unless the Employer has any serious reason to refuse it.
3. The Author's moral rights to the Employee's Work remain unaffected.
 4. Upon the termination of employment or another type of the Employee's relationship with the Employer, the rights and duties of the UHK (as the Employer) to the Employee's Work remain unaffected.

Article 5b

School Work

1. The School Work is a work that enjoys protection under the Copyright Act, created by a student to fulfil his/her study duties resulting from his/her legal relationship with the UHK. It includes, but is not limited to, Master's theses, Bachelor's theses, doctoral theses, term and similar papers, computer programmes etc.
2. Property rights do not pass to the UHK by operation of law, except for right resulting from a special legal regulation (section 47b of Act No. 111/1998 Sb., on higher education institutions and on amendment of other acts).¹⁴
3. By operation of law, the UHK has the right to use the School Work on a non-profit base for its internal use.
4. The UHK has the right to make a licence contract for the use of the School Work under usual conditions.

¹⁴ See also the Rules for Bachelor's , Master's, Advanced Master's, Doctoral and Habilitation Theses Handling at the UHK

5. If the Student-Author refuses to grant permission to use the Work (to grant the licence) without a serious reason, the UHK may ask a court to award a decision replacing the Author's missing declaration of will.
6. Unless the UHK and the Student agree otherwise, the Student-Author may use his/her Work or grant sub-licence to another person with the UHK approval. However, it may not be in contradiction with the UHK legitimate rights.
7. If the Student-Author of the School Work gets income from the use of the Work or from the licence granting, the UHK has the right to ask for an appropriate contribution for reimbursement of expenses incurred in relation with the Work creation.

Article 6

Intellectual Property Valuation

1. The value of the Intellectual Property that originated at the UHK and is to be commercialized (Article 4 (11)) must be estimated for the commercialization purpose.
2. The value of the Intellectual Property that is to be commercialized is estimated on the basis of an opinion of the Committee for Intellectual Property Valuation that is established by the Rector in each individual case according to the appropriate provisions of the UHK Rules for the Internal Governance.

Article 7

Originator's Remuneration

1. The Originator whose intellectual property right was claimed by the UHK has the right for appropriate remuneration determined by the Rector's decree. The remuneration takes account of the ownership share and is divided among potential co-originators according to their share in mental contribution based on a contract made by the Co-Originators.
2. The subject of remuneration under paragraph 1 above does not include artistic, literary and scientific Author's Works that do not have any commercial potential, typically scientific papers, conference proceedings, conference posters, monographs, or other publications. Such works are treated according to the provisions of Act No. 121/2000 Sb., on copyright, on rights related to copyright, and on amendments to some acts (the Copyright Act), as amended.
3. The originator has the right for an additional remuneration from any licence contract made or from the sale of intellectual property.

4. Remunerations from the licence contract or from the sale of intellectual property are paid to the Originator without any undue delay after the payment is transferred from the business partner to the UHK account.
5. The remuneration from the net yield from a licence contract made or from the sale of intellectual property is specified in a Table in Annex 2 hereof. The remuneration is divided among the Co-Originators according to their individual share in mental contribution.
6. The net yields mean (for the purposes hereof) the UHK income from the given subject of intellectual property adjusted for direct commercialization expenses (provision for formal and legal protection, legal services, business and marketing analyses and services, searches, management and implementation of commercialization activities etc.).
7. A part of the UHK net yield, i.e. net yield after deduction of the Originator's remuneration under paragraphs 5 and 6 above, will be set apart and used to cover expenses related to suitable patent protection and its maintenance, and to prepare and implement activities of other research and development results commercialization. Unless the UHK Rector decides otherwise, the net yield will be divided as follows: the faculty or the department that participated in the Result will get 15% of the net yield; the remaining part will be used to finance oriented research and development or innovations, and particularly to commercialize the results of research and development and innovations. At least 40 % of the UHK net yield is usually used for targeted use of the research results through transfer of technologies. The divided parts of the UHK net yield may be used for the main UHK activity only.

Article 8

Protection of Information about Intellectual Property

1. All information about intellectual property, especially the Notification of a Research and Development Result, Committee and Board meeting minutes and recommendations, the TTO opinion etc. are considered trade secret and confidential.
2. Third persons may be given the related information, whole documents or their parts only if their protection is ensured contractually and only in a way corresponding to the level of the given information security.
3. Employees who participate in scientific work, research and development are obliged to comply with the obligations resulting from the legal protection of intellectual property and the UHK trade secret related with the creation

of an invention or similar innovative solution and potential consequences of breach of the Employee's obligations imposed by the law.

Article 9

Final Provisions

1. The Decree comes into force on the day of its signing and into power on 1 July 2020.
2. The Rector's Decree No. 06/2019 and the Rector's Decree No. 07/2019 are repealed hereby.

In Hradec Králové on 30 June 2020

Prof. Ing. Kamil Kuča, Ph.D., m.p.

Rector

Annexes

- Annex 1: Notification of a research and development result
- Annex 2: Share in the yield resulting from research and development
- Annex 3: Powers and obligations of the participants of the procedure of the research and development results treatment
- Annex 4: Treatment of the research and development results towards third parties
- Annex 5: Outline of a business plan



EUROPEAN UNION
European Structural and Investment Funds
Operational Programme Research,
Development and Education



MINISTRY OF EDUCATION,
YOUTH AND SPORTS

Notification of a Research and Development Result		
	Completed by the Originator	TTO notes
1. Name of the result		
2. Field of the result		
3. Originator and Co-Originators, share of mental contribution of each Co-Originator		
4. Contact person authorized to act on behalf of the Co-Originators		
5. Description of the result		
6. Description of the research and scientific work on the result including information about time and place of the result obtaining		
7. Advantages of the result as compared to the existing situation		
8. Disadvantages of the result as compared to the existing situation		
9. Potential use (fields, subjects of interest, demand)		
10. Way and time of the result publication		
11. Proof of novelty		

12. Readiness to use (steps that are to be made for use in practice, description of the follow-up research and development)		
13. Proposed way of protection or contractual use and new solution elements that should be protected or used		
14. Related project (if a grant of support was provided)		
15. Attached supportive materials (texts, pictures, graphs, drawings, performance data, reports, agreement among Co-Originators)		
16. Form and place of the result dossier storing		

By his/her/their signature(s), the Originator(s) confirm(s) that the above described result originated within the fulfilment of tasks resulting from employment or another similar type of employment relationship with the UHK and originated by the Originator's/Organizers' own creative activity.

Name(s) and signature(s) of the Originator(s):

Name and signature of delivering person¹⁵:

Name and signature of receiving person:

Date of debating by the Committee/Vice-Rector

for Science and Creative Activities

Date of the Rector's opinion:

Rector's opinion: **Claim/Not to claim** the right for intellectual property

¹⁵ Complete only if the delivering person is not the Originator.

Share in the Yield Resulting from Research and Development		
	UHK	Originator
Share in net yield*	10 %	90 %**
<p>* Net yield means (for the purposes hereof) the UHK income from the given subject of intellectual property adjusted for direct commercialization expenses (provision for formal and legal protection, legal services, business and marketing analyses and services, searches, management and implementation of commercialization activities etc.).</p> <p>** This share belongs to the Originator him-/herself provided that the UHK Rector does not decide otherwise in agreement with the Originator.</p>		



Powers and Obligations of the Participants of the Procedure of the Research and Development Results Treatment

Vice-Rector for Science and Creative Activities

1. Activities related to the intellectual property protection at the UHK fall within the powers of the Vice-Rector for science and creative activities without affecting any statutory duties of other persons.
2. The Vice-Rector for science and creative activities convenes the Intellectual Property Evaluation Committee (hereinafter the Committee) and appoints its members.

Knowledge Transfer Office

3. The Knowledge Transfer Office (TTO) provides for the intellectual property protection and performance of all specified activities required for the commercialization process.
4. In particular, the TTO carries out registration of the intellectual property, receives, analyses and evaluates the intellectual property and gives recommendations for suitable protection to the Committee. The TTO further elaborates specific analyses, plans and recommendations, proposes suitable way of the research and development result commercialization, draws financial plans, determines deadlines, key milestones of targeted activities, and draws commercialization reports for the Board. The TTO proposes and recommends suitable sources of the intellectual property protection and covering and financing of commercialization activities. The TTO then performs the specified acts leading to protection and commercial use of the intellectual property, their management and monitoring. The TTO informs the Vice-Rector for science and creative activities on a continuous basis.
5. The TTO provides for internal registration of the intellectual property subjects at the UHK. The TTO gives a registration number to the received Notification (see above) and ensures the paperwork in cooperation with the Originator. The TTO keeps records of the industrial property subjects and ensures the paperwork related to the inventive and innovatory activity at the university. It also ensures the industrial property proceedings by submitting an application for registration in the respective register and the industrial

property protection against third persons and use of the industrial property by third persons.

6. The TTO notifies the Originators of the Rector's decision to claim/not to claim the rights.

Intellectual Property Evaluation Committee

7. The Committee evaluates the research and development results from the point of view of their importance for the UHK and proposes a suitable form of the intellectual property protection, or proposes not to claim the rights to the given result, or proposes to claim the rights but to treat and develop the result without legal protection (trade secret, know-how etc.). The Committee is obliged to submit the proposal within 70 days from the delivery of the completed Notification of a Research and Development Result. The Committee passes the proposal to the Rector through the TTO.
8. The Committee has the following standing members: the UHK Vice-Rector for science and creative activities, Vice-Deans for scientific activities of the UHK faculties, and the TTO head. Other members are appointed by the Vice-Rector for science and creative activities. They usually include the head of the department where the respective research activity is performed, the respective subject-area guarantor, and other experts in the respective matters.
9. All Committee members who have not made an agreement on confidentiality, protection of information and prohibition of their misuse are obliged to make it before they start their participation in the Committee debate.

Commercialization Board

10. The Board determines and recommends the acceptance, continuation and termination of commercialization.
11. The Board composition and rules of procedure are determined by the Board Rules of Procedure.
12. After the Board member gets information about a specific result of research, or at any time later, he/she considers conscientiously whether he/she is able to act as an independent and unbiased member of the Board. If any member is biased in relation to some result of research, he/she is obliged to inform other Board members about it and in the given matter, commencing from the moment he/she considers him-/herself biased, he/she may provide supplementary information only to the given result; he/she, however, may not participate in decision-making and voting on the given result.

13. The Board is convened *ad hoc* to assess new results of research, to decide key acts performed by the TTO, and, once in a year, to assess the maintenance or termination of maintenance of granted patents, utility models and designs, trademarks etc. - with regard to commercial use and financial means getting. *Ad hoc* meetings are held preferentially via electronic communication.

UHK Rector

14. The UHK Rector approves a suitable form of the intellectual property protection upon the Committee proposal and/or upon the proposal of the Vice-Rector for science and creative activities. The UHK Rector is obliged to comment the proposal in writing within 3 months from the confirmed receipt of the completed Notification of a Research and Development Result. If the UHK Rector decides to claim the right for the research and development result and decides to ensure any form of legal protection, such property is, from the moment of the right claiming, intended for commercialization, estimation of the value and other treatment of intellectual property.
15. The UHK Rector approves, on the basis of the Board proposal, the commencement, termination, procedure, budget and other parameters of the commercialization process.
16. The UHK Rector determines the sources of covering expenses related to the solution of the intellectual property protection, to the application filing and subsequent administrative and maintenance fees to ensure the selected protection of the given intellectual property.
17. The UHK Rector determines the sources to cover expenses to perform the commercialization activities and its preparation (including the activities during the checking and increasing of the research result commercial significance).
18. The UHK Rector appoints the Board members in accordance with the rules of procedure of the given Board.

Originator, Author

19. The Originator is obliged to notify the TTO in writing and without any undue delay of the results of his/her research, development, or innovative activity. He/she makes the notification in writing. If he/she does not make notification in accordance with the template – Annex 1 to this Decree, he/she is obliged to give the completed template to the authorized UHK employee within maximum five days from the first notification of the result origination.

20. The Originator is obliged to keep rigorously the confidentiality principles specified in Article 8 hereof. The result of research and development is considered a part of the UHK trade secret and classified information. Until the Rector decides the next steps (and/or until the patent application or application for a similar legal protection of the given result is filed), neither the Originator nor any other person (informed about the result) may publish or pass the related information to other persons who are not subject to secrecy obligations. The Originator may, in a limited extent (after consulting the TTO), inform about general benefits of the result; however, he/she may not inform about its technical parameters, composition, production procedures etc. without an express consent of the TTO.
21. Notifications and supportive documents must include, in particular, the name of the industrial property subject, its description, subject-area, explanation of the essence, advantages or disadvantages as compared to the existing situation, examples of implementation, proof of novelty and usability of the given subject, description of the Employee's activity that resulted in the given subject of the industrial property, and proposals of possible contractual use of the activity results.
22. The Originator is obliged, at the request of the TTO or the Vice-Rector for science and creative activities, to cooperate actively and effectively with the TTO during the analysis of the submitted result, ensurance of the industrial property ownership and use of the subject of the protected intellectual property.
23. If the Originator's workplace or the Originator ask expressly for cooperation with an external patent representative beyond the TTO recommendation, such workplace or the Originator share the cost of the patent representative: the workplace or the Originator pay 80 % of the overall cost invoiced by the patent representative.

UHK Lawyer

24. On request, the UHK lawyer provides ma more detailed interpretation of the Copyright Act, acts related the industrial rights and the Civil Code, and/or prepares licence contracts or contracts to create a work on demand, or other related contracts.

UHK Managers

25. All UHK managers are obliged to ensure within employment contracts, agreements for work, agreements to complete a job, or in any other way (e.g., by signing the work load, by a written instruction or a task assignment) that

the Employer will be able to prove that the arising works and intellectual property subjects are the Employee's Works and/or the UHK Inventions, i.e. works created to fulfil the duties resulting from the employment, and that the employee fulfilled such creative tasks.

26. The Employer may claim rights to works created by employees who do not have any description of their work activity and no creative activity is evident from their employment contract only if such employees were charged with such task by their superior' written instruction. In case of doubt whether or not such task can be assigned by the superior, decision is made by the employee authorized to make employment contracts (Rector, Dean, Bursar). Managers are obliged to consult this situation with employees authorized to make employment contracts.
27. Managers are obliged to monitor the emergence of the Employee's Works at the UHK workplaces headed by them and pay attention to proper exercise of property rights to such works. If the UHK does not exercise the rights to the Employee's Work at all, or if it exercises them insufficiently, the Author may ask the Employer to grant him/her a sub-licence under usual conditions unless the Employer does not have any serious reason to refuse it.

Treatment of the Research and Development Results towards Third Parties

Public contracts in research and development

1. A result of a public contract **that cannot be protected** according to acts regulating the protection of author's inventive or similar creative activity is owned by the provider and its publication and use is allowed only with the provider's prior written approval via **teaching or public distribution of the research result on a non-exclusive and non-discriminatory basis**.
2. If a result of a public contract **can be protected** according to acts regulating the protection of author's inventive or similar creative activity, the UHK, unless the provider specifies otherwise, must claim the right to the result, provide for its legal protection and after the legal protection is granted, the UHK must **provide unlimited access to such result to the provider and non-discriminatory access to third parties under market conditions**. The provider's written consent is required for the result publication before the application for the industrial legal protection is filed.

Other research and development results

3. The right to results of activity in research, development and innovation that is not a public contract belongs to the UHK or is in common ownership of cooperating organizations that created the result in cooperation with the UHK.
4. The following is applied to the use of results, except for paragraphs 1 and 2:
 - a. **If the UHK receives a public support and has exclusive rights to a result financed fully from public funds, the result may be used via teaching, public distribution of the research result on a non-exclusive and non-discriminatory basis, or transfer of knowledge only;**
 - b. **If the targeted support of a project is received by a company together with the UHK as a research organization, then:**

- i. Results of such cooperation that cannot be protected according to acts regulating the protection of author's, inventive or similar creative activity may be distributed freely and the right to results resulting from the UHK activity belong fully to such entities; or**
- ii. Any rights to a project results as well as related access rights are owned by all cooperating entities to a degree appropriate to their contribution to the project solution; or**

The UHK gets compensation corresponding to market prices from the cooperating company for the rights to the project results that resulted from the UHK activity and were assigned to the cooperating company, or for the access rights obtained by the given company. A result of a public contract that cannot be protected according to acts regulating the protection of author's, inventive or similar creative activity is owned by the provider and its publication and use is allowed only with the provider's prior written approval via teaching or public distribution of the research result on a non-exclusive and non-discriminatory basis.

Outline of a Business Plan

1. Submitter's name and surname/company name, residential address/submitter's registered office/company registered office, ID (if any)
2. Project title – focus of the project and its expected result
3. Legal form, sphere of business, short description of the company history (if any)
4. Main aim of the project - summary
 - Mission, aims, product/service uniqueness and its protection, competition advantage, target customer segments and their size, team, financial aims, amount of required initial investment, and potential profit
5. Description of products/service
 - Brief description of products/service, description of advantages, customer needs solved by the product/service, uniqueness, innovativeness, added value for the customer, method of pricing
6. Sales and marketing strategy
 - The market size, analysis and prognosis of the product/service demand
 - Basic characteristics of customers
 - Responsiveness of demand to price and responsiveness of price to demand
 - Competition, main competitors, strength of the competition, part of the market occupied by competitors, advantages and disadvantages of competing products/services; difference from the competition
 - way of the product/service launching on the market, way of the product/service distribution, distribution channel used, expected sales volumes in the individual distribution channels
 - After-sale service
 - Way of promotion, customer engagement, promotion of products/services, way of contacting customers, timing of individual activities and their budget, marketing communication channels used (what type of advertising and where, company dossier, trade names, logos, slogans, public relation, press releases, internet...)
7. Staffing

- Existing composition of your team, expertise, experience, and motivation;
 - Your team deficiencies – what experience, knowledge and skill are missing at present, proposed solution of this issue
 - Way of project management
 - Qualification and professional requirements on employees for the project implementation and estimated number of them, way of staff recruitment, extent of use of the local workforce
 - Amount of personnel cost
8. Technical arrangement of the project, premises
- Suppliers (branch, location)
 - What will the production process be? What will be required to secure the production? What will the financial cost be (if relevant)?
 - Where the project will be located (own premises, rental) and how much the premises will cost?
 - Will additional research and development be required? If yes, how much time and money will it cost?
 - What is the legal protection of your product/service?
9. Project implementation schedule
- Project milestones, aims to be reached in individual periods of time. How is it reflected in financing, production, promotion, sales, staff recruitment?
 - Vision for the company in 3 future years
10. Project budget, financial cost and project security
- What will be your cost before the project launching (mainly the purchase of machines, preliminary work), cost during the project implementation (fixed and variable operating costs)? A table summarizing the items is appreciated.
 - What are the expected revenues (estimated sales, structure of sales) in the first, second and third year?
 - Cash-flow (movement of expenditure and revenue, unevenness over time)
 - Turning point
 - Project finances (source of required financial funds)
11. Final summary – SWOT analysis of the project
- Projects strengths (and how to use them)
 - Project weaknesses (and how to solve them)
 - Opportunities (and how to use them)
 - Threats (and how to deal with them)