

## REGULATION ON INTELLECTUAL PROPERTY PROTECTION AT UVT

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## Abbreviations

UVT	West University of Timișoara
CTT-UVT	Centre for Innovation and Technology Transfer
ICAM	Institute of Advanced Environmental Research Studies
OSIM	National Office of Inventions and Marks
ORDA	National Office for Copyrights
EPO	European Patent Office
EUIPO	European Intellectual Property Office
Lg.	Law
O.G.	Governemnt Ordinance
IP	Intellectual Property
IPRs	Intellectual Property Rights

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## CHAPTER I. CONCEPTS AND OBJECTIVES

**Art. 1.** UVT recognizes the benefits that research, development, and innovation activities and programs conducted within the institution bring to civil society, industrial and commercial partners, and the general public. Thus, the University, as a center for advanced research and education, whose research efforts are promoted across the three pillars of research-development-innovation, outlines a general framework to clarify and facilitate the technological and cognitive transfer activities carried out within the university.

**Art. 2.** The regulation aims primarily to regulate the activity of protecting intellectual property within UVT, through CTT-UVT, and to capitalize on the intellectual property generated at this level, by outlining a general framework that:

- (1) contributes to the identification, evaluation, protection, management, and commercialization of intellectual property within UVT, ensuring and guaranteeing academic freedom concerning the protection and respect of the moral rights of staff and students, including in interactions between students, academic/research staff, and third parties;
- (2) outlines the legal aspects closely related to the protection of activities generating intellectual property elements;
- (3) establishes a pathway for the capitalization of IPRs through efficient mechanisms, depending on applicability and the material resources available at the University;
- (4) to defend UVT's interests regarding the IPRs of employees (i.e., academic, teaching, and/or research personnel, administrative staff) and the IPRs of students, collaborators, and third parties in relation to the University;
- (5) to ensure effective protection of IPRs by patenting inventions developed at UVT;
- (6) to promote entrepreneurial culture at UVT and encourage academic and research staff, as well as students, to engage in research activities. The acquired new knowledge should be used in future educational and research activities and leveraged through publications, collaborations, licenses, and the formation of spin-off/startup companies;
- (7) to ensure that the outcomes of UVT's activities are disseminated and efficiently exploited to benefit the socio-economic environment and society at large, both nationally and internationally.

## CHAPTER II. LEGAL FRAMEWORK

**Art. 3.** The legal framework under which this regulation and its procedures operate consists of:

- (1) Law of National Education no. 1/2011;
- (2) Law no. 319/2003 regarding the status of research-development-innovation personnel;
- (3) Government Ordinance no. 57/2002 regarding scientific research and technological development;
- (4) Law no. 8/1996 regarding copyright and related rights, republished;

- (5) Law no. 64/1991 regarding patents for inventions, republished;
- (6) Law no. 84/1998 regarding trademarks and geographical indications, republished;
- (7) Law no. 129/1992 regarding the protection of designs and models, republished;
- (8) Law no. 16/1995 regarding the protection of semiconductor product topographies, republished;
- (9) Law no. 350/2007 regarding the protection of utility models;
- (10) Government Ordinance no. 52/1997 regarding the legal regime of franchises, republished;
- (11) Law no. 255/1998 regarding the protection of new plant varieties, republished;
- (12) Law no. 83/2014 regarding service inventions;
- (13) Government Ordinance no. 66/2000 regarding the organization and exercise of the profession of industrial property advisor;
- (14) The Regulation of Organization and Functioning of the Technology Transfer and Innovation Center within UVT approved by the Senate Decision UVT no. 63/17.03.2022.

### **CHAPTER III. ACTIVITY OF THE TECHNOLOGY TRANSFER AND INNOVATION CENTER**

**Art. 4.** The Technology Transfer and Innovation Center (CTT-UVT) is a non-legal personality structure, operating as a specialized organizational unit with financial autonomy, established within ICAM.

**Art. 5.** The main purpose of CTT-UVT is to coordinate the commercialization of scientific research through the transfer of research results to economic operators with state or private capital.

**Art. 6.** CTT-UVT considers both the scientific research conducted within ICAM and that carried out through other research structures of UVT.

**Art. 7.** According to Article 15 of the Regulation of Organization and Functioning of CTT-UVT approved by the Senate Decision UVT no. 63/17.03.2022, CTT-UVT has the competence to commercialize research results through technology transfer and intellectual property assets of UVT, through activities such as:

- (1) providing services;
- (2) ensuring external collaborators' access to services and infrastructure owned by ICAM and relevant to the co-creation process;
- (3) negotiating contracts and collaborations aimed at exploiting UVT's intellectual property assets;
- (4) representing UVT in relations with competent national and European authorities in the field of intellectual property;
- (5) developing studies, reports, briefs, analyses to inform the academic and business community in scientific and technological matters;
- (6) providing the necessary framework for developing projects aimed at participating in national and international competitions in research, development, and innovation activities;
- (7) any other activities relevant to technology transfer.

**Art. 8.** CTT-UVT develops all operational processes necessary for implementing the provisions of the Regulation..

- (1) Managing intellectual property rights for patented inventions at UVT involves several steps divided into the pre-filing stage of the patent application and the post-filing stage of the patent application.
- (2) Steps before filing the patent application:
  - a. identifying the patentable technical solution;
  - b. research and documentary analysis;
  - c. improving the technical solution;
  - d. preparing the OSIM deposit.
- (3) Steps following the filing of the patent application:
  - a. preliminary evaluation for commercial exploitation;
  - b. exploitation or commercialization through licensing;
  - c. technological surveillance.

**Art. 9.** Ways to protect intellectual property rights:

- (1) patent and utility model;
- (2) copyright and related rights;
- (3) rights over databases.

**Art. 10.**

- (1) The intellectual property policy concerning UVT students enrolled in undergraduate, master's, and doctoral programs, as well as visiting students, stipulates that they are the owners of all intellectual property rights and related rights they produce as students of UVT, unless otherwise agreed upon.
- (2) At the request of students and with the support of CTT-UVT, UVT may become the exclusive owner of intellectual property rights over student results and may contribute to their commercial exploitation and royalty distribution through a separate agreement between the student and UVT.

## **CHAPTER IV. REQUESTING PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

**Art. 11.** Any person who is part of the academic staff, administrative staff, or student community of the West University of Timișoara has the right to request assistance from CTT-UVT regarding the protection of intellectual property rights that the person believes they benefit from.

**Art. 12.** Assistance from CTT-UVT can be requested regarding the following elements of intellectual property, among others (non-exhaustive list):

- (1) results of innovative creative projects;
- (2) results of academic creative processes;
- (3) results obtained from the development of scientific papers, bachelor's theses, dissertations, and doctoral theses;
- (4) collaborative projects that generate knowledge and potentially viable processes/products;

- (5) other results subject to national, European, or international legislation on intellectual property protection.

**Art. 13.**

- (1) The request for assistance from CTT-UVT is made in writing and will be transmitted through the official communication channels of UVT (inovare@e-uvt.ro) to the management of CTT-UVT.
- (2) The request is completed according to Annex I of this Regulation.
- (3) The request will include the applicant's identification information such as name, surname, position, and department, a brief description of the subject matter of the request, and any other information that the applicant considers relevant to bring to the attention of CTT-UVT.
- (4) The registration of the request will be confirmed to the applicant by CTT-UVT within 24 hours through the same communication channel.

**Art. 14.**

- (1) After registering the request for assistance, CTT-UVT will conduct an evaluation within 30 days from the registration date.
- (2) The evaluation involves analyzing the possible routes that can be considered for protecting the applicant's intellectual property rights. This includes assessing the existence or non-existence of copyright and related rights, the patentability of the product/process, the possibility of registering a utility model, a trademark, or a design, as applicable. Additionally, a recommendation will be provided regarding the filing of applications with various national, European, or international entities such as OSIM, EUIPO, EPO, WIPO.
- (3) In conducting this evaluation, CTT-UVT may seek the expertise of members of the UVT community or external experts, if necessary.
- (4) The 30-day period can be extended by an additional 15 days in exceptional cases, and only if this extension is communicated in writing to the applicant with a clear rationale.

**Art. 15.** At the conclusion of the evaluation, the applicant is informed about CTT-UVT's findings and the approaches that can be taken to ensure the protection of intellectual property rights.

**Art. 16.**

- (1) The applicant may further request assistance from CTT-UVT regarding the formalities and procedures, both procedural and substantive, before competent national, European, or international authorities in matters of intellectual property.
- (2) Paragraph 1 does not apply if the rights to the creation/invention/trademark/utility model/design/model exclusively belong to UVT, under the provisions of Law no. 83/2014 regarding service inventions. In such cases, CTT-UVT has the competence to independently pursue the protection of intellectual property rights resulting from research activities that exclusively belong to UVT.

**CHAPTER V. WAYS TO IMPLEMENT THE INTELLECTUAL PROPERTY POLICY OF UVT****Art. 17.**

- (1) In order to promote UVT's social responsibility, as a general rule, UVT will own all intellectual property rights and physical materials resulting from research with commercial exploitation potential conducted at UVT using its resources.
- (2) Paragraph 1 does not apply to expressly exempted cases where UVT does not own rights over research results developed using UVT resources. In such cases, UVT will receive, based on a specific agreement, the right to use and further develop these results for educational and scientific research purposes.

## **CHAPTER VI. COPYRIGHT AND RELATED RIGHTS**

### **Art. 18.**

- (1) UVT places significant importance on the rights of its employees to create, disseminate, and exploit their own intellectual work. Generally, UVT recognizes the copyright of teaching materials, textbooks, and scientific publications as belonging to their creators.
- (2) In cases outlined in paragraph (1), UVT reserves the right to use these materials free of charge for academic and research purposes.
- (3) It is the responsibility of the UVT employee to inform any publisher or interested party about the existence of this license for the publication of materials.
- (4) Waiving copyright for teaching materials, textbooks, and scientific publications does not apply to works commissioned by UVT or works resulting from research activities, such as computer programs, databases, and other materials with economic exploitation potential.

**Art. 19.** The copyright of a literary, artistic, or scientific work, as well as other intellectual creations, is recognized and guaranteed under the provisions of Law no. 8/1996.

**Art. 20.** An intellectual creation is recognized and protected independently of its public disclosure, simply by its creation, even in an unfinished form.

### **Art. 21.**

- (1) The author is the natural person or persons who created the work, or in cases expressly provided by law, natural or legal persons other than the author.
- (2) It is presumed, until proven otherwise, that the person under whose name the work was first made public is the author.
- (3) The status as a subject of copyright can be transferred under the conditions provided by law, for example through assignment or inheritance.

### **Art. 22.**

- (1) The subject matter of copyright consists of original intellectual creations in the literary, artistic, or scientific fields, regardless of the manner of creation, mode or form of expression, and independent of their value or purpose.
- (2) Without prejudicing the rights of the authors of the original works, copyright also covers derivative works created based on one or more pre-existing works, including:
  - a. Translations, adaptations, annotations, documentary works, musical arrangements, and



any other transformations of a literary, artistic, or scientific work that represent intellectual creations.

- b. Collections of literary, artistic, or scientific works, such as encyclopedias and anthologies, collections or compilations of materials or data, whether protected or not, including databases, which through the selection or arrangement of the material, constitute intellectual creations.

**Art. 23.** The following cannot benefit from legal copyright protection:

- a. Ideas, theories, concepts, scientific discoveries, procedures, methods of operation, or mathematical concepts as such, and inventions contained in a work, regardless of the manner of presentation, writing, explanation, or expression.
- b. Official texts of a political, legislative, administrative, judicial nature, and their official translations.
- c. Official symbols of the state, public authorities, and organizations, such as the coat of arms, seal, flag, emblem, insignia, badge, and medal.
- d. Means of payment.
- e. News and press information.
- f. Simple facts and data.
- g. Photographs of letters, deeds, documents of any kind, technical drawings, and similar materials.
- h. Materials resulting from the reproduction of a visual artwork whose term of protection has expired, unless the material resulting from the reproduction is original in the sense that it represents the author's own intellectual creation.

**Art. 24.**

(1) The moral rights of the author of the work are as follows:

- a. The right to decide whether, how, and when the work will be made available to the public.
- b. The right to claim recognition as the author of the work.
- c. The right to decide under what name the work will be made public.
- d. The right to demand respect for the integrity of the work and to oppose any modification or distortion of the work that may harm their honor or reputation.
- e. The right to withdraw the work, with compensation if necessary, from those who hold rights to its use if they are prejudiced by the withdrawal.

(2) The author of the work has the exclusive economic rights to decide whether, how, and when their work will be used, including consenting to its use by others.

(3) The use of a work gives rise to distinct and exclusive economic rights of the author to authorize or prohibit:

- a. Reproduction of the work;
- b. Distribution of the work;
- c. Importation for commercial purposes of copies made with the author's consent, after

- the work;
- d. Rental of the work;
- e. Loan of the work;
- f. Public communication of the work, directly or indirectly, by any means, including making the work available to the public in such a way that it can be accessed in any place and at any time chosen individually by the public;
- g. Broadcasting of the work;
- h. Cable retransmission of the work;
- i. Creation of derivative works.

**Art. 25.** Author or copyright holder may assign to third parties through contract only the economic rights arising from their copyright.

**Art. 26.** UVT may acquire copyright over certain materials at any time by concluding contracts with the author/authors or other copyright holders.

**Art. 27.** In accordance with Article 75 of Law no. 8/1996, in the absence of a contrary clause, the economic rights of computer programs created by one or more employees in the course of their duties or following the employer's instructions belong exclusively to the employer.

## CHAPTER VII. INVENTIONS

**Art. 28.** A patent can be granted for any invention relating to a product or process, in all technological fields, provided that it is new, involves an inventive step, and is capable of industrial application.

**Art. 29.** The following are not considered inventions:

- a. Discoveries, scientific theories, and mathematical methods.
- b. Aesthetic creations.
- c. Plans, principles, and methods for performing mental activities, playing games, or engaging in economic activities, as well as computer programs.

**Art. 30.** A patent shall not be granted for:

- a. Inventions whose commercial exploitation would be contrary to public order or morality, including those harmful to the health or life of humans, animals, or plants, and which could seriously harm the environment, provided that this exclusion does not only depend on the fact that their exploitation is prohibited by law.
- b. Plant varieties and animal breeds.
- c. Essentially biological processes for obtaining plants or animals.
- d. Inventions concerning the human body at various stages of its formation and development, as well as the mere discovery of one of its elements, including the sequence or partial sequence of a gene.

**Art. 31.** To define the terms "to be new," "to involve an inventive activity," and "susceptible to industrial application," articles 8, 10, and 11 of Law 84/1991 on patents, republished, should be

consulted.

**Art. 32.**

- (1) For situations where the invention is not a service invention but was made at the request of an entity through a research contract with personnel as defined in Article 12, this article applies.
- (2) If the invention results from a research contract, in the absence of a contrary clause, the right to the invention patent belongs to the unit that commissioned the research, with the inventor having the right to additional compensation established by an additional agreement to the research contract.
- (3) In cases provided for in paragraph 1, the inventor and the unit have a reciprocal obligation to inform each other in writing about the creation and progress of the invention and to refrain from any disclosure until the patent application is filed or until 3 months after abandoning the continuation of patent registration formalities.
- (4) Violation of the obligation to inform entails liability for the responsible person.
- (5) In the cases provided for in paragraph 1, if within 90 days from the date the employee informed the unit in writing about the drafting of the invention description, the patent application has not been filed with OSIM, in the absence of any other agreement between the parties, the right to obtain the invention patent belongs to the employee.
- (6) In the case provided for in paragraph 4, the unit has a right of preemption to conclude a contract regarding the employee's invention, which must be exercised within 3 months from the employee's offer. In the absence of agreement on the contract price, it shall be determined by the courts.

## CHAPTER VIII. SERVICE INVENTIONS

**Art. 33.**

- (1) Inventions of service are those created by an individual inventor or a group of inventors when the individual inventor or at least one member of the group of inventors is an employee of a private or public legal entity.
- (2) If the inventor is an employee, in the absence of a more advantageous contractual provision, the right to the invention patent belongs to the entity. This applies to inventions made by the employee either in the execution of an employment contract that explicitly assigns an inventive mission corresponding to their functions, or in the course of their duties within the scope of the entity's activities, utilizing the entity's specific techniques or means, or existing data within the entity, or with its material assistance, in the absence of a contrary contractual provision.
- (3) The inventor is entitled to additional remuneration determined by the contract concluded upon completion of the patent registration or utility model procedures.

**Art. 34.** o be recognized as service inventions for the personnel of the West University of Timișoara, according to the present regulations, inventions must meet the following conditions:

- a. They result from the inventor's performance of service duties expressly assigned in the

individual employment contract and job description or established by other mandatory documents for the inventor, which include an inventive mission.

- b. They are obtained during the individual employment contract, as well as within a period of up to 2 years from its termination, if applicable, through the use or knowledge of the employer's experience, using the employer's material means, as a result of the professional training and education acquired by the employed inventor under the care and expense of the employer, or through the use of information derived from the employer's activities or made available by the employer.

**Art. 35.** The inventions falling under the provisions of Article 34 letter a) may be subject to trade secret protection.

**Art. 36.**

(1) For service inventions created by employees of public entities whose scope of activity includes research and development, claimed by the employer according to legal provisions or a contract between the parties, and exploited by the employer, the employee inventor is entitled to a percentage share of the income generated by the employer from the application of the inventions.

(2) The percentage specified in paragraph (1) cannot be less than 30%.

**Art. 37.**

(1) For inventions resulting from research and development or teaching activities carried out in a higher education institution, which holds the rights to protection, the institution grants the inventor, upon request and free of charge, an exploitation right for the invention within its field of educational and research activities, based on a non-exclusive license agreement, even if the inventor has ceased to be an employee.

(2) The contract granting exploitation rights for the invention as provided in paragraph (1) shall be valid for the duration during which the inventor conducts teaching and research activities within the higher education institution that owns the rights to the invention.

**Art. 38.**

(1) UVT employee has the obligation to:

- a. Inform CTT-UVT about any service invention, within 30 days from the completion of the invention, by submitting Annex I completed to CTT-UVT, highlighting the conditions under which the invention was created and providing a clear description of it;
- b. Collaborate with CTT-UVT to obtain protection and exploit the invention;
- c. Notify CTT-UVT in writing about the filing of a patent application / utility model registration / trademark registration, if the invention is not a service invention, within 30 days from the application registration;
- d. Respond to any requests from CTT-UVT arising from the implementation of this Regulation.

(2) UVT employee has the right to:

- a. Be informed by CTT-UVT about the decision to classify the invention as a service invention and UVT's claim to the rights over it;

- b. Challenge the classification of their invention according to common law;
- c. Be informed by CTT-UVT about the filing of a patent application / utility model registration based on their request submitted under this Regulation;
- d. Be granted the right to obtain protection if UVT decides not to continue further procedures after filing the patent application or is not interested in obtaining protection in certain states, in which case the employee will offer UVT a non-exclusive license.

## **CHAPTER IX. COMMERCIAL TRADEMARKS**

**Art. 39.** Any sign can constitute a trademark, such as words, including personal names, or designs, letters, numerals, colors, figurative elements, the shape of a product or its packaging, or even sounds, provided that these signs are capable of:

- a. Distinguishing the goods or services of one enterprise from those of other enterprises.
- b. Being represented in the Trademark Register in a manner that enables competent authorities and the public to determine clearly and precisely the scope of protection conferred to their owner.

**Art. 40.** The right to a trademark is acquired and protected by registering it with OSIM.

**Art. 41.** There are situations in which certain trademarks will be refused registration, either absolutely or relatively. In this regard, Articles 5 and 6 of Law No. 84/1998 on trademarks and geographical indications, republished, should be consulted.

**Art. 42.** The nature of the products or services for which the trademark registration is sought does not constitute any obstacle to its registration.

## **CHAPTER X. DESIGNS AND INDUSTRIAL MODELS**

**Art. 43.** Rights over designs and models are acquired and protected in Romania through registration with OSIM, under the conditions of Law 129/1992 concerning the protection of designs and models.

**Art. 44.**

- (1) The right to obtain the registration certificate belongs to the author of the design or model or their successor in rights, for designs and models created independently.
- (2) In cases where the design or model is created as a result of contracts with a creative mission or by employees within the scope of their duties, the right belongs to the person or entity who is the beneficiary of the contract with the creative mission or to the employer who commissioned it through the employee's duties.
- (3) Protection of the registered design or model under current legislation does not prejudice or exclude its protection under copyright.

**Art. 45.**

- (1) The subject of the application can be registered to the extent that it constitutes a design or model, is new, and has individual character.

- (2) To define the terms from paragraph 1, please refer to Article 6 of Law No. 129/1992 concerning the protection of designs and models, republished.

## CHAPTER XI. VALORISATION OF INTELLECTUAL PROPERTY RIGHTS

**Art. 46.** UVT encourages the commercialization of intellectual property, ensures protection of intellectual property rights resulting from academic and research activities through patent applications or other legal means, and will identify and negotiate potential commercial partnerships for exploiting the intellectual property rights covered by this Regulation.

**Art. 47.**

- (1) To achieve the aforementioned objectives, UVT can utilize its limited liability company, UVT - Innovation and Entrepreneurship Center SRL, through which all legal arrangements for licensing and the formation of start-up and spin-off companies can be ensured.
- (2) CTT-UVT and the company UVT - Innovation and Entrepreneurship Center SRL act as a hub for fostering the growth of start-ups and spin-offs resulting from research and innovation activities carried out by the UVT community.
- (3) In the event that the evaluation report issued by CTT-UVT following a request launched by a member of the UVT community (based on Annex I to this Regulation) highlights the feasibility of a spin-off from the RDI result under the attention of CTT-UVT, the CTT-UVT team can offer the following consultancy elements to research teams through the U InnoVaTe Spin-Off program:
  - a. Market research conducted by specialists or UVT students;
  - b. Creation of student teams undergoing internship programs in the spin-off;
  - c. Intellectual property protection in accordance with the provisions of this Regulation;
  - d. Consultancy for setting up a company, access to templates for various types of contracts (e.g., service/product sales, etc.);
  - e. Access to mentorship programs in contact with UVT partners and the local, regional, national, and international ecosystem of which UVT is a part, relevant to the considered spin-off;
  - f. Development of marketing materials involving UVT students;
  - g. Consultancy for applying to public funding programs;
  - h. Entrepreneurship coaches assisting the spin-off team in finalizing the pitch for investors or strategic partners;
  - i. Recruitment of a CEO to develop the business;
  - j. Access to UVT laboratories and co-working spaces accessible to teams of up to four founding members/spin-offs;
  - k. Acceleration/incubation program through UVT resources or its partners;
  - l. Fundraising strategy from investors/other acceleration programs.
- (4) For the purposes of this Regulation, Spin-Off is understood as the development path of a

technology or research idea from TRL 0-2 to higher levels of technological maturity, regardless of the status as a distinct economic entity (i.e., newly created company) or as a team of researchers involved in applied or experimental research endeavors.

- (5) The development path of a spin-off is treated dynamically, evolving based on entrepreneurial thinking and pivoting for growth from the "ideation" phase (estimated at 12-36 months) to "validation" (estimated at 6-24 months), and then to "structuring and legal establishment" (estimated at 3-6 months). Intellectual property protection and its exploitation for a spin-off initiative occur in the subsequent stages after ideation, depending on the specific nature of the research, development, and innovation field.
- (6) During the "ideation" stage, CTT-UVT engages in co-creation support aligned with the principles of open innovation, involving representatives from the quadruple helix (academic environment, private sector, public administration, and civil society), and integrating principles of sustainable development and environmental protection.

**Art. 48.** To maximize the added value obtained through the exploitation of intellectual property assets, CTT-UVT analyzes whether:

- a. The research outcome is patentable and proposes pursuing the formalities to obtain protection through a utility model or patent:
  - i. For the purpose of exploiting intellectual property assets through in-house applications;
  - ii. For licensing or subsequent assignment purposes;
  - iii. To encourage the establishment of spin-offs.
- b. The research outcome is not patentable according to legal provisions or based on a cost-benefit analysis conducted previously by CTT-UVT.
- c. The research outcome can be disseminated through publication or presentation at conferences in collaboration with representative structures of UVT, such as DCSCU.

**Art. 49.**

- (1) Licensing is the process of granting the right to use intellectual property to a third party.
- (2) According to Article 257 of the Fiscal Code, royalties are payments of any kind received for the use or concession of use of any copyright over a literary, artistic, or scientific work, including cinematographic films and computer programs, any patent, trademark, trade design, plan, formula, or secret manufacturing process, or for information related to industrial, commercial, or scientific experience; payments for the use or right to use industrial, commercial, or scientific equipment.

**Art. 50.**

- (1) UVT's standard licensing method involves the licensee paying an upfront lump sum upon signing the licensing contract and an annual royalty expressed as a percentage of sales over a minimum period of 5 years from the first year of product commercialization.
- (2) The minimum upfront lump sum agreed upon by UVT must cover the costs of urgent patenting fees and the maintenance costs of protecting the intellectual property for a minimum period of



5 years from the patent grant.

(3) The annual royalty amount cannot be less than 2% of the gross sales value.

**Art. 51.** In accordance with Article 129, paragraph 1 of Law no. 1/2011 on National Education, intellectual property rights can be exploited by UVT through the establishment, either alone or in partnerships, of commercial companies, with a focus on spin-offs and start-ups, foundations, or associations, subject to approval by the Senate of UVT.

## **CHAPTER XII. THE REGIME OF INCOME OBTAINED BY UVT THROUGH THE EXPLOITATION OF INTELLECTUAL PROPERTY ASSETS**

**Art. 52.** Income generated from the commercialization of intellectual property rights will be distributed in accordance with the provisions set forth in this chapter.

**Art. 53.** The net income obtained from the commercialization of intellectual property rights at UVT will be distributed as follows:

- a. For net income up to 100,000 RON from the commercialization of intellectual property rights at UVT, the distribution will be as follows: 75% to the authors/inventors, 10% to CTT-UVT, and 15% to UVT.
- b. For net income between 100,000 and 300,000 RON from the commercialization of intellectual property rights at UVT, the distribution will be as follows: 65% to the authors/inventors, 10% to CTT-UVT, and 25% to UVT.
- c. For net income between 300,000 and 1,000,000 RON from the commercialization of intellectual property rights at UVT, the distribution will be as follows: 55% to the authors/inventors, 10% to CTT-UVT, and 35% to UVT.
- d. For net income exceeding 1,000,000 RON from the commercialization of intellectual property rights at UVT, the distribution will be as follows: 50% to the authors/inventors, 10% to CTT-UVT, and 40% to UVT.

**Art. 54.**

- (1) UVT will distribute the share of net income to each member of the group of authors/inventors based on their contribution to the development of new and original knowledge, as agreed with them in relation to the information provided in Annex I and/or in the written intellectual property rights assignment agreement. In the absence of such a written agreement, the share of authors/inventors will be divided among them, taking into account the value and content of their actual contributions, which will be determined by CTT-UVT through careful monitoring of the entire process of obtaining and exploiting the commercialized intellectual property.
- (2) The distribution of net income to authors/inventors will be made annually, corresponding to the income generated in the previous year.

**Art. 55.**

- (1) In cases where UVT does not wish to assume rights over a service invention, the inventor has the right to request assistance from CTT-UVT in protecting their intellectual property rights.



- (2) Under these conditions, the commercialization and exploitation of intellectual property rights will either be carried out by the inventor who holds exclusive rights, or with the assistance of CTT-UVT upon their request. In such cases, CTT-UVT is entitled to receive a percentage of the annual profit generated from the commercialization.
- (3) Paragraph 2 applies even when exclusive ownership of intellectual property rights belongs to the inventor, as a consequence of circumstances other than UVT's refusal to assume the service invention.

**Art. 56.** This regulation comes into effect on [\_\_\_\_\_], upon which the effects of the Regulation on initiating processes for protecting intellectual property at West University of Timișoara cease.