

Note: The following content is only a translation of the Regulations for managing copyright, related rights, industrial property rights, and the principles of commercializing results of scientific research and development work at the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow (Decree No. 41/2023 of IFJ PAN Director). In case of discrepancies between the Polish-language version and the English-language version, the Polish-language version is legally binding.

Regulation

on the Management of Copyrights and Related Rights, Industrial Property Rights, and Principles of Commercialization of Scientific Research Results and Development Work at the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow

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1. SUBJECT OF THE REGULATION

This Regulation defines the principles of managing copyrights and related rights, industrial property rights, and the principles of commercializing scientific research results and development work, as well as know-how related to these results, at the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow.

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1.1. PERSONAL SCOPE OF APPLICATION

- 1.1.1. The provisions of this Regulation apply to all employees of the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow.
- 1.1.2. For individuals not in an employment relationship with the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow, such as students, doctoral students, those working at the Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow, or individuals participating in scientific research and development work based on civil law contracts concluded with the Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow, the principles set out in this Regulation shall apply accordingly.

1.2. MATERIAL SCOPE OF APPLICATION

- 1.2.1. The Regulation applies to all results of scientific research and development work, as well as know-how related to these results, created by employees of the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow.
- 1.2.2. The Regulation applies regardless of the source of funding for the scientific research or development work.

2. DEFINITIONS

For the purposes of this Regulation, the following definitions shall apply:

- 2.1. Creator – a natural person who, alone or jointly with others, creates a scientific research result, development work result, or know-how.
- 2.2. Scientific Research Result – a result of creative activity that is the outcome of planned and systematic scientific research, characterized by the novelty and originality of the solutions adopted, which is capable of being disclosed and used in the field of science.
- 2.3. Development Work Result – a result of creative activity, which is the outcome of planned and systematic work on the creation or modification of a product, process, or service, characterized by the novelty and originality of the solutions adopted, which is capable of being disclosed and used in the field of technology.
- 2.4. Know-How – non-public information, including technological, scientific, or business information, processes, or methods, related to scientific research results or development work results, which provide their creators or owners with an economic advantage over others who do not possess or use such information.
- 2.5. Commercialization – activities aimed at making scientific research results, development work results, or know-how available on the market, including through licensing, sale, assignment of proprietary copyrights, industrial property rights, or other legal forms of transfer, as well as through the establishment of companies or other entities dedicated to the implementation of scientific research results, development work results, or know-how.

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3. GENERAL PRINCIPLES OF INTELLECTUAL PROPERTY PROTECTION

3.1. APPLICATION OF THE REGULATION

- 3.1.1. The Regulation applies to all results of scientific research and development work, as well as know-how related to these results, created by employees of the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences in Krakow.
- 3.1.2. The Regulation applies regardless of the source of funding for the scientific research or development work.
- 3.1.3. The principles set out in this Regulation apply to both individual and collective works, subject to the provisions of this Regulation.

3.2. EMPLOYEE OBLIGATIONS

- 3.2.1. An employee who creates a scientific research result, development work result, or know-how is obliged to notify the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences of the result of their work, including any potential for commercialization, immediately after the creation of the result.
- 3.2.2. The obligation to notify the Institute of Nuclear Physics of the Polish Academy of Sciences applies regardless of the form of employment and is an essential condition for the proper performance of the employment relationship.
- 3.2.3. Failure to fulfill the obligation to notify the Institute of Nuclear Physics of the Polish Academy of Sciences of the result of scientific research or development work may result in the application of disciplinary measures in accordance with the applicable law and regulations.

3.3. DUTY OF CONFIDENTIALITY

- 3.3.1. Employees are obliged to maintain the confidentiality of information related to scientific research results, development work results, and know-how until the decision on commercialization is made by the Institute of Nuclear Physics of the Polish Academy of Sciences.
- 3.3.2. The duty of confidentiality applies both during and after the termination of the employment relationship or other legal relationship with the Institute of Nuclear Physics of the Polish Academy of Sciences.
- 3.3.3. Violation of the duty of confidentiality may result in legal consequences, including liability for damages.

3.4. PRINCIPLES OF REMUNERATION AND DISTRIBUTION OF COMMERCIALIZATION PROCEEDS

- 3.4.1. Employees who create scientific research results, development work results, or know-how are entitled to remuneration for the commercialization of these results.
- 3.4.2. The principles of remuneration for commercialization are specified in separate agreements between the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences and the creator.

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- 3.4.3. In the absence of an agreement, the principles of remuneration shall be determined by the Institute of Nuclear Physics of the Polish Academy of Sciences based on relevant legal regulations and principles of fair remuneration for the results created.
- 3.4.4. The distribution of commercialization proceeds shall take into account the contribution of each creator to the creation of scientific research results, development work results, or know-how.
- 3.4.5. The principles of remuneration and distribution of commercialization proceeds may be specified in the Regulations on Employee Benefits at the Henryk Niewodniczański Institute of Nuclear Physics of the Polish Academy of Sciences.

3.5. PRINCIPLES OF USING THE ASSETS OF THE HENRYK NIEWODNICZAŃSKI INSTITUTE OF NUCLEAR PHYSICS OF THE POLISH ACADEMY OF SCIENCES FOR COMMERCIALIZATION OF SCIENTIFIC RESEARCH RESULTS AND DEVELOPMENT WORK, AS WELL AS RELATED KNOW-HOW

- 3.5.1. The Institute of Nuclear Physics of the Polish Academy of Sciences has the right to use its assets, including equipment, infrastructure, and other resources, for the purpose of commercializing scientific research results, development work results, and related know-how.
- 3.5.2. The use of assets for commercialization purposes should be carried out in accordance with the principles of fair use and without compromising the core activities of the Institute of Nuclear Physics of the Polish Academy of Sciences.
- 3.5.3. Employees who create scientific research results, development work results, or know-how are obliged to cooperate with the Institute of Nuclear Physics of the Polish Academy of Sciences in using its assets for commercialization purposes.
- 3.5.4. The Institute of Nuclear Physics of the Polish Academy of Sciences may conclude agreements with employees regarding the use of assets for commercialization purposes, specifying the terms and conditions of such use.

4. REPORTING TO IFJ PAN ON THE RESULTS OF SCIENTIFIC RESEARCH, DEVELOPMENT WORK, AND KNOW-HOW RELATED TO THESE RESULTS, DECISION ON COMMERCIALIZATION, IFJ PAN GOODS REGISTER

4.1. REPORTING TO IFJ PAN ON THE RESULTS OF SCIENTIFIC RESEARCH, DEVELOPMENT WORK, AND KNOW-HOW RELATED TO THESE RESULTS

- 4.1.1. Reporting to IFJ PAN on the results of scientific research, development work, and know-how related to these results is done to the Director of IFJ PAN through the team appointed by the Director of IFJ PAN for commercialization.
- 4.1.2. IFJ PAN employee is obligated to promptly report the results of scientific research, development work, and know-how related to these results (hereinafter referred to as the report) to the head of the relevant IFJ PAN division where the

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Intellectual Property was created, using the form specified in Annex 1 to the Regulations.

- 4.1.3. The head of the relevant IFJ PAN division forwards the report to the commercialization team by completing point 14 of Annex 1.
- 4.1.4. Upon receiving the report and entering the subject of the report into the register of scientific research results, development work, and know-how related to these results (hereinafter referred to as the Register), the employee of the commercialization team informs the Director of IFJ PAN about the submitted report.
- 4.1.5. In the case of an employee submitting a statement of interest in transferring rights to the results of scientific research, development work, or know-how related to these results (a form attached as Annex 2 to the Regulations), the Director of IFJ PAN decides on the commercialization of the reported result within 3 months. The statement should be submitted in writing within 14 days from the complete submission to the commercialization team.

4.2. DECISIONS REGARDING COMMERCIALIZATION, TRANSFER OF RIGHTS TO THE CREATOR

- 4.2.1. In the case of a positive decision on commercialization, the Creator prepares the documentation necessary to obtain legal protection for the results of scientific research, development work, or know-how related to these results. The Creator is obliged to provide all information and documents to the commercialization team and to complete all formalities necessary for IFJ PAN to submit and obtain legal protection.
- 4.2.2. Direct commercialization of the results of scientific research, development work, or know-how related to these results will take place on the basis of an open tender, ensuring equal access to potential interested parties. Decisions regarding the specific conditions of commercialization of the results of scientific research, development work, or know-how related to these results are made by the Director of IFJ PAN, guided by the interests of IFJ PAN.
- 4.2.3. In the event of a decision not to proceed with commercialization or after the ineffective expiration of the deadline specified in point 4.1.5, IFJ PAN is obliged, within 30 days, to submit an unconditional and paid offer to the Creator to transfer the rights to the results of scientific research, development work, or know-how related to these results. The transfer of rights is done in writing under penalty of nullity, and the remuneration due to IFJ PAN for this purpose is 5% of the average monthly remuneration for work in the national economy in the previous year, announced by the President of the Central Statistical Office.
- 4.2.4. In case of the Creator's rejection of the offer, the rights to the results of scientific research, development work, or know-how related to these results, including information, works, and the ownership of media on which these works were recorded, belong to IFJ PAN.

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4.3. IFJ PAN INTELLECTUAL PROPERTY REGISTER

4.3.1. An Intellectual Property Register of IFJ PAN is created, containing information about Intellectual Property for which rights belong to IFJ PAN.

4.3.2. The Register specifically includes information about:

- The type of Intellectual Property,
- The creator,
- The nature and scope of IFJ PAN's rights,
- Decisions on protection,
- Information on filing an application for the grant of legal protection,
- Information on the grant of legal protection and its scope or refusal to grant protection,
- Information on the expiration of protection.

4.4. THE REGISTER IS MAINTAINED BY THE DIRECTOR OF IFJ PAN IN COOPERATION WITH THE HEADS OF THE RELEVANT IFJ PAN DIVISIONS, ENSURING THAT INFORMATION THAT COULD HINDER OR MAKE IT DIFFICULT TO OBTAIN PROTECTION FOR INTELLECTUAL PROPERTY OR ITS COMMERCIALIZATION IS NOT DISCLOSED.

5. COMMERCIALIZATION OF RESULTS OF SCIENTIFIC RESEARCH, DEVELOPMENT WORK, KNOW-HOW RELATED TO THESE RESULTS

5.1. THE PROCESS OF COMMERCIALIZATION OF RESULTS OF SCIENTIFIC RESEARCH, DEVELOPMENT WORK, OR KNOW-HOW RELATED TO THESE RESULTS

5.1.1. The commercialization process is coordinated by the commercialization team.

5.1.2. Commercialization includes the following stages:

1. Examination of the results of scientific research, development work, know-how related to these results for the possibility of obtaining and maintaining legal exclusivity;
2. Examination of the commercialization potential of the results of scientific research, development work, know-how related to these results;
3. Finding an investor interested in using the results of scientific research, development work, know-how related to these results;
4. Determination of the form and conditions of commercialization, especially through negotiations and conclusion of appropriate agreements;
5. Execution of agreements concluded as a result of the commercialization of the results of scientific research, development work, know-how related to these results.

5.1.3. At all stages of commercialization, the Creator, heads of the relevant IFJ PAN divisions, and other IFJ PAN employees with information related to the results of scientific research, development work, know-how related to these results are obliged to cooperate with the commercialization team to optimize the course of commercialization. In particular, they are obliged to provide information, supply

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documents needed in the commercialization process to estimate the commercialization potential, and refrain from taking any actions aimed at implementing the results.

- 5.1.4. In the case of a positive assessment of the commercialization potential of the results of scientific research, development work, know-how related to these results, the Director of IFJ PAN, in justified cases, may change the method of commercialization or decide to abandon commercialization.
- 5.1.5. All disputes regarding commercialization are resolved by the Director of IFJ PAN, respecting the rights of the Creator and the interests of IFJ PAN.
- 5.1.6. The Creator of the results of scientific research, development work, know-how related to these results may not, without the written consent of the Director of IFJ PAN, undertake any obligations to third parties regarding their commercialization. The Creator is obliged to cooperate with IFJ PAN to enable the most effective commercialization.
- 5.1.7. All persons involved in the commercialization process are obliged to maintain confidentiality about its course and information obtained in connection with commercialization, unless they have previously obtained the written consent of the Director of IFJ PAN to disclose specific information. During commercialization, information may not be disclosed, and consent may not be given to disclose information that could exclude or limit the scope of commercialization.

6. FINAL PROVISIONS

- 6.1. Matters not regulated in the Regulations are governed in particular by the provisions of:
 - the Act of April 25, 2010, on the Polish Academy of Sciences,
 - the Act of June 30, 2000, on Industrial Property Law,
 - the Act of February 4, 1994, on Copyright and Related Rights.
- 6.2. Decisions in matters not regulated by these Regulations are made by the Director of IFJ PAN.