

Medical University
“Prof. Dr. Paraskev Stoyanov” – Varna

REGULATIONS

**ON THE COMMERCIALIZATION AND TRANSFER OF RESEARCH RESULTS
AT MEDICAL UNIVERSITY
“PROF. DR. PARASKEV STOYANOV” – VARNA**

Varna, 2016

These Regulations on the Commercialization and Transfer of Research Results at Medical University - Varna has been developed in accordance with the laws of the Republic of Bulgaria, the Higher Education Act, the Patents and Utility Model Registration Act, the Research Promotion Act.

Chapter one

GENERAL PROVISIONS

Art. 1. (1) These Regulations set out the organization and the management of the commercialization and the transfer of results from research and/or scientific activities at the Medical University - Varna.

(2) The Regulations aim to create conditions for interaction between scientific activities and the economy by building tools for joint action.

(3) The principles set out in these Regulations in the field of commercialization of results from research and/or scientific activities are as follows:

1. transparency in the interaction of all participants in the process;
2. guaranteeing the rights and interests of the persons involved in the process of obtaining the results from the research and/or scientific activities;
3. integration of education, science and economics to develop innovation, transfer of knowledge and technology between them;
4. creating conditions for interaction between scientific activities and the economy by building tools for joint action.
5. targeted and coordinated implementation of results from research and/or scientific activities through the use of transfer of knowledge and technology;

6. strengthening the cooperation between the research community at the Medical University - Varna and the industry;

Art. 2. The commercialization and the transfer of results from research and/or scientific activities shall be carried out through:

1. establishment of structural units to promote the commercialization of research and/or scientific activities;
2. conclusion of license agreements for the transfer of exclusive or non-exclusive rights to the product of research and/or scientific activities of another person, as well as other transactions for consideration (purchase and sale, exchange, research contracts, sponsorship, contracts for joint research with enterprises, etc.). All contracts should contain a clause that explicitly regulates the title, rights and obligations related to the protection and the use of industrial property created within the performance of these contracts.
3. introduction of the use of the results of scientific activities and/or research into own production.
4. establishment of a legal entity for the commercial use of technology, use of intellectual assets and related knowledge;
5. use of the research and/or scientific activity results by providing services on a contractual basis to individuals and legal entities;
6. Non-patent methods involving informal interactions between inventors and industry (transfer of technology through sponsored research, publications in research journals, etc.)
7. other methods provided by the legislation of the Republic of Bulgaria.

Chapter Two
RIGHTS OF THE PARTICIPANTS IN THE RESEARCH
COMMERCIALIZATION AND TRANSFER

Section I.
GENERAL PROVISIONS

Art. 3. Participants in the commercialization and transfer of research and/or scientific activities are:

1. subjects of scientific activities;
2. subjects of private entrepreneurship;
3. foreign universities and scientific organizations accredited in the Republic of Bulgaria in accordance with the legislation of the Republic of Bulgaria;
4. natural or legal persons investing in the commercialization of results of research and/or scientific activities;
5. other subjects involved in the process of commercialization and transfer.

Section II.
RIGHTS OF THE HIGHER EDUCATION INSTITUTION,
SCIENTIFIC ORGANIZATION OR INSTITUTE

Art. 4. (1) The commercialization and transfer of results of research and/or scientific activities along with educational and research activities is a priority for the Medical University - Varna.

(2) The higher school shall have the following rights:

1. the right to carry out business related to the main activity of the higher school and the implementation of the research results and products of intellectual property created by the higher school;
2. right of association with other persons, as well as of establishment of trading companies for the purposes of economic realization of results from research and products of intellectual property with own funds under conditions and by procedure specified in the legislation of the Republic of Bulgaria.
3. to dispose of the exclusive rights to the results of research and/or scientific activities;
4. to grant the right to use the products of scientific activities and research under a license agreement in accordance with the applicable law.
5. to transfer in pledge the exclusive right arising from scientific activities and research;
6. to dispose in any other way of the exclusive right arising from research and/or activities.

Section III.

RIGHTS OF THE AUTHORS OF THE RESULTS OF RESEARCH AND/OR SCIENTIFIC ACTIVITIES

Art. 5. (1) The authors of the results of research and/or scientific activities, the exclusive rights to which belong to the employer, shall be entitled to remuneration in the amount specified in the contract entered into between them.

(2) The remuneration shall be paid by the employer within the term specified in the contract, as of the date of receipt of the respective patent, the product of scientific research and/or scientific activities.

(3) In case of application/use of the results of scientific activities and/or research in its own production, the exclusive rights of which belong to the employer, the authors of the results of the research and/or scientific activities shall receive remuneration during the term of the patent to the research product.

(4) If the research activities and/or research result from a joint creative work of several researchers, the exclusive rights of which belong to the employer, each of them shall receive remuneration.

(5) Remuneration under the previous article shall be paid by authors' employer in equal amounts, unless otherwise provided in the contract between them.

Art. 6. Any disputes related to infringements of industrial property rights, execution and performance of contracts in the field of commercialization of research and/or scientific activities shall be settled by the competent courts.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning of these Regulations, the terms listed below shall have the following meanings:

1. **result of research and/or scientific activities** - inventions, utility models and other results of industrial and intellectual property resulting from research and/or scientific activities.

2. **commercialization of the results of scientific activities and/or research** - activities related to the practical application of results of research and/or scientific activities, including the results of industrial activity intended to introduce new or improved products, processes and services to the market.

3. subjects of commercialization - natural persons and/or legal entities engaged in the commercialization of the results of research and/or scientific activities.

§ 2. The relationship arising in connection with objects of copyright and related rights are regulated by the Copyright and Related Rights Act, as well as by the Regulations for Intellectual Property Management of the Medical University - Varna.

FINAL PROVISIONS

§ 3. These Regulations have been developed based on the Higher Education Act and comply with the Patent and Utility Model Registration Act and other legislation in the Republic of Bulgaria.

§ 4. Any amendments to these Regulations shall be subject to the procedure of their adoption and approval;

§ 5. The control over the activities related to the commercialization of research and/or scientific activities shall be carried out by the Rector;

§ 6. The Regulations were adopted at a meeting of the Academic Council of the Medical University on 13.12.2016 with Minutes No. 16 of 13.12.2016.