
Open Call for Tender to Purchase a License for Community Design - a set of EDUball Educational Balls in the Mini Version

Contracting Entity

Wrocław University of Health and Sport Sciences

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Subject of the Tender

Invitation for all interested entrepreneurs to submit an offer for the purchase of a license for 2 new sets of EDUball educational balls in the mini version, which can be used both to learn the Polish language and a foreign language (e.g. English) and also mathematical operations (addition, subtraction, multiplication, division) during games and activities as part of the curriculum in the pre-school and school education of children. The sets are also perfect for extracurricular activities organized by schools and as teaching and educational tools supporting the psychophysical condition of children.

The subject of the developed solution are also the results of recently conducted research, which confirm their usefulness. The developed solution consists of both the unique and protected know-how of the Contracting Entity, newly developed Community designs (No. 015004237-0001 and No. 015004237-0002) and the parameters of the mini and original balls as well as unpublished research results confirming the effectiveness of the methodologies used at the early stage of education.

The Contracting Entity provides for 1 territorial scope of the licenses granted: European Union.

Description of the solution prepared for licensing

The solution is based on many years of research conducted by Wrocław University of Health and Sport Sciences, related to the use of EDUball educational balls in education. During these studies, their positive impact on teaching science (i.e. mathematics or science education) or language learning (remembering words, reading speed and understanding text) has been repeatedly demonstrated and in recent years they have been shown to be extremely useful in teaching English in the practice of educating children in the United States. A positive impact on integrated education, education of children with disabilities, or education of children with disorders has also been demonstrated in the acquisition of knowledge, i.e. dyslexia.

The novelty of the developed solution is the possibility of supporting the child's development in a completely different way based on the so-called fine motor skills. Teachers, educators and psychologists or physiotherapists receive a very friendly new tool, which due to its features, i.e. size, weight, flexibility, opens up completely new possibilities of working with a child or a patient. The

research results show that the new mini EDUball sets can perfectly complement the classic functions of the EDUball sets, intended mainly for team games, with stimulators used in areas where the use of the classic EDUball set would be impossible.

The tests carried out and those currently being carried out indicate that the developed sets should be differentiated depending on the version (small version - 60 pcs. and large version - 100 pcs.). These ranges allow you to potentially design further language sets or prepare sets dedicated to individual educational or therapeutic applications. The developed sets result from research and verification of the selection of fonts, their combination with numbers and the intensity of the occurrence of a given letter and number, depending on the uses characteristic of a given language (Polish or English).

The Contracting Entity stipulates that the range of use of the kits can be much wider than the education of children, the kits can also be used in various types of (physio)therapy and to determine changes in psychomotor development, regardless of age.

Main Competitive Advantages

The main advantage of the solution results comes from the size of the balls in the sets - it is much smaller than in the classic EDUball set, thanks to which the scenario of their use is completely different than the classic EDUball set, which is mainly used for team games. Of course, the mini EDUball also allows you to design team games, but they can be more intimate.

A complete novelty of the developed sets is the possibility of their use outside the sports hall, they will be perfect for language lessons (e.g. English) in the teaching room, club activities and extracurricular activities (additional or supplementing primary education). The results of the research carried out at this stage give some guidelines for the scenarios of their use, although the final scenario will depend on the teacher, tutor or guardian.

The mini EDUball set opens up completely new possibilities for completely different types of (physio)therapy, regardless of age. People who, apart from physical dysfunction, also have cognitive dysfunction, after or during the treatment of various types of neurodegenerative diseases, can receive a completely new, alternative or complementary tool. Of course, this is still a subject of research and, if only for this reason, many physiotherapists and psychologists may be interested in these sets.

The Form of the Subject of the License

The developed two Community designs (No. 015004237-0001 and No. 015004237-0002) are the basis for the subject of licensing.

The developed Community designs are accompanied by unpublished know-how recorded in the form of a written study and constituting a company secret (protected against unauthorized access) - these are mainly unpublished research results indicating the most effective methodologies for using a set of educational balls in the mini version in pre-school and early school education.

Intellectual Property and its Protection

Development of sets of balls called EDUball and the accompanying know-how are secured:

- The part constituting the registered Community industrial design is protected under the Act of 30 June 2000 Industrial Property Law (i.e. Journal of Laws of 2021, item 324, of 2022, item 2185, of 2023, item 588) and the Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs.
- The part constituting the original pattern of the set of balls resulting from the novelty value is also protected as a work under the Act of 4 February 1994 on copyright and related rights (consolidated text, Polish Journal of Laws of 2022, item 2509) and relevant European Union directives.
- The part constituting established know-how is protected as a company secret on the basis of the Act of 16 April 1993 on Combating Unfair Competition (consolidated text, Polish Journal of Laws of 2022 item 1233) and on the basis of the Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. The Contractual Entity also declares that he has implemented procedures limiting access to the secret to unauthorized persons.
- Protection of intellectual property rights for licensees outside the European Union is ensured, among others on the basis of international agreements, i.e. the Agreement on Trade-Related Aspects of Intellectual Property Rights – TRIPS constituting Annex 1C to the WTO Agreement concluded on April 15, 1994 in Marrakech.

Inventors

The inventors of the solution are the academic staff of the University of Physical Education in Wrocław and cooperating persons: Ireneusz Cichy, Andrzej Rokita, Michał Klichowski, Agnieszka Kruswicka, Michał Bronikowski, Sara Wawrzyniak.

The inventors concluded an appropriate agreement with the Announcer authorizing the Contracting Entity to carry out the procedure of selecting the licensee and signing and settling the license agreement.

The Main Tender Parts and the Selection Criteria

The main elements and criteria for selecting a licensee concern 3 main parameters:

- Selection of the type of license, i.e.: exclusive or non-exclusive license (in a given territorial scope) - if the "exclusive license" option is selected, the Contracting Entity will select one licensee, if the "non-exclusive license" option is selected, it will be possible to grant a license to several entities under the conditions indicated in best offer.
- Selection of the time range – each tenderer should indicate the time range they are interested in, ranging from 3 to 5 years, with the possibility of extending it without conducting an additional invitation to tender. In the selection process, the Contracting Entity will take into account potential revenues per 1 year.
- The amount of the variable fee as a percentage of total revenue or as a percentage of each set sold. Each of the tenderers is obliged to indicate the amount of the fee in percentage in the selected category - this is the main criterion for the selection of the offer. The Contracting Entity will select the most advantageous offer, i.e. the highest fee offered per financial year. In both cases, the minimum amounts were set at 10% of revenues or 10% of the price of the set sold in the selected territory, but not less than EUR 1,000 per year.

The Contracting Entity stipulates that the possibility of sublicensing will be excluded in the license agreement.

Terms and Procedures

- 1) The condition for participation in the procedure is to have 5 years of experience in the production or distribution of sports equipment in the European Union or in the United States.
- 2) Offers (in Polish or English) should be submitted by **August 8th 2023** inclusive. Tenders submitted after this deadline or incomplete bids will not be considered.
- 3) The offer is binding for a period of 60 days from the date of submission of the offer - during this time the Contracting Entity will select the most advantageous offers. The Contracting Entity reserves the right to extend the procedure - by a maximum of 30 days.
- 4) All questions regarding the procedure and the subject of the invitation can be sent to: zamowienia@awf.wroc.pl
- 5) The Contracting Entity encloses a proposed license agreement drawn up in Polish and in English, constituting Appendix 2 to this invitation, which will be the basis for negotiating the final agreement between the Licensor and the Licensee. The Announcer reserves the right to withdraw from signing the contract without giving a reason.
- 6) The tender procedure and negotiations are conducted on the basis of the principle of competition related to equal treatment of all tenderers, the use of transparent procedures and equal access to information.
- 7) The choice of the licensee is conditioned by the fulfillment of the requirements regarding the commercialization of research results applicable to Polish state universities.
- 8) This Invitation to submit offers does not constitute an offer within the meaning of the provisions of the Civil Code.

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- 9) All costs related to participation in the procedure are charged to Tenderers - the Contracting Entity is not obliged to reimburse any costs incurred in this connection.
 - 10) Tenderers are not entitled to make any claims against the Contracting Entity, in particular regarding the loss of potential benefits related to the purchase of a license, the selection of another tender or incurring costs related to the participation in the proceedings.
 - 11) The Contracting Entity is not obliged to justify the selection or rejection of the offer of a given Tender.

Tender Submission

Each of the tenderers only submits the offer form (in Polish or English) according to Appendix No. 1 to this invitation, in which it presents the proposed parameters of the attached license agreement, the proposal of which in Polish and English is attached as Appendix No. 2 to this invitation. Each form should be signed by a person authorized to represent the tenderer. Offers that do not meet this criterion will be rejected.

Completed and signed forms can be sent in electronic form - then a signed scan of the form or a form signed with a qualified electronic signature or a form signed with a trusted signature, sent to the following address: zamowienia@awf.wroc.pl is sufficient.
