

Open Call for Tender to Purchase a License for Production and Distribution of a Set of Educational Balls along with Access to the Latest Teaching Materials in English and in Polish

Contracting Entity

Wroclaw University of Health and Sport Sciences

Al. Ignacego Jana Paderewskiego 35
51-612 Wrocław, Poland
(AWF Wrocław)

Subject of the Tender

In connection with the market success of educational balls entitled EDUball on the American market AWF Wrocław invites all interested entrepreneurs to submit an offer for the purchase of a license for the production and distribution of a set of educational balls in the European Union.

The subject of the license are the two latest patterns of educational ball sets for the Polish language and English language with access to the latest games, sets of exercises and teaching methodologies for effective learning, especially in preschool education of children (age 3-6) and early childhood education (age 6-10).

The developed solution consists of a unique and protected methodological know-how of the Contracting Entity, a newly developed design and parameters of a set of balls in Polish and English, as well as the latest development of original educational games and activities, with the possibility of using them also in education conducted in other languages.

The Contracting Entity allows the possibility of obtaining an exclusive license in the territory of the European Union.

Description of the Solution Available for Licensing

The solution is based on many years of research conducted by AWF Wrocław related to the use of EDUball educational balls in education. During these studies, their positive influence on teaching science (i.e. mathematics) or language learning (memorizing words, reading speed and reading comprehension) has been repeatedly demonstrated. Their positive influence on integrated education, education of special educational needs or education of children with learning disabilities, i.e. dyslexia, has also been demonstrated.

It is very important that separate sets of balls have been developed for the English language and the Polish language. The developed set of 100 balls for learning English-language subjects has proved to be excellent in recent years, among others, in American

schools. Specially adapted number and type of letters (including font format) to the intensity of their occurrence in English confirmed the previous assumptions and research results. Systematic research on the perception of students related to the appropriate selection of letters, words, mathematical operations or information functions of the remaining signs also allowed for the improvement of the originally developed set for the Polish language, mainly by assigning new functions to the colors used.

As a consequence, the new design of the educational ball set offers new didactic possibilities: with the introduction of a modified set of educational balls, the and supplemented with new solutions, methodological publications for teachers (educational notebooks in Polish and in English), which contained proposals for the methodical use of EDUball balls for children in preschool and early school education (age 3-6 and 6-10). The developed ball sets together with the methodical know-how provide a chance to effectively engage children by combining physical and mental activity, as well as several educational formats and an attractive set of balls, adapted to current design trends.

The Main Competitive Advantages of the New Version of the Educational Balls Set

The novelty of the set itself is a significant extension of the scope of use of the well-known EDUball educational balls with new functional markings enabling the creation of new educational scenarios.

The competitive advantage is built not only by the precise definition of separate sets of balls in English and in Polish, positively verified by specialists in the United States and Poland, but also by giving new functions to these sets related to the use of ball colors in games and activities scenarios. The original methodologies of using these kits in practice are a significant complement, and the experience gained in working in various linguistic and cultural environments allowed for the preparation of universal games and activities that should work in every European linguistic and cultural circle.

An element of the license building the advantage of the offered solution is also the know-how developed on the basis of many years of and the latest research, both in the fixed form and accompanying existing studies.

Form of the License Subject

Unpublished written know-how constituting a secret of the enterprise (secured against unauthorized access), developed new patterns of educational balls for learning English-language subjects (written study), unpublished research results indicating the most effective methodologies for using a set of educational balls in pre-school and early-school education (written study).

Intellectual Goods and their Protection

Studies that form the developed solution called EDUball are protected as follows:

- 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.
- the part constituting the original pattern of the set of balls resulting from the novelty value (a different impression on the informed user in relation to the already known EDUball educational set) is 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 and as an industrial design based on art. 11 of the Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs.
- 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 researchers of AWF Wroclaw (Dr. Andrzej Rokita, Professor of Wroclaw University of Health and Sport Sciences and Dr. Tadeusz Rzepa) as well as entrepreneur Mr. Marek Nowicki. All IPR are transferred to the Contracting Entity in all the necessary fields of exploitation, authorizing it to carry out the procedure of selecting the licensee as well as signing and accounting for the license agreement. The authors of the didactic methodologies and the concept of games and activities are also other employees of the Contracting Entity who, in accordance with applicable regulations, acquired the right to commercialize them on the basis of concluded employment contracts.

The Main Tender Parts and the Selection Criteria

The main elements and criteria for the selection of the licensee concern the following:

- Choice of license type between: exclusive or non-exclusive license (in a given territorial scope) - if the "exclusive license" option is selected, the Contracting Entity will choose one licensee, if the "non-exclusive license" option is selected, it will be possible to license several entities under the conditions indicated in the best offer.

- Selection of time range - each tenderer should indicate the time range that interests him in the range of 3 to 5 years with the possibility of its extension without an additional call for tender. In the selection process, the Contracting Entity will take into account the potential revenues per 1 year.
- The amount of the variable fee as a percentage of total revenues or the percentage of each set sold - each tenderer is obliged to indicate the royalties rate in the selected category - this is the main criterion for selecting the offer. The Contracting Entity will choose the best offer, i.e. the highest offered royalties rate paid once a year. In both cases minimum rates were specified for 5% of revenues or 5% of the price of the set sold in the selected territory, however not less than EUR 1,000 per year nominally.
- The option of extending the prepared sets with the developed teaching materials with translations of the developed set of universal games and activities developed from the perspective of an English-speaking person or a Polish-speaking person with new language options from the catalog of official languages of the European Union, no more than 3 languages per year, provided that the licensee provides a language specialist and a physical education specialist in the country to which the language relates, who will verify the correctness of the prepared set.
- The Contracting Entity stipulates that the license agreement will exclude the possibility of sub-licensing.

Terms and Procedures

- 1) A condition of participation in the proceedings is having 5 years' experience in the production or distribution of educational sports equipment in European Union or in The United States.
- 2) Tenders (in Polish or in English) must be submitted by **23rd August 2023** inclusive. Tenders submitted after this date or incomplete offers will not be considered.
- 3) The tender is binding for a period of 60 days from the date of its submission - at this time the Contracting Entity shall select the most advantageous ones. The Contracting Entity reserves the right to extend the proceedings - maximum by 30 days.
- 4) All questions regarding the proceedings and the subject of the invitation can be sent (in Polish or in English) to: zamowienia@awf.wroc.pl
- 5) The Contracting Entity encloses a proposed license agreement 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 Contracting Entity reserves the right to withdraw from signing the contract without giving any reason.
- 6) The tendering process and negotiations are conducted on the basis of the principle of competitiveness related to equal treatment of all tenderers, the use of transparent procedures and equal access to information.

- 7) The choice of the licensee is conditional on the fulfillment of the requirements for the commercialization of research results of Polish state-owned universities.
- 8) This Invitation to submit offers does not constitute an offer within the meaning of the provisions of the Polish Civil Code.
- 9) All costs related to participation in the proceedings are borne by the Tenderers - the Contracting Entity is not obliged to reimburse any costs incurred in connection with the open call for tenders.
- 10) Tenderers are not entitled to make any claims against the Contracting Entity, particularly regarding the loss of potential benefits related to the purchase of the 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 submits only the offer form (in Polish or in English) according to Appendix No. 1 to this Open Call for Tender invitation, where it presents the proposed parameters of the attached license agreement proposal in Polish and English attached as Appendix No. 2 to this Open Call for Tender invitation. Each form should be signed by a person authorized to represent the tenderer. Offers that do not meet this criterion will be rejected.

The completed and signed forms may be sent in electronic form - then all you need is a signed scan of the form or a form signed with a qualified electronic signature or a form signed with a trusted signature, to the following address: zamowienia@awf.wroc.pl