
Open Call for Tender to Purchase a License for the production and distribution of *EduBall* educational kits in the European Union – tender No 1/2024 of 30th January 2024

Tender Announcer

Wrocław University of Health and Sport Sciences

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51-612 Wrocław

Subject of the Tender

Invitation for all interested entrepreneurs to submit an offer for the purchase of a license for the production and distribution of *EduBall* sets developed by the Tender Announcer in the full version (100 balls modeled on small basketballs and volleyball balls) and in the mini version (a full set of 100 smaller balls and an optimized set combined from 60 smaller balls) in the English version (universal) and in the Polish version, and derivative sets developed on their basis.

The developed sets are accompanied by know-how related mainly to a very detailed methodology of their use (dedicated guides for games and physical activities), mainly as part of preschool and early school education for children learning English, Polish, mathematics and other subjects. The developed sets are also perfect for extracurricular physical activities organized by schools and as teaching and educational tools supporting the psychophysical condition of children.

The developed solution also includes the results of the latest research, which confirm their usefulness in the education and psychophysical development of children and adolescents. The developed solution consists of the unique and protected know-how of the Announcer, dedicated community industrial designs, detailed parameters of full-size and mini sets and their derivatives, as well as original and unpublished research results confirming the effectiveness of the applied methodologies, especially at the early stage of education.

Description of the Solution Available for Licensing

The solution is based on many years of research conducted by the Wrocław University of Health and Sport Sciences, related to the use of *EduBall* sets in education. During these studies, their positive impact on teaching languages (word memorization, reading speed and text comprehension) and science subjects (especially mathematics) has been repeatedly demonstrated. In recent years, their extraordinary usefulness in learning English and generally in educating children in the United States has been demonstrated (on the American market, *EduBall* sets developed by the Tender Announcer are available under the *BrainBall* brand). A positive impact on integrated education, education of children with disabilities and education of children with learning disorders, e.g. children with dyslexia, has also been demonstrated.

The developed line of sets includes methodologies related to the education and physical education of children and supporting child development based on the so-called fine motor skills. Thanks to this, teachers, educators, psychologists and physiotherapists have a whole package of flexible tools. The research results clearly show that the different sizes of balls and sets make these tools perfectly complement each other: mini *EduBall* sets can perfectly complement the classic functions of *EduBall*

sets intended mainly for team games with stimulators used in areas where the use of a large *EduBall* set would be impossible.

The developed sets result from research and verification of the selection of fonts, their combination with numbers and the intensity of occurrence of a given letter and number depending on the uses specific to a given language. Currently, the kits are completely ready for implementation in English and Polish versions.

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

The Main Competitive Advantages of *EduBall* sets

The main advantage of the solution results from the universal nature of the developed sets. Thanks to the developed methodologies constituting the know-how of the Tender Announcer, together with the set, users also receive guides on scenarios of using *EduBall* sets in education and supporting the development of children. In the case of sets consisting of large balls, these are mainly fun and movement games in the gym and outdoors, in which students also acquire knowledge of a selected language or mathematics. In turn, mini *EduBall* sets allow them to be used outside the sports hall - in classrooms, in community centers and in extracurricular activities (additional or supplementary to basic education).

EduBall sets also allow you to use them regardless of age - especially in the mini version. People who, in addition to physical dysfunction, also have cognitive dysfunction, after or during treatment of various types of neurodegenerative diseases, may receive a completely new, alternative or complementary tool. This is, of course, still a subject of research and at least for this reason, many physiotherapists and psychologists may be interested in these sets.

Form of the License Subject

Developed **European Community industrial designs** - both already registered and those in the process of registration - constitute the basis for the subject of licensing.

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

The support of the Inventors' team in the form of **author's supervision** is also very important, which ensures practical explanation of the developed methodologies so that they bring the best possible results. It is also an excellent base for further development work related to new applications of *EduBall* sets.

Intellectual Property and its Protection

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

- the part constituting a registered European Community industrial design is protected under the Act of June 30, 2000, Industrial Property Law (consolidated text: Polish Journal of Laws of 2023, item 1170) and under the currently applicable Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs.
- the part constituting the original design of a set of balls resulting from the novelty value is also protected as a work under the Copyright Act of February 4, 1994 and related rights (consolidated text: Polish Journal of Laws of 2022, item 2509) and relevant European Union directives.
- the part constituting fixed know-how is protected as a business secret under the Act of 16 April 1993 on combating unfair competition (consolidated text: Polish Journal of Laws of 2022, item 1233) and under the Directive of the European Parliament and Council (EU) 2016/943 of 8 June 2016 on the protection of classified know-how and undisclosed commercial information (trade secrets) against their unlawful acquisition, use and disclosure. The Tender Announcer also declares that it has implemented procedures limiting access to the secret to unauthorized persons.
- protection of intellectual property rights outside the European Union is ensured, among others, by: 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 Marrakesh.

Inventors

The inventors of the *EduBall* sets and the methodologies for their use are academic employees of AWF Wrocław and collaborators: Andrzej Rokita, Tadeusz Rzepa, Marek Nowicki, Ireneusz Cichy, Michał Klichowski, Agnieszka Kruszwicka, Michał Bronikowski, Sara Wawrzyniak.

External Inventors have concluded an appropriate agreement with the Announcer authorizing the Announcer to conduct the procedure of selecting a 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 - if the "exclusive license" option is selected, the Tender Announcer will select one licensee, if the "non-exclusive license" option is selected, it will be possible to grant a license to several entities on the terms specified in the best offer.
- Selection of the time range - each Tenderer should indicate the time range he is interested in, ranging from 3 to 5 years with the possibility of extending it without an additional invitation to tender. In the selection process, the Tender Announcer will take into account potential revenues per year.

- Variable fee amount as a percentage of total revenues or a percentage of each set sold. Each Tenderer is obliged to indicate the percentage of the fee in the selected category - this is the main criterion for selecting the offer. The Tender Announcer 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 European Union, but in the event of sales commencement, no less than EUR 1,000 per year.
- The Tender Announcer reserves that the possibility of granting sublicenses will be excluded in the license agreement.

Terms and Procedures

- 1) The condition for participation in the proceedings is to have experience in the production or distribution of sports, educational or recreational equipment in the European Union.
- 2) Offers (in Polish or English) should be **submitted by 7th February 2024 inclusive**. Offers submitted after this deadline or incomplete offers 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 Tender Announcer will select the most advantageous offers. The Tender Announcer reserves the right to extend the proceedings - for 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 Tender Announcer attaches a proposal for a license agreement drawn up in Polish and English, constituting Annex 2 to this call for tender invitation, which will be the basis for negotiations of the final agreement between the Licensor and the Licensee. The Tender Announcer reserves the right to withdraw from signing the contract without giving a reason.
- 6) The tender procedure and negotiations are conducted based on 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 conditional on meeting 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.
- 9) All costs related to participation in the proceedings are borne by the Tenderers - the Tender Announcer is not obliged to reimburse any costs incurred in connection with this.
- 10) Tenderers are not entitled to make any claims against the Tender Announcer, especially regarding the loss of potential benefits related to the purchase of a license, selection of another Tenderer or incurring costs related to participation in the proceedings.

Tender Submission

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

Completed and signed forms can be sent to:



Public Tendering Office
Wrocław University of Health and Sport Sciences
Al. Ignacy Jan Paderewskiego 35
51-612 Wrocław

The offer 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**
