

Intellectual Property Auction
“Development of a Vision Screening and Training Equipment”
Regulations

I. General provisions

1. The intellectual property auction is organized by the University of Latvia (hereinafter – UL), registered in the Ministry of Education and Science of the Republic of Latvia on 2 February 2000 with registration No. 3391000218, legal address: Raina bulvāris 19, Riga, LV-1586.
2. The current regulations (hereinafter – Regulations) establish the auction procedure for granting the right to use the UL Intellectual Property – Latvian patent application No. LVP2022000026 for the invention “Vision screening and vision training system”, know-how “Visual dysfunction detection and vision training programme selection methodology” and copyright for “Vision screening and training equipment operating software” (hereinafter collectively – Object), and to conclude a licence agreement thereof.
3. The Intellectual Property has been created within the framework of project KC-PI-2020/10 “Development of a Vision Screening and Training Equipment” of Activity 1.2.1.2 “Support for Improvement of Technology Transfer System” of Specific Objective 1.2.1 “To Increase Investments of Private Sector in R&D” of the ERDF Operational Programme “Growth and Employment”.
4. Description of the Object and its content is provided in Annex 2 of the current Regulations.
5. The auction of the Object is organised by the UL Intellectual Property Management Commission (hereinafter – the Commission).
6. Complaints about the Commission's decisions or its actions can be submitted to the UL rector.

II. Auction procedure

7. The Commission announces the auction of the Object on 30th of September 2022 on the UL website www.lu.lv/zinatne/intelektuala-ipasuma-izsoles/, by posting the auction Regulations,

description of the Object, Application for participation in the auction, draft Licence Agreement and draft Confidentiality Agreement.

8. The winner of the auction is determined in the written auction with ascending increment.

9. In the case of concluding a Licence Agreement, an initial, fixed payment of EUR 360 (three hundred and sixty euros) excluding value added tax (hereinafter – VAT) is provided for. The initial price of interest payment at the beginning of the auction is 5.29% (five and twenty-nine hundredths percent), consequently, the offered interest payment cannot be less than 5.29% (five and twenty-nine hundredths percent) from the income acquired by licensee (without VAT), as a result of using the Object. The amount of interest payment offered by the applicant for the right to use the Object is the amount with which the applicant competes with other applicants in the auction, for determining the highest auctioned price of the Object. The auction increment can be expressed either by rounding up to a whole number or with precision up to two decimal places.

10. Any natural or legal person who has submitted the following documents in a sealed envelope within the time limit and according to the procedure specified in the Regulations can become an applicant for the right to use the Object:

10.1. completed form “Application for participation in the auction” (Annex 1);

10.2. if the application is submitted on behalf of a legal person by its authorized representative, then a certified copy of the power of attorney of the applicant for the right to use the Object must be attached additionally;

10.3. a natural person additionally attaches a copy of an identity document (passport or ID card) with the handwritten inscription *"The copy is intended for the purposes of the UL intellectual property auction"*. If the application is submitted on behalf of a natural person by his/her authorized representative, a notarized copy of the power of attorney must be additionally attached;

10.4. a legal entity registered in a foreign country must submit a copy of the registration certificate issued by the institution registering business/commercial activity in the foreign country where the applicant for the right to use the Object is registered. Furthermore, a legal entity registered in a foreign country must submit a copy of the document certifying the right of representation of the person who has signed the application form.

11. Upon submitting the application, the applicant for the right to use the Object confirms that he/she has read and agrees with the provisions contained in the Regulations, draft Licence Agreement and draft Confidentiality Agreement. The applicant also confirms that no insolvency or bankruptcy proceedings pertaining to the applicant have been initiated on the date of submission of the Application.

12. The application must be prepared in Latvian or English language, it must be clearly legible, without corrections or erasures. If the Application or parts of its content are in English, a certified translation into Latvian must be attached.
13. The applicant for the right to use the Object shall indicate on the envelope that the Application has been submitted for a written auction, the name of the Object and the first name, last name or name of the applicant.
14. Applicants for the right to use the Object shall submit their Application by 14th of October 2022 by mail or in person at Raiņa bulvāris 19, Rīga, LV-1586, office No. 136 (on weekdays from 8:30 to 17:00).
15. UL shall register the received applications in the order of their receipt, indicating the date and time of receipt. The application shall be kept in a sealed envelope until the start of the auction.
16. The applications submitted in person after the deadline of submission, or where the date on the postal calendar stamp indicated on the envelope is after the deadline of submission, will not be accepted.
17. Until the end of the deadline for submitting the application, the applicant for the right to use the Object can withdraw his/her application by submitting the notice in person, by post or electronically, signed with a secure electronic signature, and sending it to the e-mail address: lu@lu.lv.
18. Any person has the right to get acquainted with information about the Object in person or to receive it electronically, by prior agreement with the Commission on the time and manner thereof. Before receiving more detailed information about the Object, the person and UL conclude a confidentiality agreement (Annex 4).
19. The applications shall be opened in an open meeting. The Commission will open the applications in the order of submission on 21st October of 2022 at 13:00. Participation in the application opening session must be agreed with the Commission in advance by 19th October 2022, 13:00. The opening of applications is recorded in the minutes.
20. The meeting is presided over by the Chairperson of the Commission, who introduces him/herself, and the members of the Commission to those present, and appoints the person to take the minutes of the meeting.
21. After opening each application, the Chairperson of the Commission names the applicant for the right to use the Object, the date and time of the application submission, as well as the amount of the interest payment offered by the applicant.
22. After reading the application, all members of the Commission place their signatures on the application, thereby certifying that they are not directly or indirectly interested in the victory of

the particular applicant for the right to use the Object. If there is a basis for finding a possible conflict of interest, then the Commission member resigns from the application evaluation process.

23. After opening the applications of all applicants for the right to use the Object, the Commission shall start to evaluate the applications in the closed part of the meeting:

23.1. The Commission checks whether the applications comply with the Cabinet of Ministers Regulation of 20 February 2018 No. 97 “Procedure for leasing property of a public person” (hereinafter – Cabinet of Ministers Regulation No. 97) and the requirements of the current Regulations;

23.2. The Commission has the right to request additional information and supporting documentation from the applicant for the right to use the Object, if necessary;

23.3. The Commission shall be entitled to exclude from participation in the auction the applications which do not meet the requirements of these Regulations;

23.4. The auction application is declared invalid if the price offered by the applicant for the right to use the Object is lower than the initial price of the Object specified in these Regulations;

23.5. The applications shall be compared and evaluated according to the highest bid price of the Object of the auction, i.e., the interest payment amount offered by auction participants;

23.6. The right to use the object is not granted to the applicant if, within the last year from the date of submission of the application, UL has unilaterally terminated another agreement on the use of the property, because the applicant for the right to use the Object did not fulfil the obligations set out in the contract, or a court ruling has entered into force, on the basis of which another is contract for the use of the property concluded with UL is terminated due to the actions of the applicant for the right to use the Object;

23.7. if several applicants for the right to use the Object offer the same highest amount of interest payment, then the Commission offers these applicants to submit a new price within five working days, which is not lower than the one previously submitted, determining the date, time, place and procedure for submitting and opening the bids;

23.8. if two or more applicants for the right to use the Object again offer the same highest price or none of the applicants, who have offered the same highest price, submit a new offer for a higher price, the Commission shall offer these applicants to conclude a licence agreement in accordance with their bid price in the order of submission of applications

23.9. the auction shall be considered to have no results, if no applicant for the right to use the Object applied, or all applications have been recognized as incompliant with the Regulations, or no applicant has overbid the initial price of the Object of the auction.

24. If additional time is needed to evaluate the compliance of the applications and applicants for the right to use the Object, Cabinet of Ministers Regulation No. 97 and the requirements of the current Regulations, the Commission announces the time and place when the results of the written auction will be announced.

25. If additional evaluation is not necessary, then after opening and evaluation of all applications, the Commission announces that the written auction has been completed, and also names the highest bid and the bidder who has offered the highest price for the right to use the Object, who has obtained the right to conclude a licence agreement. Notification of the results of the written auction is recorded in minutes.

26. After the auction and the evaluation of all bids, the Commission submits the minutes of the opening of applications to the UL rector, which include a proposal to conclude a licence agreement with the winner of the auction.

27. The decision on the result of the auction shall be adopted by the UL rector within three working days following the proposal given by the Commission.

28. Within five working days after the evaluation of the applications, the Commission will announce the results to all applicants for the right to use the Object and within 10 (ten) working days will publish information about the results of the auction on the UL website www.lu.lv/zinatne/intelektuala-ipasuma-izsoles/.

III. Procedure of entering into licence agreement

29. After announcing the results of the auction, the winner of the auction must conclude a Licence Agreement (Annex 3) with UL within 10 (ten) working days or notify about the refusal to conclude a licence agreement.

30. The Licence Agreement is concluded for the term of five years.

31. The Licensee has the right to issue a sub-licence by notifying the Licensor 15 (fifteen) working days in advance and ensuring the conclusion of a tripartite cooperation agreement with the Licensor and the sub-licensee.

32. If the winner of the auction has not signed the Licence Agreement within the term specified in Paragraph 29 of the current Regulations, it is considered that the winner of the auction has refused to conclude the Licence Agreement. In that case, the right to conclude the Licence Agreement is obtained by the auction participant who has bid the next highest price.

33. In the case referred to in Paragraph 32 of the current Regulations, the UL notifies the applicant for the right to use the Object, who has bid the next highest price, and he/she must submit a written response to the UL within 10 (ten) working days from the moment of receipt of the notification of

the UL, as to whether he/she agrees to enter into a licence agreement for the highest price indicated in his/her bid, and must conclude the Licence Agreement.

34. If, within the specified time, UL does not receive the consent of the applicant for the right to use the Object, who has bid the next highest price, to conclude the Licence Agreement at the highest price indicated in his/her bid, and the Licence Agreement is not signed, the applicant for the right to use the Object loses the right to conclude the Licence Agreement, and the Commission shall decide on recognition of the auction as void.

35. If the Object of the Auction is not auctioned, the Commission shall have the right to conduct a new auction or a negotiation procedure.