

**PUBLIC CALL
FOR THE ENHANCEMENT OF RESEARCH RESULTS
OF FONDAZIONE BRUNO KESSLER**

Whereas

Fondazione Bruno Kessler (hereafter referred to as the **Foundation** or **FBK**) was established by provincial law No. 14 effective August 2, 2005 on the "Reorganization of the provincial system of research and innovation" as a non-profit organization of public interest;

The Foundation is a private instrumental entity of the Autonomous Province of Trento and is listed among the public administrations included in the consolidated income statement of the public administration, as identified by the National Institute of Statistics (ISTAT) pursuant to Article 1, paragraph 3, of law n. 196/2009;

The Foundation promotes, implements and develops research and scientific experimentation activities.

Having regard to

- legislative decree No. 30 dated February 10, 2005, (Industrial Property Code) as amended and integrated;
- Commission Communication of 2006 on Government aid for research, development and innovation (2006/C 323/01);
- the General criteria for the management and enhancement of intellectual property rights approved with Resolution of the Provincial Council of Trento n.2227 of December 19, 2017;
- the FBK Statute and the Regulations on Intellectual Property Rights on the research results of Fondazione Bruno Kessler approved by the Board of Directors with Resolution no. 21/18 of October 5, 2018.

Whereas

- FBK intends to market the national and/or international patent applications referred to in the list published at the link: <https://smks.fbk.eu/it/portfolio-tecnologico/> (hereinafter referred to as "IP rights");
- FBK intends to urge private and public entities to formulate expressions of interest aimed at initiating commercial negotiations relating to IP Rights, in compliance with the minimum negotiation predetermined by the Foundation in relation to each IP Right and specified in the relating information sheets;
- among the subjects who express interest in the IP Rights, the one that, during the negotiations, presents the offer considered to be the most strategic and economically advantageous for FBK will be taken into consideration.

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Having said that, given and considered, in compliance with the principles of publicity, transparency, equal treatment and non-discrimination, with this notice we invite private and public subjects who possess the requirements referred to in the following article 1 to send to the Foundation, according to the methods indicated below, the expressions of interest in one or more of the IP rights aimed at initiating commercial negotiations.

Art. 1 Recipients

The following may participate in the selection: professionals, natural persons who carry out business activities, partnerships or corporations, consortia between companies and consortium bodies, cooperatives, public and private academic and research institutions, established in Italy or in the rest of the world, which carry out activities in the field of the IP rights object of this expression of interest.

All brokerage organizations in the field of technology transfer are excluded, as well as those whose interest in acquiring the use license arises from their intention of conferring the invention to so-called funds and patent portfolios aimed at creating dominant positions or similar organizations.

Subjects who find themselves, in any capacity, in the incapacity to contract with the Public Administration status or who are in a conflict of interest situation are not admitted either.

Art. 2 Procedure

Expressions of interest must be **received no later than 6.00 pm on the 27th (twenty-seventh) day of each month** via certified e-mail at contratti@pec.fbk.eu In the event that the 27th of the month is a public holiday, the deadline will be the first working day following the holiday.

Fondazione Bruno Kessler will verify the formal compliance of the documentation presented and the eligibility requirements. A list of the expressions of interest will then be drawn up and specific commercial negotiations will be initiated on a confidential basis for those expressions of interest which, from the preliminary examination of documents, appear to be strategic and economically advantageous. These negotiations will start from the 15th (fifteenth) day of the month following that of publication of the relating information sheet. Based on the progress of the negotiations and/or the presumable approach of their positive conclusion, the Foundation reserves the right to withdraw the information sheet relating to the IP Right being negotiated.

In the event of multiple expressions of interest received regarding the same IP Right and the same area coverage, the Foundation shall initiate a preventive competitive process aimed at comparing the offers received, starting the negotiation with the subject who has formulated, in the opinion of the Foundation, the most strategic and economically advantageous expression of interest in compliance with its Regulations on intellectual property rights relating to the research results of Fondazione Bruno Kessler and the General Criteria for the management and enhancement of intellectual property rights approved by Autonomous Province of Trento Provincial Government resolution No. 2227 of December 19, 2017.

Art. 3 Content of the expression of interest and related documentation

The expression of interest - please use the attached form - shall be signed by the legal representative of the proposing subject and shall contain:

For natural persons:

- a. personal data and taxpayer number of the bidder;
- b. short report indicating the field of activity and reasons for which interest is expressed in the use of IP Right;
- c. project for the evaluation/development/enhancement of the IP Right concerned with a specific proposal regarding the related fees (in compliance with the minimum trading base indicated in the relevant information sheet);
- d. declaration of reputational requirements.

For private and public legal entities:

- a. business name or company name, registered office, taxpayer/VAT number, details of the legal representatives and of the partners in the case of non-stock corporations, with the relating powers;
- b. brief description of the activity carried out by the organization and its affinity with the exploitation of the selected IP right;
- c. project for the evaluation/development/enhancement of the IP Right concerned with a specific proposal regarding the related fees (in compliance with the minimum trading base indicated in the relevant information sheet);
- d. declaration of reputational requirements.

Art. 4
Supplementary information

FBK reserves the right to cancel and/or revoke this Notice and/or not to conclude the commercial negotiation.

Subjects who have expressed an interest in starting a commercial negotiation concerning one or more IP Rights with indication of the title referred to in the link: <https://smks.fbk.eu/it/portfolio-tecnologico/> may be invited to provide further clarifications, information and documentation.

FBK shall promptly publish notifications or additional information of general interest concerning the Notice.

Art. 5
Personal Data Protection

Pursuant to art. 13 of EU Regulation n. 2016/679 (GDPR), the personal data provided shall be processed either manually or by means of IT tools, suitable to guarantee the integrity and confidentiality of the data, for the sole purposes of fulfilling the procedure activated by this invitation to expressions of interest.

È The data subject has the right to access, amend, delete, limit the data processing, refuse the processing for legitimate reasons, transfer and advance a complaint to the Privacy Authority pursuant to Chapter III of the GPDR.

Trento, February 2, 2021

Paola Angeli
Tenders and Contract Service
(original signed)