



**UNIVERSITY OF MEDICINE AND PHARMACY**  
**" CAROL DAVILA" from BUCHAREST**  
*Technology Transfer Center*



37 Dionisie Lupu Street, Sector 2, Bucharest, 020021 Romania, [www.umfcd.ro](http://www.umfcd.ro), email: [rectorat@umfcd.ro](mailto:rectorat@umfcd.ro)

**Approved by RECTOR**  
**Prof. Dr. Viorel JINGA**

**Guide to the exploitation of intellectual property (IP) within  
the UMFC D**

**Done**  
**Director of CTT UMFC D**  
**Vincentiu CUC**

**NOVEMBER 2025**



**UNIVERSITY OF MEDICINE AND PHARMACY**  
**" CAROL DAVILA" from BUCHAREST**  
*Technology Transfer Center*



37 Dionisie Lupu Street, Sector 2, Bucharest, 020021 Romania, [www.umfcd.ro](http://www.umfcd.ro), email: [rectorat@umfcd.ro](mailto:rectorat@umfcd.ro)

## Content

1. PURPOSE .....	4
2. ROMANIA LEGISLATION ON INTELLECTUAL PROPERTY .....	4
3. STEPS FOR THE VALORIZATION OF IPR WITHIN THE FRAMEWORK OF UMFCD 11	
4. REWARD SCHEME FOR INVENTORS .....	22
5. BIBLIOGRAPHY .....	25



**UNIVERSITY OF MEDICINE AND PHARMACY**  
**" CAROL DAVILA" from BUCHAREST**  
*Technology Transfer Center*



---

37 Dionisie Lupu Street, Sector 2, Bucharest, 020021 Romania, [www.umfcd.ro](http://www.umfcd.ro), email: [rectorat@umfcd.ro](mailto:rectorat@umfcd.ro)



## 1. SCOPE

The purpose of this Guide is to define the process by which an (innovative) idea created in the RDI process within UMFCD is capitalized on the market, aiming to:

- Evaluation of inventions, taking into account commercial potential, market status and development requirements;
- Protecting intellectual property through patents and other appropriate forms of intellectual property protection;
- Providing advice on establishing proof of concept, using the commercial experience of the CTT UMFCD team to inform inventors about what companies want to see;
- IP and marketing strategy advice;
- Management of the licensing process (including negotiations and post-transaction administration);
- Providing one-stop assistance where necessary. Compliance with applicable legislation.

## 2. ROMANIA LEGISLATION ON INTELLECTUAL PROPERTY

This document presents the most important aspects, applicable in the CTT UMFCD, regarding the specific legislation in the field of intellectual property protection in our country.

Service inventions

The legal framework applicable to service inventions is Law No. 83/2014 which was published in the Official Gazette No. 471/2014 and entered into force on 29 June 2014. Law No. 83/2014 applies to inventions, which can be protected by a patent or a registered utility model (art. 1, para. 2).

### Definitions

- **Innovation** – the implementation of a new or substantially improved product/technology, service or process, or a new marketing or business method, in practical activity, in the organization of the workplace or in external relations;
- **An invention** is a solution or technical achievement in a field of knowledge that presents novelty and progress compared to the state of the art;
- **Innovation** is a solution to a technical or work organization problem with the aim of improving work (productivity), technical improvement;
- **A patent** is an official title of protection for an invention (of a product, process or method), which grants its holder an exclusive right of exploitation, during its validity period;
- **Utility model** – protects a new technical invention, which goes beyond the level of simple professional skill and which is susceptible of industrial application;
- **Service inventions** – are inventions created by an individual inventor or a group of inventors when the individual inventor or at least one member of the group of inventors is an employee of a legal entity under public law or private law, which can be protected by a patent or registered utility model, and which meet the following conditions:



**UNIVERSITY OF MEDICINE AND PHARMACY**  
**" CAROL DAVILA" from BUCHAREST**  
Technology Transfer Center



37 Dionisie Lupu Street, Sector 2, Bucharest, 020021 Romania, [www.umfcd.ro](http://www.umfcd.ro), email: [rectorat@umfcd.ro](mailto:rectorat@umfcd.ro)

- resulted from the exercise of the inventor's job duties, expressly entrusted within the individual employment contract and in the job description or established by other binding acts for the inventor, which provide for an inventive mission;
  - were obtained, during the duration of the individual employment contract, as well as for a maximum period of 2 years after its termination, as the case may be, through knowledge or use of the employer's experience by using the employer's material means, as a result of the professional training and education acquired by the salaried inventor through the care and at the employer's expense or by using information resulting from the employer's activity or made available by the employer.
- **Employee** – any natural person who performs a remunerated activity, under an individual employment contract, for and under the authority of a legal person under public law or private law;
  - **industrial property advisor** – a certified salaried individual who carries out his/her activity in accordance with the provisions of Government Ordinance No. 66/2000 on the organization and exercise of the profession of industrial property advisor, republished;
  - **Research and development activity** includes scientific research, experimental development and innovation based on scientific research and experimental development. Scientific research includes fundamental research and applied research.
  - **The term for first commercialization of the product** is the time required for the buyer/licensor to make the first sales on the market of the product that was the subject of the licensing.
  - **SPIN-OFF** - economic operator with legal personality, established in the form of commercial companies (Law 31/1991), whose activity is oriented towards the valorization of the results of research and development activities obtained by the research organization's staff. The spin-off enterprise is established based on a result obtained in UMFCF. The project director is the UMFCF employee, who participated in obtaining the results on which the new project proposed by the spin-off is based. This enterprise will finance projects that provide a researcher (or a group of researchers) with the opportunity to leave UMFCF, where he developed a research project and obtained a result, in order to continue the researched solution within his own company until its completion, in order to produce and commercialize the results on the market. The researcher is not obliged to leave UMFCF. UMFCF can participate as an associate in a spin-off through direct financial contribution or by equating intellectual property elements as a capital contribution.
  - **services provided by the research organization** - all services provided for a fee to the spin-off by the research organization or by persons designated by it, which arise from the knowledge, technologies or results of the research and development activity belonging to the research organization.
  - **Innovative start-up** - economic operator with legal personality, established in the form of commercial companies (Law 31/1991), whose activity is oriented towards innovation through R&D projects carried out individually or in partnership with UMFCF, for the purpose of innovating processes and products in industry sectors that present growth



potential and is based on the transfer of research and development results obtained in UMFCO or on patented ideas, in order to create new or significantly improved products and services to launch on the market.

- 
- **The inventive mission** establishes the technological field in which the technical problem or problems fall, for the solution of which the employed inventor has an obligation - contractual or arising from other mandatory acts - to make a creative contribution in accordance with the job duties [L83/2014, art. 3 par. (2)]. The inventive mission refers to the general purpose or objective of the innovation or development process of an invention. It is the initial direction or vision that guides research and development efforts to achieve a certain result or benefit materialized through the invention
- **Inventive activity** refers to the concrete process of generating new ideas and developing innovative solutions that lead to the achievement of the inventive mission. It is the intellectual and technical effort made to find and implement creative and unexpected solutions to the problems or needs identified within the inventive mission. According to the legislation in force [art. 11 of Law no. 64/1991], an invention is considered to involve an inventive activity if, for a person skilled in the art, it does not obviously result from the knowledge contained in the state of the art. The inventive activity of the invention is assessed in relation to the technical problem that it solves and to the claimed invention taken as a whole, by comparing it with the state of the art [art. 47 para. (1) of the Implementing Regulation - GD no. 547/2008]. According to art. 47 para. (9) of the Implementing Regulation, *an invention is considered to involve inventive activity if it is, in particular, in one of the following situations:*
  - the non-obvious use of known means for another purpose and with the achievement of new, surprising effects;
  - a new use of a known device or material that overcomes technical difficulties that are impossible to overcome in a known way;
  - a combination of new or known features designed in such a way that they mutually enhance their effects and a new technical result is obtained;
  - a selection, within a process, of those technical parameters within a known range that produce unexpected effects on the process performance or on the properties of the product obtained;
  - a selection, within a very large group of known compounds or chemical combinations, of those that present unexpected advantages;
  - using the technical means of the claimed invention to solve the technical problem in a way other than that resulting from the prior art documents analyzed by the person skilled in the art
- **The invention is considered obvious and, therefore, does not involve inventive step** if, starting from one or more characteristics of the state of the art, the use of the general knowledge of the person skilled in the art would have allowed him, at the filing/priority date of the application, to arrive at the claimed invention [art. 47 paragraph (2) of the Implementing Regulation - GD 547/2008].



According to art. 47 paragraph (10) of the Implementing Regulation, **an invention is considered not to involve inventive activity if it is, in particular, in one of the following situations:**

- a) the invention represents at least one of the possible solutions, which is obvious to a person skilled in the art, to fill a gap in the state of the art;
- b) the invention does not differ from the prior art except by the use of equivalent well-known mechanical, electrical or chemical means;
- c) the invention consists only of a new use using the known properties of a known means;
- d) the invention consists of a replacement, in a known device, of a material with another material recently discovered and whose properties make it suitable for this use, called analogous replacement;
- e) the invention consists only in the use of a known technique in a similar situation, called analogous use;
- f) the invention consists in the juxtaposition or association of known devices or processes, each functioning or proceeding in a known manner, without resulting in an interdependence between them;
- g) the invention consists only in choosing a solution from a certain number of appropriate possibilities;
- h) the invention consists in choosing certain dimensions, temperature ranges or parameters from a limited range, which could have been obtained through successive trials or by using known design methods;
- i) the invention is obtained only by a simple extrapolation resulting directly from the state of the art.

In order to assess the inventive step, either several documents, or parts of several documents, or different parts of the same document belonging to the state of the art, may be combined in a mosaic system and compared with the claimed invention, provided that this combination is obvious to a person skilled in the art. The assessment of the inventive step may be carried out by means of a problem-solution approach, taking into account the closest state of the art, in accordance with the provisions of art. 47 para (4)-(6) of the Implementing Regulation - GD 547/2008].

### **Ownership of service inventions**

Based on art. 3 and art. 5 of Law 83/2014, the right to the invention belongs to:

- **UMFCD, in the following situations:**
  - The invention is of mission resulting under the conditions stipulated in art.3, para. 1, letter (a);
  - The invention is related to the employer resulting from the conditions stipulated in art.3, paragraph 1, letter (b) and CTT UMFCD claimed the invention within the legal term.
- **To the employee (inventor), in the following situations:**



- The invention is a mission and there is a contractual provision whereby CTT UMFC D grants the inventor the right to the invention;
- The invention is related to the employer and CTT UMFC D did not claim the invention within the legal deadline;
- The invention made is not mission-related and is not related to the employer.

### **The rights and obligations of the employee (inventor) and the UMFC D (employer)**

- *The employee (inventor) has the obligation:*
  - To immediately notify the Technology Transfer Center – CTT UMFC D regarding each invention through a document presenting the invention in which to describe the solution to the problem solved with sufficiently clear data to define the invention and the conditions under which the invention was created. The presentation of the invention will be made using the presentation form developed and made available by CTT UMFC D. The notification obligation also applies to former employees of CTT UMFC D, for a maximum period of 2 years from the termination of the employment contract. In these situations, within a maximum of 4 months from the registration of the notification with CTT UMFC D, CTT UMFC D notifies the inventor on the classification of the invention in the category of service inventions and whether CTT UMFC D will follow all the steps regarding claiming the right to it;
  - To provide assistance and collaborate in obtaining protection and exploitation of the invention in all ways requested by CTT UMFC D representatives through CTT UMFC D;
  - To inform the employer in writing about an application for a patent or registration of a utility model, in the case of an invention made that is neither of the mission nor related to the employer. (art.8, para.4 of Law No.83/2014);
  - Not to disclose or publish the invention classified as a service invention, without the written consent of CTT UMFC D;
  - To obtain the opinion of the CTT UMFC D regarding the method of identifying, assigning and exploiting the property right corresponding to the expected results if it intends to conclude external agreements with a third party for the performance of a research and development activity (for example, it intends to obtain funding through research projects carried out in consortium by several legal entities). Obtaining an opinion is done prior to submitting the project / funding application, even if the respective agreement is not requested in the competition phase by the financier.
- *The employee (inventor) has the right:*
  - To request assistance from CTT UMFC D for the detailed presentation of the invention;
  - To receive from CTT UMFC D, within 1 month of notification to CTT UMFC D regarding the invention, the decision regarding the classification of the invention



in the category of service inventions and whether CTT UMFCO claims the right to it;

- To be notified by the CTT UMFCO regarding the progress of the procedures for obtaining protection, after submitting the application for protection for the service invention;
- To be informed by the CTT UMFCO through the CTT UMFCO of the filing of an application for a patent or for the registration of a utility model;
- To request the right to protection, in the event that CTT UMFCO cedes the right to protection to him, not wishing to continue the procedures subsequent to the submission of the application for protection for the service invention or is not interested in protecting the service invention in certain states, other than Romania, provided that the employee grants CTT UMFCO in this case a non-exclusive license for the patented invention;
- To receive a percentage share of the value of the income generated by CTT UMFCO following the application of the invention under the conditions of the creation of a service invention provided for in art. 3, paragraph 1, letter (b), of Law no. 83 of 2014;

***Once the patent / utility model is obtained, the rights of the employee who is not the patent / utility model holder are as follows:***

- The right to have his/her name, surname and capacity mentioned in the act of claiming the service invention that was claimed by CTT UMFCO, and in other acts and publications regarding the invention in question (at the express request of the employee, his/her name and surname are not published);
  - The right to issue a duplicate of the patent;
  - The right to be informed by the CTT UMFCO (the applicant for the patent / utility model application) about the status of the examination of the patent / utility model application and the status of the application of the invention.
- 
- ***CTT UMFCO (the employer) has the right:***
    - To be informed by the employee of the existence of the invention and to receive its detailed presentation;
    - To analyze the employee's invention and decide whether to classify it in the category of service inventions and regarding the type of service invention, as well as whether to claim ownership of it, in compliance with the deadlines established by law 83/2014;
    - To communicate to the employee the decision on the classification of the invention and ownership of the property right;
    - To request assistance from the employee in obtaining protection and exploitation of the invention;
    - To file an application for a patent or for the registration of a utility model in Romania and/or in other states, claiming the right of priority in Romania;



- CTT UMFCF, based on an internal report prepared by CTT UMFCF, has the right to decide whether or not a patent application will be filed for a service invention;
- Be the holder of the patent or registered utility model obtained for a service invention.

***Once the patent / utility model is obtained, UMFCF has the following rights:***

- Ownership of the invention;
- The right to prohibit third parties from carrying out the following acts without his authorization:
  - For products: manufacturing, marketing, offering for sale, use, import or storage for the purpose of marketing, offering for sale or use;
  - For procedures or methods: their use.
- The exclusive right to exploit the invention;
- The right to make the invention public.
- CTT UMFCF (the employer) has the obligation:
  - To provide assistance, through the CTT UMFCF or the intellectual property advisor, to the employee for the detailed presentation of the invention;
  - To inform the employee about the filing of a patent application or registration of a utility model;
  - To ensure the costs necessary to obtain a patent or to register a utility model for the claimed service invention;
  - To remunerate the employee - inventor, in accordance with the law;
  - To cede to the employee, at his request, the right to obtain protection, in the event that he no longer wishes to continue the procedures subsequent to the filing of the patent application, or is not interested in obtaining protection for the invention in certain states, provided that the employee grants CTT UMFCF a non-exclusive license for the patented invention.

**The situation in which UMFCF does not claim the service invention**

If CTT UMFCF has determined that it will not file an invention application, then inventors may file the patent application in their own name. The non-claim of the service invention by CTT UMFCF is subject to the approval of the Board of Directors of CTT UMFCF and an agreement between the inventor and CTT UMFCF, as follows:

- The inventor shall reimburse CTT UMFCF for all legal expenses and fees incurred by CTT UMFCF, if and when the inventor(s) receives income from the invention;
- To distribute to CTT UMFCF 20% of the net income (the remaining income from the income collected, after reimbursing the expenses to the university mentioned above);
- To fulfill any obligations towards third parties who contributed to the development of the invention;
- CTT UMFCF has the right to use the invention for research/educational activities and the right to grant such rights to non-profit institutions, irrevocably and perpetually, without property rights, non-exclusive, anywhere in the world;



### 3. STEPS FOR THE VALORIZATION OF IPR WITHIN THE FRAMEWORK OF THE UMFC D

This guide proposes the steps to be followed by inventors (UMFC D employees, full or associate academic staff, students, master's and doctoral students), regarding informing the employer about the existence of an invention within an innovative activity (innovative missions) and its valorization through CTT-UMFC D. This Guide follows the Intellectual Property (IP) Policy of the University of Medicine and Pharmacy of Bucharest (DPI UMFC D).

The Guide applies to the following IPRs according to the aforementioned Policy:

- Service inventions
- Non-patented materials and physical materials
- Copyright
- Copyright for computer programs

#### 3.1.Steps to obtain a patent/utility model

##### 3.1.1. *Informing UMFC D through CTT regarding the existence of an invention for a technical solution (ST)*

The information is provided by completing a **Form (Annex 1)** in which general information about the invention is requested and the inventive part will not be disclosed when completing it. The information requested is that identifying the nature of the invention (if it is service, incidental or resulting from the implementation of a research contract), data about the team that worked on the development of the invention, information about the technical solution and the problem that the invention solves, as well as proposals for potential beneficiaries (with a view to commercialization).

Documents:

**Annex 1 – Invention Disclosure Form**

**Annex 2 – Research result record sheet** signed by the Project Director of the research/work package where the result was obtained (completed points 1-6)

**Research Contract, Research Team, Firm Collaboration Agreement between partners (if applicable), Supporting document regarding the division of patent rights (if applicable)**

##### 3.1.2. *Technical and opportunity analysis of CTT to frame the invention and establish the technical field.*

After registering the two CTT annexes, the UMFC D will begin, through the Innovation Manager, the analysis of the opportunity for the UMFC D to take over the invention or for its reasoned rejection. Within 30 days, the inventor will receive a response that will determine the owner of the patent application. There is a possibility that the UMFC D will not assume the takeover of the invention and then it remains up to the inventors to decide whether to continue the patenting process in their own name or not (fig.1). The inventor has the possibility to contest the inclusion in the inventive mission according to Law 83/2014 art 4.4.



If UMFCFCD does not claim the invention according to L83, art 5.3 then the Invention becomes free and the IPR reverts to the inventor, who is obliged to inform UMFCFCD according to L83, art. 8 (3.4) of the intention to file the Patent Application with OSIM. In the event that UMFCFCD still waives the IPR then according to L83, Art. 9 (3.4) the written assignment of the IPR to the inventor takes place who can file the OSIM Patent Application Form (CBI) and the procedure will be carried out in compliance with the IP Policy of UMFCFCD.

Documents:

**Research Contract, Research Team, Firm Collaboration Agreement between partners (if applicable), Supporting document regarding the division of patent rights (if applicable)**

### **3.1.3. Claiming and Valorizing the Invention by Obtaining the Patent of Invention by UMFCFCD**

In the event that UMFCFCD claims the invention then according to L83, art. 1,3,4 it will file Invention registration form (CBI - OSIM standard document).

**3.1.3.1. The patent application registration form**, containing information on the patent application holder (CBI), the legal basis for filing the patent application by the said holder, whether there are internal priorities regarding the claims, whether there are requests to expedite the publication/examination of the patent, as well as the list of inventors. The invention registration form is accompanied by the Declaration of Designation of Inventors and the Patent Application Documentation.

**3.1.3.2. The declaration containing the designation of the inventors** contains the names of the inventors, their home addresses and their place of work at the date of development of the invention. The research team that submits the patent application to the UMFCFCD also proposes the list of inventors who effectively contributed to its development.

- If the invention is the result of a funded contract, then proof will be provided that the inventors were part of the project team (OSIM also requests the submission of a supporting document, such as the project staff list or a print-screen from the project management platform)
- In the event that there are people who were part of the team that developed the invention but are not included in the staff list, the project director will issue a declaration of inclusion in the list of inventors of the staff who were not part of the project implementation team.

**3.1.3.3. The patent documentation** represents the summary, description, figures/drawings and bibliography that technically substantiate the invention and accompanies the Patent Application Registration Form with OSIM. This will be typed or processed electronically and printed, on A4 format, white paper, written on one side of the sheet, and comprising the following distinct materials: **description of the invention** (according to art. 16 or, as the case may be, also art. 17, of the Regulation implementing Law no. 64/1991 on inventions, updated), **claims** (according to art. 18, of the Regulation), **explanatory drawings** (if applicable, according to art. 19, of the Regulation), **summary of the invention** (according to art. 21, of the Regulation). Each of the 4 parts will be started on a new sheet, as separate material, but all these 4 documents (or 3 if there are no drawings) will be numbered in italics, from the first page of the description to the summary sheet, down in the middle. The written parts must have 2.5 cm free spaces on all sides, about 30 lines per page and the font size letter 12 (or



as they usually come out of the typewriter). The titles (of the invention, claims and abstract) are written in capital letters, must be bold (thickened) and centered in the middle of the page. No blank lines or paragraph numbering are allowed within the texts, but only their marking by tabulation. The drawings - where applicable - are made on white paper or tracing paper, only on A4 format, only in black ink or marker, with views, sections, magnifying glasses or schemes (kinematic, hydraulic, electrical or block, as applicable) according to the technical drawing standards in force in the respective field and in a sufficient number of representations for a better understanding of the solution. The pages with drawings must not have a border, nor a standard indicator nor a list of positions. Also, dimensions are not given on the drawings and there must be no other verbal notations, except for the figure numbers (placed below each of the projections and in their middle) and the positions that must coincide with the reference numbers in the written documentation. Each of the three sets (containing: the description of the invention, the claims, the explanatory drawings and the abstract, in exactly this order) will be stapled at the top left of the sheets. The rules for the technical drafting of these parts can be found in the Regulation for the application of law no. 64/1991 on legal patents (HG 547/18.06.2008). The technical drafting of this part is the responsibility of the inventors. Each of the 4 parts will be started on a new sheet, as legal material. The written parts must have 2.5 cm free spaces on all sides, about 30 lines per page and a font size of 12. The drawings - where applicable - are placed on a single page, with views, sections, magnifying glasses or kinematic, hydraulic, electrical or block diagrams, as the case may be, according to the standards of technical drawing in force in the legal field<sup>3</sup>, and in a legal number<sup>3</sup> of representations, for a better understanding of the solution. The pages with drawings must not have a border, nor a standard indicator nor a list of positions. Also, no dimensions (dimensions) are shown on the drawings and there must be no other verbal notations, except for the numbers of the figures (which will be placed below each of the projections and in the middle of it) and the positions that must correspond to the numbers of the references in the description of the invention, claims and abstract.

The documentation is prepared in three copies, one of which will be signed on each page by one of the inventors and will represent the original copy. This copy will then be signed by the legal representative and then stamped on each page, at the bottom right.

To the extent that the state of the art is known, a bibliographic record may also be submitted, with reference to a patent or a technical paper on the subject of the invention. National and international databases regarding patent families can be consulted in the database made available to inventors by the European Patent Office but also in other related databases: [www.espace@cenet.com](mailto:www.espace@cenet.com), PATENT SCOPE, OMPI International Patent Classification, Google Patent Search, US Patent Application, ROPatentSearch.

**The completion of the above documents will be done with support from CTT-UMFCD.**

**3.1.3.4. The registration of the patent application with OSIM** is carried out by the person responsible for intellectual property in the CTT-UMFCD, by submitting the requested documents but also by paying the registration fees for the invention. The fee is paid within 3 months from the date of registration or upon filing the application.



**3.1.3.5. Publication of the patent application** The patent application can be published within the normal period of 18 months from the filing date, or urgently, before 18 months from the filing date. Regardless of which publication option is chosen, inventors are asked not to publish scientific or other materials until the abstract is published. There may be a situation in which, following the examination of the state of the art by OSIM examiners, the patent application does not meet the novelty criterion, conflicting with materials already published by the inventors. The application is published in the Official Bulletin of Industrial Property (BOPI) - Inventions Section, and is made under the conditions provided for by the law enforcement regulation.

**3.1.3.6. Substantive examination.** The examination determines whether the patent application meets the conditions provided by law for the granting of a patent. The examination may be requested by the applicant on the filing date of the application or within 30 months of the filing date.

- Option 1. Examination of the application within 18 months from the date of payment.
- Option 2. The application is examined within 18 months from the date of filing.

Note: Payment of higher (urgent) fees ensures that the patent application is published and examined in a shorter time than normal. In these cases, the fee reductions provided for by law do not apply. Examination may be requested by the applicant on the filing date of the application or within 30 months from this date. Following the substantive examination, OSIM proposes:

- ***Granting a patent and protecting the invention***

or

- ***Transformation into a Utility Model*** (the documentation exceeds the state of the art but has no industrial applicability and does not present a legal activity)

or

- ***Reject the patent application request***

**3.1.3.6. Publication, printing and issuance of the patent** . The mention of the decision to grant the patent or to reject the patent application shall be published in BOPI within one month from the date on which the deadline provided by law for filing an appeal has expired, and under the conditions provided by the law enforcement regulation. After receiving the decision to grant the patent, the fee for publication, printing and issuance of the patent must be paid within 4 months from the date of communication of the respective decision. OSIM shall publish the mention of the decision to grant the patent and, upon its publication, shall make the description and drawings of the patent available to the public. If the fee for publication, printing and issuance of the patent is not paid within the deadline provided by law, the patent application shall be considered<sup>55</sup> withdrawn and the patent shall be considered not to have been granted.

At all stages of obtaining the patent, for a request to register an invention patent application, communication will be made through CTT-UMFCD, responsible for the relationship with OSIM. Thus, notifications will be sent by OSIM to CTT-UMFCD, inventors will be informed, will provide support in formulating the technical response to the requests of OSIM examiners, and CTT UMFCD will announce and keep the entire team of inventors informed about the procedures carried out in order to obtain the patent.



If the invention is incidentally the result of the research activity of an employee of UMFCB or a team of researchers, the inventor is obliged to notify the employer about the invention and the employer is obliged to analyze the commercialization opportunity and the assumption of the right of ownership of the patent application. In this situation, the inventors are obliged to sign a Patent Rights Assignment Agreement. The assignment implies the renunciation of ownership of the patent, without losing the inventorship.

If the decision is made at the institutional level that the invention is not of interest to the employer, then the inventor has the right to submit, in his own name, the application for registration of a patent. In this case, all rights, including those for payment of fees, belong to the inventor, who is also the patent owner.

If the invention is the result of research activity carried out within a project, then an Assignment Agreement is not required.

If the invention results from a research contract with multiple partners, the team of inventors will submit, together with the submission of the Invention Presentation Form, project data, such as the Financing Contract, the Firm Collaboration Agreement and the division of patent rights, as well as the project personnel list, which also includes the inventors.

If there is no Agreement on the sharing of patent rights, an Additional Act to the Firm Collaboration Agreement (model Annex 5) will be drawn up by which the project partners divide the rights to the patent between the patent holders in percentages that will ensure not only the rights but also the payment obligations for the patent acquisition fees, the fees for maintaining it in force, but also other expenses related to the promotion of the patent at invention fairs, e.g. If there are partners in the project who do not want to be patent holders, then they will sign a Declaration of Waiver of Patent Rights. Its purpose is to clarify the right to grant the invention and the division of patent rights among the patent holders (model Annex 6).

If the Firm Collaboration Agreement has expired, then a document called the Patent Rights Sharing Agreement will be signed, taking into account the Declarations of Waiver of Partners who do not wish to be patent holders and of Recognition of Partners who remain patent holders (model Annex 7).

OSIM, through the examiner designated for the submitted patent application, will send notifications regarding the registration of the patent application, the granting of a number and a filing date, notifications regarding the correction of technical or content errors, notifications regarding the stages of examination of the patent application, respectively decisions to grant or reject a request for the grant of a patent. These notifications have a fixed response deadline and the request for a postponement of a response to an OSIM notification will be possible by paying some fees for postponing the response deadline.



The abstract of the patent application, as well as its documentation, will be published in the issues of the Official Bulletin of Intellectual Property (BOPI).

After the patent is granted, information regarding the inventors, owner, etc. will only be possible through legal channels.

Documents:

- Patent application submission form
- Declaration containing the designation of the inventors
- Patent application documentation (abstract, description, claims, etc.)
- Supporting document regarding the right to grant the patent (Research/Funding Contract, Collaboration Agreements, Additional Documents, etc.)
- Documents for payment of invention registration fees

#### ***3.1.4. Claiming and Capitalizing on the Invention by Registering the Utility Model by UMFC***

The registration of a utility model in Romania is based on Law no. 350/2007 on utility models, republished in 2014 and its implementing Regulation. The utility model protects, in accordance with art. 1 para. (1) of Law no. 350/2007 on utility models, republished in 2014, any technical invention, provided that it is new, goes beyond the level of simple professional skill and is susceptible of industrial application. In accordance with art. 4 of the Implementing Regulation of Law no. 350/2007, a utility model can protect products such as: devices, installations, equipment, machine tools, apparatus or subassemblies thereof, electrical, pneumatic or hydraulic circuits, physical mixtures that are applicable to solving a technical problem.

The steps to follow in applying for a utility model are the same as for a patent application, the only difference is that a different standard form is filled out.

THE ADVANTAGES of registering a utility model are the shorter time for examining and making a decision for the protection of the idea, lower costs, protection for two years which can be extended several times.

Together with the aforementioned form, documentation must be submitted, also in triplicate, which will contain a description of the utility model, one or more claims (as appropriate), drawings (if necessary for a good understanding of the technical solution) and a summary. The three copies of the form and a complete set of documentation will be signed by one of the persons who developed the utility model and by the applicant, i.e. the legal representative of the UMFC. This set of documentation will constitute the original copy.

Also, the form must indicate under which law the applicant is entitled to file the utility model application, namely Law No. 350/2007 on utility models, republished in 2014, Law No. 83/2014 on service inventions or a research contract. Depending on the variant under which registration is requested, the document (or contract, as the case may be) must be submitted showing that the applicant is entitled to file the utility model registration application.



The documentation is drawn up in accordance with the provisions of the Regulation implementing Law no. 64/1991 on inventions, republished in 2014, namely the description is prepared in accordance with art. 16 and art. 17, the claim(s) are drafted in accordance with art. 18, the drawings are made in accordance with art. 19, and the abstract is drafted in accordance with art. 21.

Art. 20 includes the concrete material conditions for presenting documents (it is written on A4 paper, it is written on only one side of the sheet, font size, page margins, numbering method, how many lines per page, etc.).

*A utility model application may also result from a patent application covering the same invention, if the applicant files a request for transformation:*

- *during the examination procedure of the patent application until the completion of technical preparations for the publication of the mention of the decision to grant or reject the patent;*
- *within a period of 3 months from the date on which OSIM publishes the mention of a decision to cancel the patent that has become final and irrevocable due to lack of inventive activity.*

The utility model certificate obtained from OSIM offers protection only on the territory of Romania and can be valid for a maximum of 10 years.

Regarding the internal approval of the submission of a utility model to OSIM, it is carried out as in the case of an invention, by informing the employer about the utility model, by completing the Invention Presentation Form.

Documents:

### **Domestically**

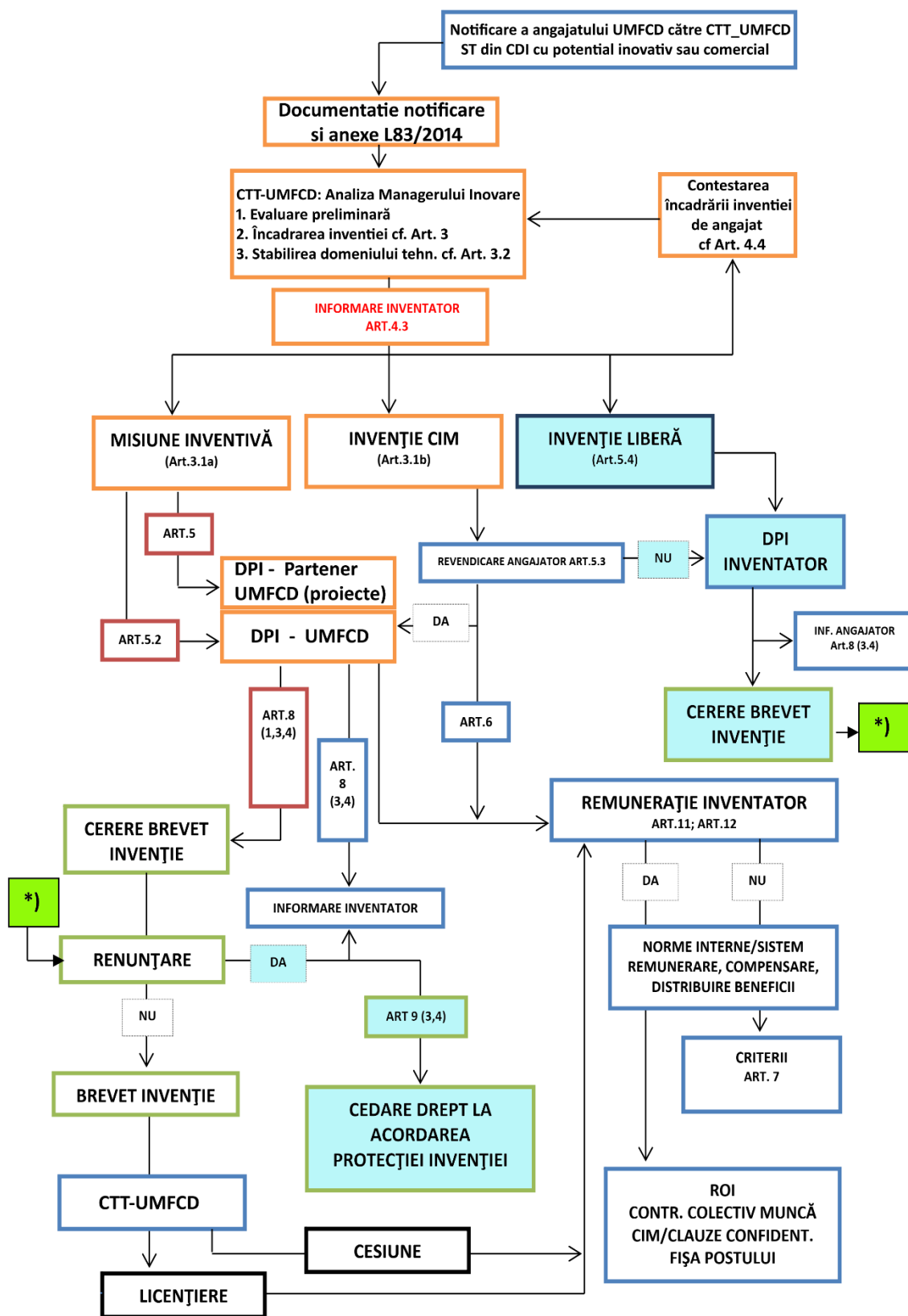
#### **Annex 1 – Invention Disclosure Form**

**Annex 2 – Research result record sheet** signed by the Project Director of the research/work package where the result was obtained (completed points 1-6)

**Research Contract, Research Team, Firm Collaboration Agreement between partners (if applicable), Supporting document regarding the division of patent rights (if applicable)**

### **At OSIM level**

- Utility model application submission form
- Declaration containing the designation of the inventors
- Utility model application documentation (abstract, description, claims, etc.)
- Supporting document regarding the right to grant the utility model (Research/Funding Contract, Collaboration Agreements, Additional Documents, etc.)
- Documents for payment of invention registration fees



**Fig. 1 The flow of the procedure followed by the service invention in UMFCD resulting from an inventive mission**



### Process map of an inventive mission – generating inventions

No. Crt.	Process Name	ACTIVITIES AND RESPONSIBILITIES		Compliance with the referential (legal basis)
		CTT-UMFCD	Employee/Associate/Student UMFCD	
1.	<b>Identification of the patentable technical solution and</b>	<ul style="list-style-type: none"> <li>- is competent to decide whether the invention is classified as a service invention;</li> <li>-provides for confidentiality and non-disclosure clauses,</li> <li>-specifies the claim of the right to the employee's invention and the regulations in force</li> </ul>	<ul style="list-style-type: none"> <li>- identifies the novelty, inventiveness, applicability of the discovered technical solution (TS);</li> <li>- has the obligation to immediately notify the employer about the creation of the invention.</li> </ul>	Law No. 83/2014 Art. 4(1) Art. 4(2)
2.	<b>Research and documentary analysis</b>	<ul style="list-style-type: none"> <li>- verifies the fulfillment of the condition of novelty and inventive activity in the employee's report</li> <li>- ensures the training and information of the employee inventor;</li> <li>- submit an application to OSIM for documentary research;</li> <li>- pay the fees regarding the documentation report issued by OSIM.</li> </ul>	<ul style="list-style-type: none"> <li>-Identifies all similar inventions at the UMFCD, national/international level, in order to verify the prior art and improve the technical solution. (PATENT SCOPE, OMPI International Patent Classification, Google Patent Search, US Patent Application, ROPatentSearch, etc.)</li> <li>-issues to CTT_UMFCD the report on the fulfillment of the novelty condition</li> </ul>	Law 83/2014 Article 3  Law 64/1991 updated Art. 23 and Art. 41
3.	<b>Improving the technical solution</b>	<ul style="list-style-type: none"> <li>- provides technical and, where appropriate, legal assistance in collaboration with the legal service;</li> <li>- establishes the individual creative contribution, in the case of a work invention created by a group of employees.</li> </ul>	<ul style="list-style-type: none"> <li>-Identifies methods for improving the technical solution, if the result of the documentary analysis requires this.</li> </ul>	Law No. 83/2014 Article 13
4	<b>Preparation of the regulatory deposit with OSIM</b>	<ul style="list-style-type: none"> <li>- constitutes the regulatory national deposit, by submitting to OSIM the patent application together with the description of the invention, the claim of priority right and explanatory drawings;</li> <li>- informs the employee inventor about the submitted patent application;</li> <li>undertakes not to disclose/publish the invention;</li> <li>- pays the fees for setting up the regulatory deposit with OSIM;</li> <li>- establishes the confidentiality and non-disclosure clauses, in relation to the individual employment contract of the employee-inventor, as well as the share that falls to the employee through <i>the Reward Scheme</i> , in the event of the exploitation of the invention.</li> </ul>	<ul style="list-style-type: none"> <li>- They undertake not to disclose/publish the invention without the written consent of the employer.</li> <li>- Provides assistance to CTT-UMFCD for the preparation of the regulatory national filing file for OSIM</li> </ul>	Law 83/2014 Article 8; Article 9 Articles 10, 11, 12  Law 64/1991 with subsequent amendments and supplements Art. 13(5)
5.	<b>Preliminary evaluation for capitalization</b>	<ul style="list-style-type: none"> <li>Analyze together with the employee inventor the possibilities of capitalizing on the invention.</li> </ul>	<ul style="list-style-type: none"> <li>Provides assistance in capitalizing on the invention and obtaining protection;</li> </ul>	Law 83/2014 Article 9 Art. 11, 12
6.	<b>Capitalizing on the service</b>	<ul style="list-style-type: none"> <li>- Determines the value of the patented service invention;</li> </ul>	<ul style="list-style-type: none"> <li>- Requests recognition of the quality of author of the invention;</li> </ul>	Law 83/2014 Art. 11(2)



No. Crt.	Process Name	ACTIVITIES AND RESPONSIBILITIES		Compliance with the referential (legal basis)
		CTT-UMFCD	Employee/Associate/Student UMFCD	
	<b>invention, through implementation and technological transfer</b>	- Establishes the share that falls to the employee inventor from the value of the income generated following the exploitation; - Establishes the confidentiality framework for know-how information, which must be respected by the employee inventor.	- Requests the due share as a result of the exploitation of the invention by the employer; - has the obligation of confidentiality regarding information related to the service invention.	
7.	<b>Technological vigilance</b>	- carries out periodic evaluations to establish the concrete results obtained as a result of the valorization of the service invention; - verifies the use of the service invention, as a result of its exploitation in the market, through manufacturing, marketing, licensing agreements;	- provides assistance and consultancy, as appropriate, for the creation of guides and user manuals; - assists, according to the expertise, in the implementation of the invention in compliance with the confidentiality clauses regarding know-how information	Law 319/2003 Article 4; Article 36 Law No. 83/2014 Article 10

### 3.2.Steps for capitalizing on IPR through SPIN-OFF or START UP.

In order to fulfill its entrepreneurial mission, UMFCD is committed to encouraging the exploitation of IP. If UMFCD believes that there is commercialization potential, it will request, as appropriate, IP protection through patenting or other legal means, with financial support from its own funds, respectively, it will identify and negotiate potential commercial technology transfer partnerships through CTT UMFCD. In this regard, CTT UMFCD will ensure adequate protection of IPR and all legal arrangements for licensing **and/or the formation of start-up/spin-off companies**. CTT-UMFCD will provide professional advice on various commercialization and knowledge transfer options to meet the objectives of the UMFCD intellectual property policy, including:

- Licensing the use of IPR to a third party;
- Assignment of IPR to a third party;
- Capitalizing on the commercial potential of IPR through a Spin-Off or Start-Up company;
- Capitalizing on the commercial potential of the IPR with a third party through Technology Transfer and/or any other legal arrangement that may be considered appropriate, based on the IPR held by UMFCD.

The analysis of the commercialization potential through **the formation of start-up/spin-off companies** will be carried out at the CTT-UMFCD level by the innovation manager. The result of this analysis containing the CTT-UMFCD proposals will be submitted to the IP Commission of the UMFCD and subject to approval by the CA and the Senate of the UMFCD, after which the CTT UMFCD will proceed to the operationalization of the capitalization decision. The CTT-UMFCD will ensure, accordingly, that all documents regarding the commercialization of IPR explicitly stipulate the retention of the right to use and free access to the commercialized IPR, for the purpose of continuing the research and educational activities of the UMFCD.



### 3.2.1. Establishment of Spin-Off or Start-Up companies

It is a form of IPR valorization and UMFCDC encourages academic/research staff and students, where applicable, to consider commercializing IPR by forming a company specifically created for this purpose, taking into account the two legal forms **Spin-off** ( *where UMFCDC is associated in the company to be established according to the Methodological Norms regarding the establishment and development of spin-offs in the field of research, development and innovation, of 16.04.2021, part of Order 28/07.05.2021* ) and **Innovative Start-up** ( *where UMFCDC is not associated but the start-up's activity is oriented towards innovation through R&D projects carried out individually or in partnership with UMFCDC, for the purpose of innovating processes and products in industry sectors<sup>1</sup> that have growth potential and is based on the transfer of research and development results obtained in UMFCDC or on patented ideas, in order to create new or significantly improved products and services to launch on the market* ).

Through this form of exploitation of IPR, UMFCDC provides a researcher (or a group of researchers) with the opportunity to leave UMFCDC, where they developed a research project and obtained a result, in order to continue the researched solution within their own company until its completion, in order to produce and commercialize the results on the market.

CTT-UMFCDC provides free consultancy for the establishment and administrative management of these companies by promoters - researchers within UMFCDC and they must make a request to CTT-UMFCDC which must include:

- complete list of IPR belonging to UMFCDC that is proposed to be used by the respective newly established company, which can be :
  - a patent
  - patent application
  - doctoral thesis (of the project director – the initiator of the spin-off/start-up)
  - The rights to use the research results in the project for the case of research, carried out in the public institution where the spin-off initiator comes from and financed through a public program (the spin-off initiator was the project director)
- innovative business proposal, based on advanced technologies, or a document regarding an innovative business strategy, developed by the promoters;
- Business plan
- Documents proving that the newly established company has a space in which to carry out its activity - it can be a rental contract or a lease with UMFCDC;

<sup>1</sup> We understand by industry the ecosystem formed by the national, public and private healthcare system, the industry producing devices, equipment, substances, medical consumables and the pharmaceutical industry, public and private.



- Certificate from the institution – the project director is an employee of a public research organization
- list of founding members of the newly established company and how they will be involved/employed;
- Proposal for Association Agreement/Technology Transfer Agreement/IPR License Agreement with UMFCDC, as applicable;

### 3.2.2. Capitalization of non-patented materials and physical materials produced within the UMFCDC.

UMFCDC owns all rights to the unpatented materials and physical materials made under UMFCDC and may make appropriate distribution in its or the public interest, including licensing or transferring unpatented materials, for research and commercial purposes.

Physical materials produced within UMFCDC are characterized as any product (organic, inorganic and biological material, biobank-specific products, tissues, organoids, 3D models thereof or of other parts of the human body), including substances, organisms and cultures, as well as other related materials, with potential for commercial exploitation. They are the university's expense/investment and are the property of UMFCDC, as long as this does not infringe, either now or in the future, the rights of third parties, being created or produced with university resources or, by other means, being acquired or related to the activities carried out in UMFCDC.

Academic staff from UMFCDC may transfer physical materials held or available to the university to third parties, under the following conditions:

- Before transfer/shipment, a special agreement ("Material Transfer Agreement - MTA" will be concluded);
- part of the material must remain in the UMFCDC, i.e. the resource must not be exhausted, normally;
- The transferee must not transmit the material to other interested parties without the prior written consent of the UMFCDC Intellectual Property Committee;

Non-patented or physical materials developed within the UMFCDC will be provided for research purposes only and not for commercial use. In this regard, the transfer recipients will make a declaration on their own responsibility that the material will be used only in compliance with the ethical principles in scientific research activities in force at the UMFCDC.

## 4. INVENTORS REWARD SCHEME

In order to streamline the IPR valorization activity, the Technology Transfer Development Fund is being established.

The distribution of income obtained through licensing is as follows:

### 4.1. In the case of patented or patent pending service inventions

4.1.1. *The lump sum obtained upon conclusion of the licensing agreement belongs entirely to CTT-UMFCDC and is intended to support patenting costs.*



4 .1.2. *The annual royalties resulting from the commercialization/licensing of service inventions<sup>2</sup> made by UMFC D employees are distributed as follows:*

- *50% for the research team that made the invention. By way of example but not limitation, the research team may use the funds for internal research projects, awarding inventors under the terms of the law, co-financing projects of the research team that made the invention, etc. The research team will inform CTT-UMFC D in writing on how it intends to use these funds;*
- *10% for the Inventor's Department;*
- *40% for the Technology Transfer Development Fund - managed by CTT-UMFC D and at the disposal of the Vice-Rector responsible for Scientific Research.*
- *How do we put the 30% for inventors?*

If there are multiple inventors of a single invention, the shares will be allocated according to the number of inventors, in accordance with their written agreement or, if there is no agreement, then equal shares. The research team and department share will be divided equally if the inventors are from different research teams/departments, regardless of the number of inventors from each research team/department, unless otherwise agreed by the inventors.

**4.2. In the case of service inventions provided for in art. 3 paragraph 1 letter b) of Law 83/2014**, claimed by UMFC D, the amounts are divided as follows:

4.2.1 *30% for former employee inventors;*

4.2.2 *30% for the research team that made the invention. By way of example but not limitation, the research team may use the funds for internal research projects, awarding inventors under the terms of the law, co-financing projects of the research team that made the invention, etc. The research team will inform CTT-UMFC D in writing on how it intends to use these funds;*

4.2.3 *10% for the Inventor's Department;*

4.2.4 *30% for the Technology Transfer Development Fund - managed by CTT-UMFC D and at the disposal of the Vice-Rector responsible for Scientific Research.*

If there are multiple inventors of a single invention, the shares will be allocated according to the number of inventors, in accordance with their written agreement or, if there is no agreement, then equal shares. The research team and department share will be divided equally if the inventors are from different research teams/departments, regardless of the number of inventors from each research team/department, unless otherwise agreed by the inventors.

**5.1.3. In the case of non-patented materials or physical materials**

---

<sup>2</sup>L83/2014- Art. 11. - (1) For work-related inventions made by employees of employers - public law entities, whose object of activity is research and development, claimed by the employer according to the provisions of this law or according to a contract between the parties and exploited by the employer, the employee inventor is entitled to a percentage share of the value of the income made by the employer, following the application of the inventions.

(2) The percentage provided for in paragraph (1) cannot be less than 30%.



**UNIVERSITY OF MEDICINE AND PHARMACY**  
**" CAROL DAVILA" from BUCHAREST**  
Technology Transfer Center



37 Dionisie Lupu Street, Sector 2, Bucharest, 020021 Romania, [www.umfcd.ro](http://www.umfcd.ro), email: [rectorat@umfcd.ro](mailto:rectorat@umfcd.ro)

The amounts obtained from the commercialization of non-patented materials or physical materials are distributed as follows:

*5.1.3.1. 50% for the research team that created the materials. By way of example but not limitation, the research team may use the funds for internal research projects, awarding inventors under the law, co-financing projects of the research team that created the invention, etc. The research team will inform CTT-UMFCD in writing on how it intends to use these funds;*

*5.1.3.2. 10% for the inventor's Department;*

*5.1.3.3. 40% for the Technology Transfer Development Fund - managed by CTT-UMFCD and at the disposal of the Vice-Rector responsible for Scientific Research.*

If there are multiple inventors of a single invention, the shares will be allocated according to the number of inventors, in accordance with their written agreement or, if there is no agreement, then equal shares. The research team and department share will be divided equally if the inventors are from different research teams/departments, regardless of the number of inventors from each research team/department, unless otherwise agreed by the inventors.



## 5. BIBLIOGRAPHY

1. *Annex to Government Decision No. 1272/2023 on the approval of the national strategy in the field of intellectual property 2024-2028 and the action plan in the field of intellectual property 2024 20(1)*
2. *Annex to government decision no. 1188/2022 on the approval of the national research, development and innovation plan 2022-2027 of 29092022*
3. *Technology Transfer for Enterprises and Universities Risoprint Publishing House Cluj Napoca 2018*
4. *Manual of good practices for the application of legislation on service inventions – UEFISCDI June 2015*
5. *Annex to Government Decision No. 1272 2023 on the approval of the national strategy in the field of intellectual property 2024 -2028 and the action plan in the field of intellectual property 2024 20*
6. *Law no. 8/1996 on copyright and related rights*
7. *Law no. 64/1991 on patents*
8. *Law no. 69/2022 amending and supplementing law no. 8 of 1996 on copyright and related rights*
9. *Law no. 83/2014 on service inventions*
10. *Law no. 350/2007 on utility models*
11. *Methodological norms regarding the establishment and development of spin-offs in the field of research, development and innovation from 16042021*
12. *Regulation implementing Law No. 350/2007 on utility models of 12/11/2008*
13. *Intellectual Property Policy "Carol Davilla" University of Medicine and Pharmacy of Bucharest*
14. *Intellectual Property Policy "Iuliu Hațieganu" University of Medicine and Pharmacy of Cluj Napoca*
15. *Intellectual Property Policy University of Medicine and Pharmacy of Craiova*
16. *Intellectual Property Policy "Gr. T. Popa" University of Medicine and Pharmacy of Iași*
17. *Intellectual Property Policy "George Emil Palade" University of Medicine, Pharmacy, Sciences and Technology of Târgu Mureș*
18. *Intellectual Property Policy "Victor Babeș" University of Medicine and Pharmacy of Timișoara*
19. *Intellectual Property Policy – UPB University Bucharest*
20. *Intellectual Property Policy – UBB University Cluj Napoca*