



VYSOKÁ ŠKOLA
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**Instruction of the Vice Rector for Research and Development
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Maintaining records on results of research, experimental development and innovation, rights to those results and their usage

Article 1 – General Provisions

- 1) This instruction governs:
 - a) rules and principles for maintaining records on the results of research, experimental development and innovation (hereinafter “R&D results”) created as part of the activities of staff members of University of Finance and Administration (hereinafter “VŠFS”),
 - b) methods of handling R&D results,
 - c) rights to R&D results and their usage.
- 2) The following definitions are used for the purposes of this instruction of the vice rector for Research and Development:
 - a) an R&D result is a result of creative activity that a creator has produced while performing tasks arising from their employment or other similar relationship to VŠFS, or when performing study obligations, whereas their affiliation with VŠFS must be stated in the publication of R&D results,
 - b) a creator (or author) of an R&D result is any natural person who is employed by or in a similar relationship to VŠFS or who is a student of VŠFS.

Article 2 – Maintaining records and handling of research and development results

- 1) R&D results are subject to recordkeeping in the VŠFS information system (hereinafter “IS.VŠFS”), which is the sole primary source of information about activities of VŠFS staff in research, development, and innovation. The subject of recordkeeping are results already achieved (published), not results e.g. being prepared for printing.

- 2) R&D results are entered into the Publications section of the IS.VŠFS that:
 - a) meet the definition of R&D results submitted to the Information System of research, experimental development, and innovation (or the Registry of Information about Results) ¹, a list and definitions of which are stated in Annex No. 1 of this instruction,
 - b) are results of other creative activity not covered in item a) that are stated in Annex No. 2 of this instruction and are predefined in the IS.VŠFS.
- 3) The entry of R&D results is performed by the author of the record in IS.VŠFS. The author is responsible for the accuracy and completeness of data. The scope of required submitted data is stated in Annex No. 3 of this instruction.
- 4) Data on R&D results are entered by authors into the IS.VŠFS on an ongoing basis, always no later than by the end of the academic year or at the request of the vice rector for research and development.
- 5) Completeness of data is checked by the staff of the Research and Development Department, who will request that the author complete or add data in IS.VŠFS in the event of any defect.
- 6) Data on results that are classified and entered into the IS.VŠFS according to the process in Article 2 para. 3 will be checked and managed by the Research and Development Department (hereinafter "OVV"). Data on R&D results in IS.VŠFS are available to all VŠFS staff or other persons with access to IS.VŠFS.
- 7) Data on R&D results entered into IS.VŠFS serve for the following purposes:
 - a) informing the public on R&D results of VŠFS staff via the VŠFS web pages, where this data is presented in the form of bibliographic records,
 - b) submitting R&D results to the Registry of information on results ²,
 - c) informing VŠFS leadership and VŠFS faculties about the publishing activities of VŠFS staff,
 - d) rating publishing and other creative activities of VŠFS staff according to VŠFS internal regulations,
 - e) preparation of analytical and statistical reports and statements on VŠFS activities, etc.
- 8) Recipients of support are obligated to submit data to the Registry of information on results by legal regulation³. At the dates specified by the provider of support, OVV staff shall prepare the delivery of data for the Registry of information on results, shall check the completeness of the data, and shall carry out the submission. In the event that the data is found to be incomplete, OVV staff will request that the given author complete the data in IS.VŠFS; the author shall complete the data in IS.VŠFS by the set deadline.

Article 3 – Rights to R&D results and their usage

- 1) Unless agreed otherwise, VŠFS as the employer shall exercise copyright on its own behalf and on the account to the work created by an author in fulfillment of their obligations arising from employment or similar relationship to VŠFS. VŠFS may assign rights of performance to a third party solely with the consent of the author. All works that were created by an author during his/her work for and/or in the spaces of VŠFS and/or with the help of the equipment or facilities of VŠFS are

¹ The Registry of information on results of research, experimental development, and innovation is part of the information system of research, experimental development, and innovation according to § 32 of Act No. 130/2002 Coll. and § 4 of Government Regulation No. 397/2009 Coll., on the information system of research, experimental development, and innovation.

² § 31 of Act No. 130/2002 Coll.

³ § 10 para. 1 and § 31 para. 1 of Act No. 130/2002 Coll.

considered employee works, rights to which are exercised by the employer. Moral rights of the employee remain unaffected.

2) For R&D results created while performing public contracts in research and development ⁴ that:

- a) cannot be protected under laws covering the protection of authorial results, inventions, or similar creative activities, the owner of the results is the provider who provided financial support for implementation and their publication and usage is possible solely with the prior written consent of the provider by teaching or public dissemination of results of research on a non-exclusive and non-discriminatory basis,
- b) may be subject to protection under laws covering the protection of authorial results, inventions, or other creative activities, then unless agreed otherwise VŠFS must exercise rights to the results, ensure their legal protection, and grant the provider unlimited free access to the results following their assignment and offer non-discriminatory access to third parties under market conditions, whereas the written consent of the provider is required to publish results prior to submitting an application for industrial legal protection.

3) For use of R&D results, with the exception of provisions under paragraph 2, it shall apply that:

- a) if the recipient is a research organization or research infrastructure and has exclusive rights to results fully financed from public funds, the usage of the results is possible solely through teaching, public dissemination of research outcomes on a non-exclusive and non-discriminatory basis, or knowledge transfer
- b) if the recipient of targeted support of the project is an enterprise together with a research organization, then
 - i) results of this collaboration that cannot be protected under acts governing the protection of authorial results, inventions, or other creative activities may be freely distributed and rights to the results based on the activities of the research organization are fully within the province of these subjects, or
 - ii) any rights to project outcomes as well as associated access rights fall to all collaborating subjects to an extent corresponding to the scope of their participation in the implementation of the project, or
 - iii) the research organization shall receive from the partner company compensation commensurate to the market price for the rights to the outcomes of any project created as the result of their activities which are assigned to the collaborating company or to which this company has obtained access rights.

Article 4 – Final and rescissory provisions

1) Decisions on matters associated with handling and rights to R&D results in cases not referenced here and not addressed by generally binding legal regulations, and the granting of exceptions to rules under this instruction, are the purview of the rector.

2) In the event that the operator of the Registry of information about results should change the definition of the types of R&D results to be different from the definitions under this instruction, the definitions specified by the operator of the Registry of information on results shall apply.

⁴ § 2 para. 2 item e) and § 16 para. 1 and 2 of Act No. 130/2002 Coll.

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Annexes:

- 1) Types and definitions of R&D results for the Registry of information on results
- 2) Types of other creative activities entered into the VŠFS Information System
- 3) Mandatory data submitted to the VŠFS Information System