

Yuan Ze University Implementation rules for “YZU’s Regulations on the Management of Research and Development (R&D) Results and Technology Transfers”

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- Article 1 These implementation rules are formulated in accordance with “YZU’s Regulations on the Management of R&D Results and Technology Transfers.”
- Article 2 Unit in charge: Office of Research and Development (ORD).
- Article 3 Identification of ownership of the R&D results
1. YZU shall have ownership of all R&D results produced by YZU personnel during their period of employment (including students when they are schooling) and which arise from work-related businesses.
 2. Inventions, creations, and technological information by YZU personnel that are not completed or produced using YZU’s resources during their period of employment (including students when they are schooling) shall belong to their fellow colleagues.
 3. When YZU commissions, accepts commissions from, or collaborates with other parties to develop technology, the ownership of the R&D results shall be determined in accordance with the attribution and distribution of the R&D results as stipulated in the contractual documents, unless the government mandates that these should belong to the state.
 4. The ownership of R&D results produced through the implementation of special projects and plans commissioned by the government shall be handled in accordance with the relevant governmental regulations.
- Article 4 Committee for Evaluating R&D Results (CERR)
1. The CERR shall be chaired by the Dean, ORD and shall comprise 5–9 committee members, which are to include the leader of the Industry–Academia Collaboration

Group and the head of the ORD's Administrative Group. The CERR may hold meetings from time to time depending on business needs, which shall be convened by the chairman.

2. The names of the selected committee members shall be submitted by the chairperson to YZU's President for approval prior to their appointment. The term of office is one year but it may be renewed upon expiry.
3. When the topics discussed by the CERR involves the rights and interests of specific committee members, those affected shall excuse themselves from the discussions.

Article 5 Duties of the CERR

1. When reviewing the applications, assignments, and maintenance of intellectual property rights, and cases of technology transfers, the committee is obliged to maintain the confidentiality of the technologies and contents being reviewed.
2. The committee shall determine the proportion of subsidies to be allocated to the various expenses, such as the applications and maintenance of patents.
3. The committee shall determine the proportion of distribution for the authorization fees and derivative benefits from technology transfers.
4. Other related matters.

Article 6 Regulations on patent applications for R&D results

1. Application and review procedures for patents:
 - i. When applying to patent an invention related to their R&D results, the inventors/creators shall complete one copy each of "YZU's Disclosure Letter for the Patent Concept" and "YZU's Agreement for the Distribution of Equity Income among the Inventors/Creators for Their R&D Results" (including electronic files), which shall be submitted to the ORD for review. Those who do not comply with the aforementioned procedures shall have their applications rejected. Eligible applications shall be reviewed by the CERR before it decides whether to make a recommendation or not. Successful inventors/creators shall apply for their patents according to the review opinions and register the relevant R&D results in the information system of the National Science and Technology Council (NSTC). Unsuccessful inventors/creators may apply for another review after making the necessary amendments.
 - ii. When inventors/creators intend to patent those inventions that have not been recommended by the CERR, they shall comply with the related regulations of the funding units and submit their applications to the ORD. Only then may the inventors/creators apply for the patents at their own expenses, stating YZU as the patent applicant. Alternatively, they may proceed using the method of public disclosure. The ORD shall be notified after the patent right has been obtained, after which it will coordinate and manage related publicity matters.
 - iii. When applying for a non-patent for the R&D results produced by the inventors/creators, the "Patent Specification Form" may be used instead of "YZU's Disclosure Letter for the Patent Concept." The application shall be submitted to the CERR for approval before being submitted to the patent offices of the various countries.
2. Patent application fees

For the various stages of patent application, the principles for the apportionment of the patent application fees and other necessary fees (including the fees for the patent attorney and other patent fees payable in accordance with the laws and regulations) shall be as follows:

 - i. For patents of inventions derived from NSTC's research projects, the NSTC subsidy shall be deducted first, after which YZU and the inventors/creators shall bear 60% and 40% of the fees, respectively.
 - ii. The apportionment method for expenses as specified in the contractual documents shall be adopted for general industry-academia collaboration projects that have produce patentable inventions. If YZU is not the patent applicant or

- patentee, the inventors/creators shall still submit “YZU’s Disclosure Letter for the Patent Concept” for approval by the CERR.
- iii. When applying for patents for inventions that are developed by the inventors/creators themselves or with no government subsidy received, YZU and the inventors/creators shall bear 60% and 40% of the fees, respectively.
 - iv. If it is not the first application by the inventors/creators, and there is no industry–academia university project, technology transfer, or patent authorization filed in YZU within the past three years, YZU and the inventors/creators shall bear 40% and 60% of the fees, respectively, upon submission of the application.
 - v. Except for patents for inventions, all other types of patents shall not be subsidized.
3. Maintenance and management of patents for inventions
- i. After YZU’s patents are approved, the inventors/creators shall share 40% of the patent licensing fees and the fees for the first 3 years (the first 3.5 years for United States patents). From the 4th year onward, the inventors/creators shall submit annual application proposals for the maintenance fees. The ORD shall compile all the proposals and submit them to the CERR for review and approval. The inventors/creators shall bear 40% of the maintenance fees from the 4th to 5th year, 60% of the fees from the 6th to 8th year (3.5th to 7.5th year for United States patents), 80% of the fees from the 9th to 10th year (7.5th to 11.5th year for United States patents), and 90% of the fees from the 11th year (11.5th year for United States patents) onward.
 - ii. For patents of inventions that are not recommended by the CERR after evaluation, the procedures for patent transfers and terminations shall be as follows:
 - a. Matters relating to the announcements and transfers shall be handled in a fair and open manner for patents that the CERR has deliberated and evaluated to have no benefits in terms of authorized use or technical services, nor conform to the principles of having public welfare purposes or promoting overall industrial development and enhancing the efficiency of using the R&D results.
 - b. Public announcements shall be made for patents of inventions derived from programs that are not funded or subsidized by the government or are self-developed. If there is no proposal for a transfer or authorization after three months, patent maintenance shall be terminated and the patent right shall automatically expire when the validity of the annual maintenance fees is passed.
 - c. For patents of inventions produced from programs receiving government subsidies, submissions shall be made to the CERR for it to review the conditions if a third party requests a transfer. If approval is granted after the review, a letter shall be prepared with the relevant documents attached for submission to the funding agency to apply for transfer to a third party. Upon the approval of the funding agency, the subsequent distribution of rights and interests shall be handled in accordance with Article 8 of these implementation rules. Patent maintenance and management shall continue if approval is not granted.
 - d. After YZU has made public announcements of a transfer being available and there is no request received within three months, a letter shall be prepared with the relevant documents attached for submission to the funding agency to seek its agreement to terminate the payment of maintenance fees. Patent maintenance and management shall continue if approval is not granted by the funding agency.
 - e. For patents of inventions that the CERR has evaluated to require maintenance and the fees cannot be apportioned among the inventors/creators in accordance with Item i of this point, YZU shall fund 100% of the maintenance

fees. The rights and interests being derived from the authorization of the R&D results or technology transfers in the future shall be handled in accordance with Item 2 of Article 8 of these implementation rules.

4. Assignment and auction of patents
 - i. The necessary handling fee shall be borne by the transferee when YZU's patent rights are being transferred.
 - ii. When the maintenance of YZU's patents is terminated after deliberation, public auctions of such patents may be conducted by the units in charge.
 - iii. The determination of the bidding price shall take into account the patent fees and appropriate profits.
5. The application, transfer, and maintenance of patent rights produced by government-commissioned projects shall be handled in accordance with the relevant regulations of the commissioning units. If these implementation rules are inconsistent with the regulations of the commissioning units, the various processes shall be implemented in accordance with the regulations of the commissioning units from the month following the announcement date.
6. The procedures for the application, transfer, and maintenance of patent rights shared by YZU and other parties shall be clearly stipulated in the contractual documents.

Article 7 Principles for the authorizations and technology transfers of R&D results

1. Measures shall be taken to protect all results obtained through R&D and those that have utilized YZU's related resources, regardless of whether those results have been patented or not. Opportunities for technology transfers and commercialization shall also be sought in a timely manner.
2. The authorization of YZU's R&D results may be promoted by the organizing units or the inventors/creators themselves. Contracts of authorization with manufacturers shall be signed in YZU's name (the "YZU Form for Allocation of Funds from Technology Transfers" must be attached). The contractual documents shall be reviewed by the units in charge.
3. The following regulations shall be complied with when transferring YZU's R&D results:
 - i. The transfers shall be based on the principle of paid authorization.
 - ii. The transfers shall be based on the principle of non-exclusive authorization. However, application for exclusive authorization may be submitted under one of the following circumstances:
 - a. When unfair competition in the industry, which will hinder the industry's development, has to be prevented.
 - b. When the products arising from the technology transfers of R&D results cannot be launched in the market for a long time due to the necessary reviews and approvals by the government.
 - c. When huge capital investments are required for continuous developments before the related technologies can be commercialized.
 - d. When the implementation and application of the R&D results are limited to a certain period, scope, or geographical area.
 - iii. Domestic manufacturers shall be accorded priority by principle. However, foreign manufacturers may be authorized under one of the following circumstances:
 - a. When domestic manufacturers do not have any implementation intentions.
 - b. When domestic manufacturers lack the implementation capabilities.
 - c. When the competitiveness of domestic manufacturers and the development of domestic technologies are not affected.
 - d. The personnel involved in the technology transfer cases shall abide by the principle of avoidance of interests and shall not pursue their own interests and that of parties related to them by exploiting the authority, opportunities, or methods that come with their positions. Inventors/creators shall actively

disclose and avoid all conflicts of interest in accordance with “YZU’s Regulations for Avoidance of Conflicts of Interests and Management of Information Disclosure when Utilizing R&D Results.” For R&D results derived from projects that are funded by government subsidies, the relevant regulations shall be complied with if the government has established the principle of avoiding the benefits of technology transfers.

Article 8 Allocation and payment of funds from technology transfers

1. The distribution of cumulative profits and benefits—such as signing bonuses, royalties, and technology-valued equity—obtained from the authorization of R&D results shall be in accordance with the following proportions:
 - i. Transfer or authorization of patented technologies: 10% of the rights, interests, and authorization income of parties external to YZU shall be deducted to offset the costs for patent application and maintenance by YZU. The balance amount shall be distributed according to the proportions of 35% to YZU and 65% to the inventors/creators and assisting units (such as colleges, centers, departments, and other technical transfer units). The inventors/creators shall suggest the contributions made by the aforementioned assisting units, although the proportion shall not be lower than 5%.
 - ii. Non-patentization or technology transfers and authorizations during patent applications: After deducting the rights and interests of the parties external to YZU, the balance amount shall be distributed according to the proportions of 15% to YZU and 85% to the inventors/creators and assisting units (such as colleges, centers, departments, and other technical transfer units). The inventors/creators shall suggest the contributions made by the aforementioned assisting units, although the proportion shall not be lower than 5%.
2. YZU shall continue to maintain the patents when the inventors/creators are unable to continue paying the annual fees. YZU shall be accorded 80% of the rights and interests to be derived from the authorization of the related R&D results or technology transfers in the future, whereas the inventors/creators shall be accorded the balance 20%.
3. If the aforementioned incomes from the R&D results must be returned to the funding agencies, the relevant procedures for the return shall be completed within three months from the receipt of the total incomes. If the process cannot be completed on schedule, the inventors/creators shall submit their explanations to the units in charge and the funding agencies within the stipulated period.

Article 9 Exceptions

1. When the R&D results comprise of group creations during job implementation or thesis creations of individual students, the inventors/creators shall not claim any distribution of rights and interests as stipulated in Item 1 of Article 8 of these implementation rules.
2. All the royalties earned by the inventors/creators from the publishing of books and periodicals shall belong to the inventors/creators and are not bound by Item 1 of Article 8 of these implementation rules.
3. In addition to the circumstances specified in the preceding two items, if the R&D results are works (such as various survey questionnaires completed on the job, integrated circuit layouts, audio-visual works for teaching, or computer programs and their manuals and instructions), the property rights of the works shall belong to YZU whereas the personality rights of the works shall belong to the inventors/creators.
4. When distribution of the rights and interests pertaining to intellectual property rights cannot be handled in accordance with these implementation rules owing to special reasons, the distribution shall be stipulated in separate contractual documents with the inventors/creators.

Article 10 Obligations of the inventors/creators

1. Care shall be taken not to infringe the intellectual property rights of other parties during R&D. The inventors/creators shall bear all responsibilities when patents are obtained through illegal means (such as plagiarism) that infringe the rights and interests of other parties.
2. Inventors/creators shall be responsible for defending the content of their creations during the various procedures, including the application, examination, objection, and petition for intellectual property rights, as well as administrative and judicial litigations.
3. Inventors/creators shall cooperate with the units in charge of the intellectual property rights to promote and utilize their creations.
4. All intellectual property rights of YZU shall be available free of charge for utilization by YZU staff and units to meet teaching and administrative needs.

Article 11 Management of R&D results and obligations to maintain confidentiality

1. Inventors/creators and those participating in the research projects shall keep proper research records listing detailed information related to the inventions.
2. They shall take stock of the R&D results regularly and review the need for continued maintenance of those results.
3. The relevant R&D personnel, units in charge, CERR members, and personnel participating in conference matters shall strictly abide by the obligation to maintain the confidentiality of plans, documents, and charts classified as confidential, as well as not disclose them but properly safeguard the relevant information. They shall inform YZU immediately in case of any leakages due to their own fault or if they learn of any leakages by other parties.
4. YZU teaching staff or students shall not engage in or conduct activities for themselves or others without prior written consent within two years after the termination of their employment contracts that may damage YZU's rights and interests in relation to R&D matters.
5. The relevant contractors shall strictly abide by the principle of confidentiality in the circulation and destruction of information.
6. The personal data disclosed in accordance with these rules shall only be used within the scope of their implementation and shall be protected in accordance with the "Personal Data Protection Act."
7. The authorities in charge shall plan the appropriate training courses to strengthen awareness and understanding on protecting intellectual property rights, avoiding conflicts of interest, and disclosures of information.

Article 12 Avoidance clause

The units in charge, CERR, and other participants shall avoid any active participation under any one of the following circumstances:

1. The inventors/creators themselves or their spouses, ex-spouses, or relatives by blood or marriage within three degree of kinships, or who have had such kinships.
2. The persons themselves or their spouses or ex-spouses have joint rights of the R&D results with the inventors/creators.
3. Current or former legal representatives of the inventors/creators of the R&D results.
4. Those parties who have any other interests that may cause bias.

Article 13 Handling of infringements of intellectual property rights

When YZU's intellectual property rights are infringed upon, the inventors/creators shall provide the specific facts and the units in charge shall prepare the relevant documents and submit these to YZU's legal counsel to handle the cases. All YZU units shall provide their full assistance.

- Article 14 Principles for the handling of dispute cases
For cases that the CERR have deemed to be illegal or inappropriate and which cause damage to the rights and interests of the inventors/creators, the party concerned may submit a request to the CERR for a retrial. If the party is still dissatisfied with the results of the retrial, a complaint may be lodged according to the “Organizational and Appraisal Methods for YZU’s Faculty Members to Appeal to the Grievance Review Committee.”
- Article 15 Principles for handling violations of the regulations
1. When the provisions of these implementation rules have been violated by the inventors/creators, the units in charge—including the various levels of teaching evaluation committees and the ethics committee—shall deliberate the cases and if necessary, mete out the punishments according to the severity of the circumstances.
 2. When the provisions of these implementation rules have been violated by other related personnel, the cases shall be referred to the Staff and Personnel Appraisal Committee for deliberation. If necessary, the committee shall mete out the punishments according to the severity of the circumstances.
- Article 16 Internal and external reporting procedures for major cases
In the event of serious cases, the units in charge shall initiate a notification to the CERR. Upon the committee’s deliberation, the funding agencies shall be notified to jointly ensure that the rights and interests of all parties concerned are protected.
- Article 17 These implementation rules, as well as all subsequent revisions therewith, shall be duly adopted by the Administrative Council prior to implementation.