

元智大學研發成果發明人權益收入分配協議書

94.11.04 94(1)研發成果評量委員會通過
 94.11.15 94(2)研發成果評量委員會修正通過
 95.02.16 94(7)研發成果評量委員會修正通過
 95.09.19 95(3)研發成果評量委員會修正通過
 100.10.18 100(3)研發成果評量委員會修正通過
 102.12.20 102(8)研發成果評量委員會修正通過
 104.09.09 104(1) 研發成果評量委員會修正通過
 107.01.11 106(9) 研發成果評量委員會修正通過
 108.06.03 107(10) 研發成果評量委員會修正通過

申請專利各階段費用及其他必要費用（含專利代理人費用及其他依法令應繳納之專利規費），分攤原則依據「元智大學研發成果與技術移轉管理施行細則」辦理：

- （一）科技部計畫衍生發明專利者，扣除科技部補助後，由本校負擔60%、發明人負擔40%。
- （二）一般產學合作計畫衍生發明專利者，應以契約明定費用的分攤方式。專利申請人或專利權人非本校者，創作人仍應檢附專利構想揭露書經研發成果評量委員會核備。
- （三）自行研發或無任何機關補助的發明專利申請者，由本校負擔60%、發明人負擔40%。
- （四）發明人非首次申請，於申請提出時，近3年內未有產學計畫、技術移轉或專利授權於校內立案者，則由本校負擔40%、發明人負擔60%。
- （五）除發明專利外，其他型式之專利均不予以補助。

專利領證及維護費分攤比依據「元智大學研發成果與技術移轉管理施行細則」辦理：

- （一）本校發明專利經獲准後，其專利領證費用與前 3 年年費（美國專利前 3.5 年），發明人分攤 40%。第 4 年起，發明人需逐年提出維護申請建議，由研發處彙整提交研發成果評量委員會審議通過，維護費用第 4 年至第 5 年由發明人分攤 40%，第 6 年至第 8 年（美國專利 3.5 至 7.5 年）由發明人分攤 60%，第 9 年至第 10 年（美國專利 7.5 至 11.5 年）由發明人分攤 80%，第 11 年（美國專利 11.5 年後）起由發明人分攤 90%。
- （二）經研發成果評量委員會評估後不予維護的發明專利，專利讓與及終止處理程序：
 1. 研發成果評量委員會審議評估無授權使用或技術服務效益，符合公益目的或促進整體產業發展、提升研發成果運用效益等原則，應以公平公開方式辦理公告讓與作業。
 2. 非政府資補助計畫或自行研發衍生之發明專利，公告讓與三個月後無人提出讓與或授權時，得終止繼續維護，該專利權將於維護年費有效期後自動消滅。
 3. 政府資補助計畫衍生之發明專利，如第三人請求讓與時，應送研發成果評量委員會議審議讓與條件，如審議通過後應備函檢具相關文件向資助機關申請讓與第三人。經資助機關同意者，其後之權益分配依第八條辦理；未獲同意者，應繼續專利維護管理。
 4. 經本校公告讓與後，逾三個月無人請求讓與時，得備函檢具相關文件呈報資助機關同意終止繳納維護費用。未獲資助機關審查同意者，應繼續專利維護管理。
- （三）經研發成果評量委員會評估後需繼續維護的發明專利，如發明人無法依本條第一款分攤時，由本校出資維護費用 100%者，其日後研發成果授權或技術移轉衍生之各項權益金依本細則第八條第二款辦理。

一、研發成果名稱：_____

二、申請案號：_____（由研發處填寫）

三、發明人權益收入分配說明：

1. 經本研發成果所衍生之相關權益收入，將依「元智大學研發成果與技術移轉管理施行細則」辦理。若發明人為一人以上，請自行協調並填寫權益收入分配比例於下表。日後有關發明人權益收入分配，將依此原則辦理之。
2. 分配比例建議，依據「政府科學技術研究發展成果歸屬及運用辦法」、「中華民國專利法」及「元智大學研發成果與技術移轉管理施行細則」，且本於公平正義原則，請視各發明人投入情形酌以分配，如分配比例過低時，請於「備註」欄註明緣由。

編號	發明人	權益收入 分配比例(%)	備註	簽章/簽署日期
1				
2				
3				
總 計				
(總)計畫主持人簽章：			日期：	

- 四、本案所有發明人同意上表權益收入分配比例，遵守本校相關規定，善盡本校發明人應盡之義務，如造成本校權益或名譽受損情事者，本校得主張法律相關權益，且本案所有發明人同意放棄「元智大學研發成果與技術移轉管理施行細則」所規範之權益分配。

Agreement on the Distribution of Intellectual Property Rights and Income for Inventions at Yuan Ze University

Nov. 04, 2005	Approved by the 1st R&D Results Evaluation Committee, Academic Year 2005
Nov. 15, 2005	Revised and approved by the 2nd R&D Results Evaluation Committee, Academic Year 2005
Feb. 16, 2006	Revised and approved by the 7th R&D Results Evaluation Committee, Academic Year 2005
Sep. 19, 2006	Revised and approved by the 3rd R&D Results Evaluation Committee, Academic Year 2006
Oct. 18, 2011	Revised and approved by the 3rd R&D Results Evaluation Committee, Academic Year 2011
Dec. 20, 2013	Revised and approved by the 8th R&D Results Evaluation Committee, Academic Year 2013
Sep. 09, 2015	Revised and approved by the 1st R&D Results Evaluation Committee, Academic Year 2015
Jan. 11, 2018	Revised and approved by the 9th R&D Results Evaluation Committee, Academic Year 2017
Jun. 03, 2019	Revised and approved by the 10th R&D Results Evaluation Committee, Academic Year 2018

The costs incurred at each stage of patent application, as well as other necessary expenses (including patent attorney fees and statutory patent fees payable in accordance with applicable laws and regulations), shall be allocated in accordance with the *Yuan Ze University Implementation Guidelines for the Management of Research and Development Results and Technology Transfer*, as follows:

1. For invention patents derived from projects funded by the Ministry of Science and Technology (MOST), after deducting MOST subsidies, 60% of the costs shall be borne by the University and 40% by the inventor(s).
2. For invention patents derived from general industry–academia collaboration projects, the cost-sharing arrangement shall be explicitly stipulated in the contract. If the patent applicant or patent holder is not the University, the creator(s) shall still be required to submit a Patent Disclosure Form for review and recordation by the R&D Results Evaluation Committee.
3. For invention patents resulting from independent research or projects without any governmental funding, 60% of the costs shall be borne by the University and 40% by the inventor(s).
4. If the inventor is not a first-time applicant and, at the time of application, has not had any industry–academia collaboration projects, technology transfer cases, or patent licensing cases registered within the University in the preceding three years, 40% of the costs shall be borne by the University and 60% by the inventor(s).
5. Except for invention patents, no subsidies shall be provided for other types of patents.

The cost-sharing ratios for patent grant fees and maintenance fees shall be governed by the *Implementation Guidelines for the Management of Research and Development Results and Technology Transfer at Yuan Ze University*, as follows:

1. **Granted Invention Patents of the University**

Upon approval of an invention patent owned by the University, the patent grant fee and the annual maintenance fees for the first three years (the first 3.5 years for U.S. patents) shall be shared by the inventor(s) at a ratio of 40%.

From the fourth year onward, the inventor(s) shall submit an annual recommendation for continued maintenance. The Office of Research and Development (R&D Office) shall consolidate such

recommendations and submit them to the R&D Results Evaluation Committee for review and approval. The cost-sharing ratios for maintenance fees shall be as follows:

- Years 4 to 5: 40% borne by the inventor(s)
- Years 6 to 8 (3.5 to 7.5 years for U.S. patents): 60% borne by the inventor(s)
- Years 9 to 10 (7.5 to 11.5 years for U.S. patents): 80% borne by the inventor(s)
- From Year 11 onward (after 11.5 years for U.S. patents): 90% borne by the inventor(s)

2. Assignment or Termination of Maintenance for Invention Patents Not Approved for Continued Maintenance

For invention patents that, upon evaluation by the R&D Results Evaluation Committee, are determined not to require continued maintenance, the procedures for patent assignment or termination shall be as follows:

- (1) If the Committee determines that the patent has no licensing or technical service benefits but is consistent with public interest objectives, the promotion of overall industrial development, or the enhancement of the utilization of R&D results, the patent shall be publicly announced for assignment in a fair and transparent manner.
- (2) For invention patents derived from non-government-funded projects or independent research, if no party requests assignment or licensing within three months after the public announcement, continued maintenance may be terminated, and the patent rights shall automatically lapse upon expiration of the paid maintenance period.
- (3) For invention patents derived from government-funded projects, if a third party requests assignment, the assignment conditions shall be reviewed by the R&D Results Evaluation Committee. Upon approval, the University shall submit the relevant documents to the funding agency to apply for assignment to the third party. If approved by the funding agency, subsequent distribution of rights and interests shall be handled in accordance with Article 8 of these Guidelines. If approval is not granted, patent maintenance shall continue.
- (4) If no party requests assignment within three months after the University's public announcement, the University may submit the relevant documents to the funding agency to apply for approval to terminate payment of maintenance fees. If approval is not granted by the funding agency, patent maintenance shall continue.

3. Continued Maintenance with Full University Funding

For invention patents that, after evaluation by the R&D Results Evaluation Committee, are determined to require continued maintenance, but for which the inventor(s) are unable to bear the cost-sharing obligations specified in Item 1 of this Article, the University may bear 100% of the maintenance costs. In such cases, any future revenues derived from licensing or technology transfer of the R&D results shall be distributed in accordance with Item 2 of Article 8 of these Guidelines.

1. Title of Research and Development Results: _____
2. Application Number : _____(Filled in by the Office of Research and Development)

3. Explanation of Revenue Distribution for Inventors' Rights and Interests

- (1) Any revenues derived from the utilization of the R&D results shall be handled in accordance with the *Implementation Guidelines for the Management of Research and Development Results and Technology Transfer at Yuan Ze University*. If there is more than one inventor, the inventors shall coordinate among themselves and complete the revenue distribution ratios in the table below. All future distributions of inventors' revenues shall be processed in accordance with these agreed principles.
- (2) The recommended distribution ratios shall be determined in accordance with the *Regulations on the Attribution and Utilization of Government-Funded Research and Development Results*, the *Patent Act of the Republic of China (Taiwan)*, and the *Implementation Guidelines for the Management of Research and Development Results and Technology Transfer at Yuan Ze University*, and shall be based on the principles of fairness and equity. Inventors are requested to allocate shares in consideration of each inventor's level of contribution. If any allocation ratio is relatively low, the reason shall be stated in the "Remarks" column.

NO.	Inventor	Revenue Share (%)	Remarks	Signature / Date
1				
2				
3				
Total				

(Overall) Project Principal Investigator's Signature:

Date: :

4. All inventors involved in this case agree to the revenue distribution ratios stated in the table above, undertake to comply with the relevant regulations of Yuan Ze University, and duly fulfill the obligations required of University inventors. In the event that any actions result in damage to the University's rights or reputation, the University reserves the right to pursue all legal remedies available. Furthermore, all inventors agree to waive the revenue distribution rights as stipulated in the *Implementation Guidelines for the Management of Research and Development Results and Technology Transfer at Yuan Ze University*.