

**Yuan Ze University**  
**Management Enforcement Rules for R&D Results and Technology Transfer**

2002/5/27 Passed by the 18<sup>th</sup> Administrative Council of the Academic Year 2001  
2002/12/30 Revised and Passed by the 8<sup>th</sup> Administrative Council of the Academic Year 2002  
2003/3/24 Revised and Passed by the 13<sup>th</sup> Administrative Council of the Academic Year 2002  
2009/11/16 Revised and Passed by the 5<sup>th</sup> Administrative Council of the Academic Year 2009  
2011/11/21 Revised and Passed by the 6<sup>th</sup> Administrative Council of the Academic Year 2011

Article 1. These enforcement rules have been drawn up based on the “Yuan Ze University Management Regulations for R&D Results and Technology Transfer.”

Article 2. Responsible units

Department of Research and Development (hereafter referred to as the R&D department).

Article 3. Result attribution identification

1. The school retains ownership of results produced by engaging in research and development during job-related business by faculty of this school during the course of employment (including students in the course of study).
2. Inventions, creations, and technological data produced by faculty of this school during the course of employment (including students in the course of study) without using the resources of this school belong to the faculty member.
3. When this school authorizes, receives authorization for, or collaborates with others on R&D technology --with the exception of cases in which the government stipulates that results belong to the nation --the attribution of spin-off results should follow the attribution allocation of R&D results as stipulated in the contract.
4. When implementing programs authorized by the government, the attribution of R&D results obtained through these programs is processed according to relevant government regulations.

Article 4. R&D results assessment committee

1. The head of R&D department serves as the chairman of the R&D results assessment committee. Between five and nine members are assigned to this committee. The head of the industry-university collaboration group is an ex-officio member. The head of the R&D executive group may be in attendance.
2. Committee members are appointed by the president upon request of the director. Members serve for one year and may be reappointed after fulfilling this time period.
3. If a topic discussed by the committee directly touches upon the interests of a committee member, the said member should avoid the discussion.

Article 5. Responsibilities of the R&D results assessment committee

1. Review of intellectual property rights applications, permissions, maintenance, and technology transfers. Has the obligation to maintain confidentiality on technology contained in the review.
2. Establish subsidization ratios for patent applications and maintenance fees.
3. Establish allocation ratios for technology transfer royalties and derivative interests.
4. Other related affairs.

## Article 6.Regulations for patent applications for R&D results

### 1. Patent application and review procedures

- (i.) When inventors apply for patents for their R&D results, they should complete one copy of the “Yuan Ze University Invention Patent Disclosure Form” (including electronic files) and submit this to the R&D department for review. This school will not accept cases that do not follow the aforementioned procedures to the letter. For those who have completed these procedures, the R&D results assessment committee conducts a review. Patent applications are handled according to the review for those who have obtained recommendations, and relevant results are entered into the information system of the Executive Yuan National Science Council. For those that fail to obtain recommendations, the inventors may apply for a second review upon revision.
- (ii.) Patents that fail to obtain recommendation, for which the inventors intend to apply themselves, must meet the specifications of the funding unit before the inventors (creators) may apply under their own names, and fund or using public methods of disclosure.
- (iii.) When inventors apply for a new type or new style of the R&D results they have obtained, patent explanations for the new type or new style may replace patent concept disclosures. These are submitted to the R&D result assessment committee of this school for verification before applications are submitted to the patent offices of each country.

### 2. Patent application fees

Patent application fees refer to the obligatory application, reapplication, response, certification, maintenance, and other fees derived from patent application (including firm service fees and other patent fees that should be paid according to the law). The principles for sharing are given below:

- (i.) For derivative invention patents from programs of the Executive Yuan National Science Council, the NSC subsidizes 40%, the school is responsible for 52%, and the inventors are responsible for 8% of costs. Prior to obtaining patent certification, if the creators surrender their rights and interests or do not fulfill reapplication respondent obligations, the payment for which the inventors were responsible is not returned. After patent certification, the school returns the payment for which the inventors (creators) were responsible at no interest.
- (ii.) For invention patents derived from ordinary industry-university collaboration programs, fee sharing methods should be stipulated within contacts. If patent applicants or owners are not a part of this school, the inventors should still attach patent concept disclosures for approval by the R&D results assessment committee.
- (iii.) For applications for invention patents that were self-developed or not subsidized by any organization, the school is responsible for 80%, and the inventors are responsible for 20%.
- (iv.) For inventors applying to the intellectual property office of the Ministry of Economic Affairs for a new type or new style of patents, the inventors or collaborating organizations (such as companies, etc.) are responsible for 100% of the fees.

### 3. Invention patent maintenance and management

- (i.) After receiving approval from this school, the certification fees of invention patents and the annual fees for the first three years (foreign patents use an

- equivalent year limit or the most recent periods) are entirely subsidized by the school. At the beginning of the fourth year, the inventors must apply for maintenance annually, with this being passed by the R&D assessment committee. Inventors share 20% of the maintenance fees from the fourth and fifth years; 40% from the sixth to the eighth years; and 60 % from the ninth to the tenth years.
- (ii.) For invention patents for which inventors have suggested abandonment, or for which maintenance has not been provided following assessment, application for announcement of permission or termination of maintenance must be submitted to the funding organizations prior to the maintenance deadline of the current year, based on the regulatory procedures of the funding organization. When the funding organization is unable to complete deliberations prior to the deadline described above, maintenance should still be conducted based on the minimum payment period.
  - (iii.) For invention patents whereby the inventors have suggested abandonment, but for which the school continued to provide maintenance after assessment, the school funds 100% of the maintenance fees. Royalties from future R&D result authorizations or technology transfers are handled according to Item 6 of Article 7 in these rules.
  - (iv.) When inventors (creators) apply for invention patents on their own and give patent application rights or patent rights to the school, the R&D results assessment committee decides whether to accept the transfer. When the committee decides to handle it, the fees spent by the inventors (creators) prior to completion of the transfer procedures are not subsidized by the school. All of the costs produced after handling and completing the transfer are managed according to the regulations of Items 2 and 3 of this article.
  - (v.) Patent application, cession, and maintenance management for programs authorized by the government should be handled according to the regulations of the authorizing unit. When these results do not conform to the regulations of the authorizing unit, these procedures should be implemented based on regulations from the month following the announcement date of the authorizing unit.
  - (vi.) The application, cession, and maintenance management of patent rights held by this school together with others should be stipulated in the contract.

#### Article 7. Authorization of R&D results and technology transfers

1. Protective measures should be adopted for all results obtained through research and development using the resources of this school regardless of whether patents have been obtained, and opportunities for technology transfer and commercialization should be sought at the appropriate time.
2. Promotion for the authorization of R&D results from this school can be done by the business sponsor or the inventors (creators) themselves. Authorization contracts are signed with vendors in the name of the school (the “Yuan Ze University Technology Transfer Funding Allocation Table” must be attached). The responsible unit is in charge of reviewing the contract.
3. For contract signing fees, royalties, technology evaluation equity, and other accumulated profit allocation obtained through R&D research authorization, benefits should be allocated in the following proportions.
  - (i.) For those cases in which technology rights or authorizations have already been obtained for patent rights: after deducting the equity component of parties

outside the school, the balance should be apportioned with 35% for the school and 65% for the inventors and the assisting unit (such as the institute, center, department, or other technology transfer units). Identification of the contributions of the assisting units described above is to be determined by the inventors. However, the ratio cannot be lower than 5%.

- (ii.) Non-patented R&D results or technology transfers in patent applications or authorizations: after deducting the equity component of parties outside the school, the balance should be apportioned with 15% for the school and 85% for the inventors (creators) and the assisting unit (such as the institute, center, department, or other technology transfer units). Identification of the contributions of the assisting units described above is to be determined by the inventors (creators). However, the ratio cannot be lower than 5%.
4. For those using school resources for the application and maintenance of intellectual property rights, where there is an exclusive license or cessation to others, the inventors (creators) may pay a lump sum, or use future royalties from R&D result authorization or technology transfer. This school takes 40% in principle, with the rest belonging to the inventors (creators).
5. For R&D results that do not belong to the school but are ceded to the school, the school in principle takes 40% of the future royalties from R&D result authorization or technology transfer, with the inventors (creators) taking 60%.
6. For patents for which the inventors abandon maintenance but the school continues maintenance, the school takes 80% of future royalties from R&D result authorization or technology transfer, with the inventors taking 20%.

#### Article 8.Exceptions

1. If research results are the collective creations of implementing an operation or creations derived from the individual students, the inventors may not advocate interest allocation based on Item 3 of Article 7 of these measures.
2. The entirety of the royalty incomes of publications of inventors belong to the inventors, and are not restricted by Item 3 of Article 7 of these measures.
3. With the exception of the stipulations in the two previous items, if R&D results are written works such as questionnaires, integrated circuit layouts, audio visual works for teaching, computer programs, manuals, or instructions completed during one's duties, then the economic rights still belong to this school, with the moral rights of the work belonging to the inventors.
4. When there are special reasons for which property rights cannot be handled according to these management measures, the allocation of interest from intellectual property rights should be stipulated separately in contracts with inventors.

#### Article 9.Obligations of inventors

1. During research and development, care should be taken not to infringe on the intellectual property rights of others. When patents are obtained through plagiarism or other illegal methods, and the rights and interests of others are infringed upon, the inventors shall bear all responsibility.
2. In the intellectual property rights application, review, objection, petition, administrative litigation, and judicial proceedings, inventors should take responsibility for responding to questions about the content of their inventions.
3. Inventors should coordinate with sponsors of intellectual property rights in promoting the usage of their creations.

4. All intellectual property of this school may be used free of charge by faculty and units of this school for educational and administrative requirements.

Article 10. Handling of infringement of intellectual property rights

When the intellectual property rights of this school are infringed upon, the inventors (creators) should provide concrete facts before the responsible unit prepares relevant documentation to be handled by the legal advisor of this school. Every unit of this school should do all it can to assist in this process.

Article 11. These rules have been passed and implemented by the administrative council.

**Note: If any controversies or disputes occurred regarding clauses of the aforesaid regulations, it shall always refer to its Chinese version.**