

CYCU Governing Management of Research and Development Achievements and Technology Transfers

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Article 1. (Purpose of the Regulations)

Chung Yuan Christian University (hereinafter referred to as "the University") establishes the "Research and Development Achievements and Technology Transfers Management Regulations of Chung Yuan Christian University" (hereinafter referred to as "the Regulations") to encourage innovation, promote research and development, and disseminate creative achievements. These Regulations are formulated in accordance with the provisions of the "Fundamental Science and Technology Act", "Government Scientific and Technological Research and Development Results Ownership and Utilization Regulations", "Regulations on Ownership and Utilization of Science and Technology Research and Development Achievements of the Ministry of Science and Technology", "Regulations on Ownership and Utilization of Science and Technology Research and Development Achievements of the Ministry of Economic Affairs", and the Ministry of Education's "Implementation Regulations for Industry-Academia Cooperation of Colleges and Universities".

Article 2. (Definition of Terms)

The terms used in the Regulations are defined as follows:

1. University's research and development achievements: Refers to research and development, creative works, or technological achievements completed by the University's faculty, staff, or students using the University's resources.
2. Funding agency: Refers to the organization(s) that enter into research project contracts with the University through funding, commissioning, or investment.
3. Patent fees: Refers to government fees and patent agent fees incurred during the patent application or maintenance process. Application fees, such as filing fees, amendment fees, or response fees.
4. Self-payment portion of patent fees: Refers to the portion of patent application or maintenance fees borne by the University after deducting the amount subsidized/paid for by the funding agency.
5. Technology transfer: Refers to authorizing others to use the University's research and development achievements or transferring related rights to others.

6. Technology transfer income: Refers to the income generated from the University's research and development achievements through technology transfer, including but not limited to signing fees, royalty fees, or other derivative benefits.
7. Operating costs of the Executive Operation Office for Industry-Academia Cooperation (hereinafter referred to as "the Office"): Refers to 3% of the technology transfer income allocated by the University after deducting the amount remitted to the National Science and Technology Development Fund and business tax, which is used to cover the operating costs of the Office.
8. Inventor or creator: Refers to the University's faculty, researchers, project personnel, contract employees, and students involved in the invention or creation of achievements, including but not limited to those who file patent applications or technology transfer cases.

Article 3. (Applicable Regulations and Administrative Units)

Unless otherwise stipulated in a separate contract, the University owns the intellectual property rights of its research and development achievements. The patent application, maintenance, technology transfer, and distribution of rights shall be conducted in accordance with the Regulations. Any matters not covered herein shall be implemented in accordance with the relevant requirements.

The administrative unit responsible for the management of the University's research and development achievements is the Executive Operation Office for Industry-Academia Cooperation (hereinafter referred to as "the Office").

Article 4. (Composition and Operation of the Patent and Technology Transfer Benefits Committee)

To promote the management and utilization of research and development achievements, the University establishes the Patent and Technology Transfer Rights Committee (hereinafter referred to as "the Committee"), consisting of eleven to nineteen members. The committee shall consist of the Director of the Executive Operation Office for Industry-Academia Cooperation and the Director of Research and Development as ex-officio members. The Director of the Executive Operation Office for Industry-Academia Cooperation shall serve as the convener of the committee. Other members may include deans of relevant colleges and technical, legal, or patent experts from within or outside the University. The members of the committee shall be appointed by the President of the University, with a term of one year and the possibility of reappointment.

The Committee may call a meeting only when a majority of the members would attend the meeting. The resolutions made by the meeting may be adopted only if it is approved by a majority of the members present at the meeting.

The Committee may form review panels as needed, and the review results shall be reported to the Committee for the record.

Patent cases of the University may be reviewed by the review panels.

Article 5. (Missions of the Patent and Technology Transfer Benefits Committee)

The Committee's missions are stated as follows:

1. Revision of "CYCU Research and Development Achievements and Technology Transfers Management Regulations"
2. Review of patent application cases.
3. Review of patent maintenance and abandonment cases.
4. Review of cases involving the licensing or assignment of research and development achievements.
5. Review of the value and pricing of research and development achievements.
6. Review of cases involving disputed or special ownership of research and development achievements.

7. Review of other important matters related to the utilization and promotion of research and development achievements.

Article 6. (Patent Application Procedure)

When applying for a patent for the University's research and development achievements, inventors or creators should complete the patent application form and submit the relevant documents to the executing unit for processing by the Office.

Upon approval of the application through the review process, it shall be submitted to the Director of the Executive Operation Office for Industry-Academia Cooperation for final approval and handling of the patent application.

For technical achievements generated by the University's faculty and staff in non-official capacities, inventors or creators should notify the Office in writing, providing a description of the creative process. Upon approval by the President, they may proceed with the patent application to the competent authority, and the patent rights shall belong to the inventors or creators.

Article 7. (Apportionment of Patent Application Fees)

The approved patent application fees, as determined through the review process, are shared between the University and the inventors or creators. The cost-sharing ratio is 60% by the University and 40% by the inventors or creators.

For University teachers who are inventors or creators and have previously applied for a patent, if no technology transfer or patent licensing has been registered within the University in the past five years as of the application deadline for the current internal patent application announcement, the cost-sharing ratio is 40% by the University and 60% by the inventors.

If the inventors or creators are University teachers and they personally prepare the patent application description and the patent is granted, the University's cost-sharing ratio is increased by 10%.

If both inventors or creators are students of the University, the University fully bears the patent application fees, as well as the maintenance fees for the first to third years after receiving the patent. If students prepare the patent application description themselves, the University provides an additional drafting fee of one thousand New Taiwan Dollars per case.

If the patent application undergoes multiple corrections, appeals, or rejections by the competent authority, and the inventors or creators initiate remedial proceedings, they shall bear the associated costs. If the remedial proceedings are successful and the patent is obtained, the cost-sharing ratio for the issuance fee is determined according to Article 9.

For University teachers who serve as their own patent agents, the fee standards for patent agency services are separately determined by the Committee.

If more than 12 months have passed since the approval of the review without completing the first-country patent application for the technology, the Office may submit it for review again to determine whether to continue the subsidy. If the review is not approved, the inventors or creators shall bear the expenses incurred or to be incurred in full.

If the inventors or creators fail to complete the payment within 3 months after receiving the patent fee payment notice from the Office, and after being reminded twice by the Office, the Office may pursue the outstanding fees in accordance with the law. For those who fail to complete the payment, the processing of all their patent applications shall be temporarily suspended until the overdue patent fees are fully paid.

If the inventors or creators resign, retire, or for other reasons do not continue to pay the patent application and maintenance fees they should bear, the University may allocate a portion of the benefits obtained by the inventors or creators from other

research and development achievements (including but not limited to rewards, licensing fees, royalties, derivative benefits) to offset the outstanding fees.

Article 8. (Processing of Self-Filed Patents without Approval from the Review)

If the inventors' or creators' applications are not approved through the review process, they may report to the Office and file a patent application with the University as the applicant. The related expenses shall be borne by the inventors or creators themselves. If they receive additional funding agency patent incentives, the full amount shall be given to the inventors or creators.

Article 9. (Issuance and Maintenance of Patents)

When a patent application is approved through the review process, the general principle is to maintain the patent for the first to third years after receiving non-U.S. patent certification or for the first to 3.5 years after receiving U.S. patent certification. The maintenance of patents is subject to review based on patent licensing, combinations, or other circumstances. For patents subsidized by funding agencies, the maintenance is carried out according to the regulations of the funding agency.

The issuance and maintenance fees for patents are shared between the University and the inventors or creators. The cost-sharing ratio is as follows:

1. For non-US patents, the cost sharing ratio of patent application fees and maintenance fees from the 1st to the 6th year after patent issuance, or for US patents from the 1st to the 7.5th year after patent issuance, is 60% by the University and 40% by the inventors or creators.
2. For non-US patents from the 7th to the 9th year after patent issuance, or for US patents from the 7.5th to the 11.5th year after patent issuance, the cost sharing ratio is 40% by the University and 60% by the inventors or creators.
3. From the 10th year after non-US patent issuance or from the 11.5th year after US patent issuance, the cost sharing ratio is 10% by the University and 90% by the inventors or creators.

For patents that have been licensed, the cost sharing ratio of maintenance fees during the licensing period is 60% by the University and 40% by the inventors or creators.

Article 10. (Patent Assignment and Sale)

When the University transfers patent rights (including assignment and acquisition), the necessary procedure fees shall be borne by the acquirer.

The transfer review process shall follow the same procedures as the review of intellectual property rights derived from research and development results under Article 20 of these regulations.

When the University decides to cease the maintenance of a patent after review, the Office may conduct public auctions, and the determination of the auction price should take into account the patent costs and appropriate profit.

For patents subsidized by funding agencies, the maintenance is carried out according to the regulations of the funding agency.

Article 11. (Duties of Inventors or Creators)

The duties of inventors or creators are as follows:

1. When the University entrusts a firm to handle the patent application, inventors or creators shall provide necessary information and explanations free of charge and assist the personnel of the firm in drafting the patent application specifications and related documents.
2. Inventors or creators shall explain or defend the content of their invention in legal proceedings such as patent applications, examinations, oppositions, appeals, administrative litigation, and judicial litigation.
3. Inventors or creators shall cooperate in the implementation of the promotion and application of the invention or creation.

4. When the University's patent rights are infringed, the University shall handle the matter, and inventors or creators shall provide full assistance.

Article 12. (Responsibilities of Inventors or Creators)

If inventors or creators obtain a patent through illegal means such as plagiarism, causing damages to the University, they shall be liable for compensating the University for the damages.

Article 13. (Principles and Procedures for Technology Transfer)

When the University engages in technology transfers of research and development results, the following provisions shall be complied with:

1. The transfer shall be made publicly and for consideration.
2. Domestic institutions and enterprises shall be the target.

When the technology transfer of research and development results does not comply with the provisions of the preceding paragraph, the matter may be reviewed by the review panel of the committee.

When conducting the aforementioned review, one of the following conditions shall be met before transferring to a foreign entity:

1. Domestic companies have no intention of implementation.
2. Domestic companies lack the ability to implement.
3. It does not affect the competitiveness of domestic companies and the development of domestic technology.

During technology transfer, after the negotiating of the price by the Director or Vice Director of the Executive Operation Office for Industry-Academia Cooperation with the inventors or creators and the collaborating companies, it shall be submitted to the committee for review and approved by the University president. If it fails to pass the committee review or approval of the University president, a third-party appraisal shall be conducted before technology transfer can take place.

The principles and procedures for technology transfer of research and development results from government-funded projects shall be carried out in accordance with the regulations of the funding agency.

The inventors or creators of the technology transfer case should sign the "Agreement for the Utilization of Research and Development Achievements of Chung Yuan Christian University". When there are two or more inventors or creators, they should mutually designate one person as the signing representative.

Article 14. (Principle of Avoiding Conflicts of Interest in Technology Transfer Benefits)

If the parties involved or their related parties hold positions such as responsible persons, directors, supervisors, or senior managers in the technology transfer institution, they should recuse themselves and not participate in the negotiation of technology transfer conditions. The parties involved and their related parties include:

1. Party involved: Inventors or creators of the research and development achievements, personnel involved in the technology transfer case, reviewers, and decision-makers.
2. Related parties of the party involved:
 - (1) Spouse or cohabitant of the party involved.
 - (2) Relatives within the second degree of kinship of the party involved.
 - (3) Trustees of the assets entrusted by the party involved or their spouse.

When executing a technology transfer case, the party involved should sign the "Disclosure Form for Conflict of Interest Avoidance in the Utilization of Research and Development Achievements of Chung Yuan Christian University" to disclose to the office any potential financial or non-financial benefits that the party involved or related parties may directly or indirectly receive from the entities related to their profession.

The office shall submit it to the review panel of the committee as needed to avoid disputes arising from conflicts of interest.

For research and development achievements arising from government-funded projects, if the funding agency has principles of avoiding conflicts of interest in technology transfer benefits, they shall be followed accordingly.

Anyone who discovers violations of the aforementioned two provisions on avoiding conflicts of interest should provide supporting documents and notify the office. Upon receiving the notification, the office shall submit it to the case review panel of the committee for review. The results of the review shall be communicated to the parties involved in writing. If the research and development achievements are derived from government-funded projects, they shall also be reported to the funding agency.

Unless otherwise provided by laws, agreed upon in contracts, or approved by the University, the parties involved or their related parties shall not independently provide the University's research and development achievements to entities or participate in the establishment of profit-making businesses.

The party responsible shall bear full responsibility for disputes and damages arising from non-compliance with this provision.

The office may conduct educational training to promote the disclosure of information and the avoidance of conflicts of interest in the utilization of research and development achievements, and publish the relevant information.

Article 15. (Distribution of Technology Transfer Fees)

The collection of technology transfer fees shall be carried out in accordance with the technology transfer agreement. The office, in collaboration with the accounting department, shall confirm and pay the applicable business taxes on a monthly basis. If there are obligations to contribute to the National Science and Technology Development Fund, they shall be reported to the funding agency as required.

After deducting the amount paid for business taxes and the amount paid to the National Science and Technology Development Fund, the remaining technology transfer fees shall be allocated to the inventors or creators and the University to continue engaging in industry-academia cooperation.

Technology transfer fees shall be in cash form. For research and development achievements derived from government-funded projects, the distribution ratio shall be determined according to the regulations of the funding agency. For non-government-funded projects, the distribution ratios are as follows:

1. Inventors or creators: 80%, University: 20%
2. For research and development achievements resulting from the execution of the University's administrative duties: Inventors or creators: 20%, University: 80%
3. When both the inventors or creators are students of the University: Inventors or creators: 50%, University: 50%
4. When the inventor or creator is not a current employee or student of this University (excluding retired personnel), the distribution of benefits shall be as follows: 20% to the inventor or creator and 80% to the University. If there are outstanding patent maintenance fees or expenses borne by someone other than the inventor or creator, no distribution of benefits shall be made.

The aforementioned distribution by the University shall be calculated after deducting the operational costs of the Technology Transfer Office (allocated to the Executive Operation Office for Industry-Academia Cooperation special account) and the University's portion of the patent maintenance fees already incurred (allocated to the University's patent maintenance dedicated account), with the remaining balance being allocated to the University's technology transfer distribution revenue dedicated account.

The technology transfer proceeds shall be in the form of stocks. For research and development outcomes funded by government agencies, the distribution ratio shall be determined according to the regulations of the funding agency. For research and development outcomes not funded by government agencies, the distribution ratio shall be as follows:

1. 60% to the inventor or creator and 40% to the University.
2. For research and development achievements resulting from the execution of the University's administrative duties: Inventors or creators: 20%, University: 80%
3. When both the inventors or creators are students of the University: Inventors or creators: 50%, University: 50%
4. When the inventor or creator is not a current employee or student of this University (excluding retired personnel), the distribution of benefits shall be as follows: 20% to the inventor or creator and 80% to the University. If there are outstanding patent maintenance fees or expenses borne by someone other than the inventor or creator, no distribution of benefits shall be made.

In cases where the inventor or creator and the University have reached a separate agreement, the distribution shall be based on the agreed ratio.

When there are two or more inventors or creators, they shall negotiate and agree upon their respective distribution ratios.

For technology transfer cases initiated through external organizations, the external promotion-related expenses may be allocated from the technology transfer proceeds to the inventor's or creator's affiliated department.

Regarding the portion of technology transfer proceeds allocated to the inventor or creator, the inventor or creator may decide to allocate the funds to a dedicated "technology transfer income" fund account. The allocation and usage of such funds shall be governed by specific implementation regulations.

The provisions of Paragraph 9 shall apply retrospectively to technology transfer cases that have not yet been distributed.

Article 16. (Outsourcing)

This University may accept commissions from external entities to handle patent applications or technology transfer cases. The cost allocation principles are as follows:

1. The commissioning entity shall bear the patent-related expenses and administrative fees payable to this University.
2. Except for the costs borne by this University, the distribution ratio of technology transfer proceeds shall be: 80% to the commissioning entity and 20% to this University.

Article 17. (Management of Share Allocations)

The shares obtained by this University through technology transfer shall be held by the relevant units of this University.

Article 18. (Awards for Outstanding Patents, Excellent Technology Transfers, and Industry-Academia Collaborations)

Outstanding performance by faculty, staff, and students of this University in patents, technology transfers, or industry-academia collaborations shall be rewarded according to the following principles:

1. For individuals who have been granted three or more invention patents from this University within a year, the "Invention Award" shall be conferred. For individuals who have received the "Invention Award" from this University for three consecutive years, the "Outstanding Invention Award" shall be conferred.
2. Starting from the fiscal year 2001, individuals who have accumulated more than thirty approved invention patents from our University shall be awarded the

"Lifetime Achievement Award for Invention Patents". Each person can receive this award only once.

3. For project leaders whose annual actual technology transfer revenue exceeds NT\$300,000 but is below NT\$1 million, the "Outstanding Technology Transfer Award" shall be awarded. For those with actual revenue exceeding NT\$1 million, the "Excellence in Technology Transfer Award" shall be awarded.
4. Project leaders whose cumulative actual technology transfer revenue from the fiscal year 2001 exceeds NT\$10 million shall be awarded the "Outstanding Contribution to Technology Transfer Award". For those with revenue exceeding NT\$20 million, the "Lifetime Achievement Award for Technology Transfer" shall be awarded. Each person can receive this award only once.
5. For project leaders whose total funding from completed industry-academia collaboration projects in a year exceeds NT\$1.5 million but is below NT\$3 million, the "Outstanding Industry-Academia Collaboration Award" shall be awarded. For those with funding exceeding NT\$3 million, the "Distinguished Industry-Academia Collaboration Award" shall be awarded.
6. Project leaders whose cumulative funding from completed industry-academia collaboration projects since the fiscal year 2001 exceeds NT\$1.5 million shall be awarded the "Industry-Academia Collaboration Cultivation Award". For those with funding exceeding NT\$15 million, the "Outstanding Contribution to Industry-Academia Collaboration Award" shall be awarded. For those with funding exceeding NT\$30 million, the "Excellence in Industry-Academia Collaboration Award" shall be awarded. For those with funding exceeding NT\$50 million, the "Lifetime Achievement Award for Industry-Academia Collaboration" shall be awarded. Each person can receive this award only once.

Article 19. (The prize money and incentive for technology transfer granted by the National Science and Technology Commission or other funding agencies)

Funds granted by the National Science and Technology Commission or other funding agencies to our University shall be used for research output management and promotion purposes. The Director of the Office of Research and Development shall allocate a portion of the grant as a reward to individuals who have made significant contributions to technology transfer. Our University should allocate corresponding matching funds to jointly support the operation of technology transfer activities. The amount of matching funds from our University shall not be lower than the amount of grants awarded by the National Science and Technology Commission or other funding agencies.

When our University receives incentive funds for technology transfers granted by the National Science and Technology Commission or other funding agencies, the distribution criteria shall be as follows: inventors or creators 60%, the Office of Research and Development 15%, and individuals with outstanding contributions to technology transfer 25%.

Article 20. (Management of invention documents and confidentiality obligations)

Faculty, staff, or students of our University have the following obligations regarding research and development achievements:

1. Researchers and personnel involved in the research should provide detailed information related to the invention in the research records and disclose the invention to our University.
2. When our University receives confidential or non-confidential documents, the delivered items should be clearly stated, and the responsible person should regularly update the filing system to establish a research and development achievement database.

3. Researchers and administrative personnel should not disclose related information about projects, documents, charts, or any information classified as confidential and should properly safeguard such information. If any disclosure occurs, it should be immediately reported to our University.
 4. Within two years after the termination of employment or studentship at our University, faculty, staff, or students shall not engage in or conduct any activities that may harm the research and development interests of our University without written consent.
 5. Relevant personnel should strictly adhere to confidentiality principles regarding the circulation and destruction of documents classified as confidential.
- The Center may conduct timely education and training programs to promote the implementation practices of disclosing and managing research and development achievements.

Article 21. (Intellectual Property Rights derived from research and development achievements of our University)

When faculty, staff, or students of our University enter into agreements with others regarding the ownership of intellectual property rights derived from research and development achievements utilizing our University's resources, a check on the ownership of intellectual property rights shall be conducted.

The results of the aforementioned check shall be reviewed by the committee's evaluation panel to safeguard the interests of our University. The review process may be conducted through meetings or in writing. Notwithstanding, the same shall not apply to the following circumstances:

1. Research and development achievements of a nature involving testing, statistical analysis reports, or talent cultivation.
2. Intellectual property rights of research and development achievements fully owned or jointly owned by our University, and subsequent research and development by our University are possible.
3. For patents subsidized by funding agencies, the maintenance is carried out according to the regulations of the funding agency.

During the review process mentioned above, factors to consider include the allocation of research and development resources, patent application and cost-sharing methods, revenue distribution, or other agreed-upon matters, along with supporting documents. The Rules are passed by the Enrollment Committee meeting, and shall be promulgated and enforced by the Principal.

Article 22. (The same shall apply where the Rules are amended.)

The licensing and distribution of copyrights or other types of intellectual property rights shall be subject to the provisions of this policy.

Article 23. (Effective Date and Implementation)

The Regulations shall be promulgated by the President and enforced upon approval of the School Administration Council. The same shall apply where the Regulations are amended.