

Shih Chien University Research and Development Result and Technology Transfer Management Regulations

Approved by 2nd Administrative Meeting, 1st Semester, 2017 School Year on 28 November 2017
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Article 1 In order to effectively manage and utilize the research and development results of its staff and to encourage innovation and improvement of research levels, Shih Chien University (hereinafter the “University”) has established these Shih Chien University Research and Development Result and Technology Transfer Management Regulations (hereinafter these “Regulations”) in accordance with the Fundamental Science and Technology Act, the Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation and the Ministry of Science and Technology Guidelines for Subsidization and Promotion of Academic Research and Development Results.

Article 2 The terms used in these Regulations are defined as follows:

1. “Research and Development Results” (hereinafter the “R&D Results”): Mean the intellectual property rights or intellectual outputs such as knowledge, technology, work of authorship, product prototype, trade dress, patent, copyright, trademark, IC layout, computer software, trade secret and other technical information acquired from the engagement of scientific technology research and development performed through the use of the University’s resources or acceptance of external funding or engagements through the University.
2. “Members of the University” mean teaching staff who receive salaries from the University or other persons who use the University’s resources or participate in the University’s research projects.
3. “Resources of the University” mean tangible or intangible resources of the University such as its facilities, equipment, materials, personnel and name.
4. “Technology Transfer” means a license granted to others to use the R&D Results or transfer relevant rights to others.

Article 3 The intellectual property rights to the R&D Results of Members of the University in the course of their job duties belong to the University, unless otherwise provided in the contract.

“R&D Results in the course of job duties” referred to under the previous paragraph mean the following R&D Results generated by Members of the University in the following situations:

1. R&D Results generated from the budget, subsidy, engagement or funding by the University.
2. R&D Results generated from research and development performed by the University under subsidization, engagement or funding from the government.
3. R&D Results generated from research and development performed by the University other than under engagements under the previous subparagraph.

Article 4 The intellectual property rights to R&D Results of Members of the University that are not generated in the course of their job duties belong to the inventors (creators).

Members of the University shall give written notice about completion of the R&D Results under the previous paragraph to the Research and Development Division (hereinafter the "R&D Division"), specifying the process of creation. If such notice is not given, the R&D Results shall be deemed to have been generated from the performance of the members' job duties.

Upon receipt of the notice under the previous paragraph, the R&D Division of the University shall investigate and verify to determine the attribution of rights.

Article 5 R&D Result Management Regulations and Evaluation Mechanism:

1. The University's management, utilization and promotion of R&D Results are undertaken by the R&D Division. However, matters of patent application, maintenance, technical transfer and distribution of interest in relation to R&D Results are reviewed and determined by the University's Academic and Industry-University Development Committee (hereinafter the "Academic and Industry Committee"). If a transfer license is involved, the R&D Division shall ask directors of relevant units and scholars and experts to perform an evaluation as required and submit the results to the Academic and Industry Committee for approval.
2. Files and statistics of information related to the R&D Results of the University shall be kept permanently in proper forms and shall not be disclosed or provided for any other person's use without authorization.

Article 6 To file a patent application, the inventor (creator) shall file an application with the R&D Division by completing a Patent Application Form and the application shall be handled in accordance with the following manners and procedures by category:

1. If the subsidy is approved by the Academic and Industry Committee, following the principal's approval, a patent agent shall be engaged to file the patent application with the patent authority. Other than the application fee subsidized by the funding institution, the remaining cost and maintenance cost shall be paid by the University. The interest arising out of the patent shall be distributed in accordance with subparagraph 1, first paragraph, Article 11 of these Regulations.
2. If the subsidy is not approved by the Academic and Industry Committee and the inventor (creator) files a patent application naming the University as the right holder, the relevant cost shall be undertaken by the inventor (creator). After the patent is acquired, the Academic and Industry Committee shall decide whether or not the patent should be maintained by the University and submit the decision to the principal for approval. If it is resolved for the University to maintain the patent, the University shall pay patent maintenance cost for 3 years starting the date of approval and the interest arising out of the patent shall be distributed in accordance with subparagraph 2, first paragraph, Article 11 of these Regulations. If it is resolved that the University will not maintain the patent, the patent may be maintained by the patent inventor him/herself and the interest arising out of the patent shall be distributed in accordance with subparagraph 3, first paragraph, Article 11 of these Regulations.
3. If the University maintains the patent during the first 3 years after approval, starting from the 4th year, the Academic and Industry Committee shall invite the inventor (creator) to decide whether or not to continue the maintenance and the maintenance period. The decision shall be submitted to the principal for approval. If it is resolved not to continue maintenance of the patent, the patent inventor may maintain the patent him/herself and the interest arising out of the

patent shall be distributed in accordance with subparagraph 3, first paragraph, Article 11 of the Regulations.

Article 7 If any of the University's R&D Result is subject to infringement, the relevant matters shall be handled by the school with the full assistance from each unit of the University and the inventor (creator).

Any interest received in relation to the infringement upon R&D Results (including but not limited to the license fee, compensation, settlement, etc.) shall be used by the University in the management, maintenance and promotion of the R&D Results.

Article 8 The inventor (creator) has the following obligations:

1. If the patent application is filed by an agency engaged by the University, the inventor (creator) shall provide necessary information and explanations free of charge and shall assist members of the agency to draft patent application and relevant documents.
2. The inventor (creator) is responsible for defending the details of the invention in legal proceedings such as application, review, objection, appeal, administrative litigation or judicial litigation in relation to the patent case.
3. The inventor (creator) shall implement the technical transfer, promotion and application of the invention accordingly.
4. The inventor (creator) shall bear the full liability if the inventor (creator) has acquired the patent through unlawful means such as plagiarism, resulting in damage to another person's interest.

Article 9 Protection measures shall be undertaken for R&D Results completed through the use of the University's resources, regardless of whether a patent has been acquired, and opportunities to transfer and commercialize technology shall be sought at appropriate timing, in compliance with the following principles:

1. The license shall be granted for consideration in principle and reference shall be made to relevant costs such as patent application fee, maintenance cost during the license period, amount to be repaid to the funding institution, taxes, etc. Any withholding tax shall be in accordance with existing tax laws of the Republic of China. However, if there are special requirements and if the Academic and Industry Committee grants an approval, the license may be granted without consideration.
2. The license shall be granted on a non-exclusive basis in principle, provided that exclusive license may be granted in any of the following events:
 - (1) To avoid unfair competition in the industry, creating interference with the development of the industry.
 - (2) The R&D Results transferred can only be commercialized with long-term review and approval by the government.
 - (3) The products of technology transfer require a significant amount of capital injection to continue developing the commercialized technology.
3. The license shall be granted to domestic suppliers for manufacturing or use within the territory of the Republic of China in principle, provided that a license may be

granted to overseas suppliers for manufacturing or implementation outside the country if there is any of the following events:

- (1) No domestic supplier is willing or able to undertake the work.
 - (2) There is no impact on the competitiveness of domestic suppliers or technology development within the country.
4. If any case under the previous two subparagraphs are derivative of any relevant project of the Ministry of Science and Technology, the reasons shall first be provided and a letter shall be sent to the Ministry of Science and Technology for approval before the license is granted.

Article 10 If technology is licensed or transferred by the University in the form of patent or otherwise, an application shall be filed with the R&D Division. Following approval by the Academic and Industry Commission, the application shall be submitted to the principal for approval.

Article 11 Any interest acquired from the technology transfer (license) of the University's R&D Results (including royalty or derivative interest payment) shall be distributed as follows, after deduction of the costs incurred and payments to the funding institutions:

1. If the patent application is filed by the University and the application and maintenance costs are paid by the University:
 - (1) Inventor (creator): 70%
 - (2) University: 30%
2. If the patent application is filed at the inventor's/creator's own cost and the patent is maintained by the University:
 - (1) Inventor (Creator): 80%
 - (2) University: 20%
3. If the patent application is filed at the inventor's/creator's own cost and the patent is maintained by the inventor/creator him/herself:
 - (1) Inventor (creator): 90%
 - (2) University: 10%
4. In case of technology license or transfer by the University other than in the form of patent:
 - (1) Inventor (creator): 80%
 - (2) University: 20%

Article 12 The funds required under these Regulations shall be included in the University's budget for the school year or in the grant/subsidy budget of the Ministry of Science and Technology.

Article 13 These Regulations, including any amendment hereto, shall be published and implemented following review by the University's Academic and Industry-University Development Committee and approval by the Administrative Meeting and the Principal.