

NATIONAL CHUNG HSING UNIVERSITY

Regulations for the Management and Utilization of Research and Development Outcomes

October 26, 2001 — Approved by the 2nd Research and Development Meeting of the 1st semester of Academic Year 2001–02

March 15, 2002 — Amended by the 1st Research and Development Meeting of the 2nd semester of Academic Year 2001–02

July 5, 2010 — Amended by the Industry-Academia Collaboration Intellectual Property Management Committee at its 2nd meeting of Academic year 2009–10

October 17, 2012 — Amended by the Industry-Academia Collaboration Intellectual Property Management Committee at its 1st meeting of Academic Year 2012–13

December 7, 2012 — (Articles 8 and 10) amended by the University Council at its 64th meeting

May 9, 2014 — (Articles 4, 5, 7, and 8) amended by the University Council at its 69th meeting

December 12, 2014 — (Articles 3, 5, 9, and 10) amended by the University Council at its 71st meeting

May 12, 2017 — (Articles 3, 5, and 9) amended by the University Council at its 77th meeting

December 8, 2017 — (Articles 3, 5, and 8) amended by the University Council at its 79th meeting

May 28, 2019 — (Article 7) amended by the University Council at its 85th meeting

December 25, 2020 — (Article 7) amended by the University Council at its 91st meeting

April 22, 2022 — (Articles 3, 5, 9, and 10) amended by the University Council at its 96th meeting

- Article 1 National Chung Hsing University (hereinafter, NCHU or “the University”) has formulated the *NCHU Regulations for the Management and Utilization of Research and Development Outcomes* (hereinafter, “the Regulations”) for the purpose of effectively managing and utilizing the research and development outcomes (hereinafter, “R&D outcomes”) produced by its subordinate units and personnel and to promote industry-academia collaboration in technology R&D. Matters unaddressed herein shall be subject to other applicable regulations.
- Article 2 Unless otherwise required by law or stipulated in a contract, the intellectual property rights for R&D outcomes produced by NCHU faculty members during their term of employment and NCHU students during their period of study at the University using NCHU resources shall belong to the University. The management, utilization, maintenance, promotion, and attribution of intellectual property rights for R&D outcomes shall be subject to the provisions herein.
- Article 3 The **Patent and** Technology Transfer Division (hereinafter, “the Division”) of the NCHU Academia–Industry Collaboration Center (hereinafter, “the Center”) shall serve as the competent authority for the management and utilization of intellectual property rights for the University’s research outcomes. The Division shall establish a **Patent and** Technology Transfer Promotion Committee (hereinafter, “the Committee”), with the Center Director and Division Leader as ex officio members. Additional members shall include three to five members from the Division with the relevant experience and one faculty representative at the rank of associate professor or above from each college. The Center Director shall concurrently serve as convener. The Committee shall be responsible for reviewing regulations formulated by the Division and overseeing the implementation of related policies.
- Article 4 The duties of R&D personnel are as follows:
1. R&D personnel shall bear sole liability for any legal consequences resulting from plagiarism, infringement of rights, or otherwise obtaining R&D outcomes/rights through unlawful means.
 2. R&D personnel shall cooperate with the Center in its management, maintenance, utilization, and promotion of intellectual property rights for

the University's R&D outcomes.

3. R&D personnel shall be responsible for explaining or proving the validity of the contents of their R&D outcomes in the process of acquiring, maintaining, managing, utilizing, promoting, appealing, litigating, and/or disputing the associated intellectual property rights.
4. Unless permitted by law or stipulated in a contract, R&D personnel may not register intellectual property rights to their name for any R&D outcomes described under Article 2 herein.

Article 5 The necessary costs and expenditures (hereinafter, "costs") involved in obtaining and maintaining intellectual property rights for the University's R&D outcomes shall be shared in accordance with the following principles:

1. R&D personnel may choose to be partially or wholly responsible for the costs, or have a third party be wholly responsible for the costs.
2. If the costs are covered fully by the R&D personnel or a third party, the attribution of the associated intellectual property rights shall be subject to Article 2 herein.
3. If the R&D personnel choose to be partially responsible for the costs, the cost-sharing structure shall be: NCHU—50%, the college with which the R&D personnel are associated—2%, the department (graduate institute) with which the R&D personnel are associated—8%, and the R&D personnel themselves—40%. If the relevant college and department (graduate institute) choose not to share the costs, the University may help cover the difference.
4. If the R&D outcomes are produced by a team of two or more individuals, they shall appoint a representative to be responsible for the costs.
5. If the costs are subsidized by the Ministry of Science and Technology (MOST), the terms of the MOST project may take precedence over the cost-sharing structure described in Subparagraph 3, and the University will cover the issuance fee and the annual fees for the first five years in their entirety.
6. If the R&D personnel choose to be partially responsible for the costs, they shall provide the necessary documents for review by the Division before submitting a patent application.
7. R&D personnel who fail to pay for the costs and still refuse to do within 30 days of receiving a payment notice from the Division shall be barred from applying for intellectual property rights registration for a period of three years. Furthermore, the University will suspend any ongoing applications for or maintenance of already registered intellectual property rights associated with said personnel.
8. The University may help cover the difference for R&D personnel who are unable to continue paying for the costs due to retirement, resignation, or death. However, if the revenue associated with the intellectual property rights is insufficient to cover the additional cost, and no other R&D personnel are willing to step in, the University may choose to suspend the ongoing application process for or the maintenance of the associated rights. The Division shall conduct an annual assessment of the acquisition, management, maintenance, utilization, promotion, and transfer of the intellectual property rights for the University's R&D outcomes. Matters involving the disposal or transfer of rights shall be handled by the Committee in accordance with the applicable regulations.

Article 6 Intellectual property rights for the University's R&D outcomes shall be properly managed, maintained, utilized, and promoted to maximize their commercial viability.

The principles for the utilization and promotion of intellectual property rights shall be subject to the *Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation*.

In the event of infringement or unlawful use of the University's intellectual property rights, the Center shall hire a professional consultant who specializes in intellectual property law to handle the matter and shall require the assistance of all NCHU units and R&D personnel.

- Article 7 Unless otherwise stipulated by law or in a contract, after the necessary deductions are made to the sponsoring agency in accordance with the *Government Scientific and Technological Research and Development Results Ownership and Utilization Regulation*, the revenue generated from the management, maintenance, utilization, and promotion of the University's R&D intellectual property rights shall be assigned in accordance with the following ratios:
1. When the costs are covered fully by R&D personnel or third parties with no payments from the University, as described under Article 5, Paragraph 1, Subparagraph 1: R&D personnel—80%, NCHU—20%.
 2. When the costs are covered partially by the University, as described under Article 5, Paragraph 1, Subparagraph 3: R&D personnel—40%, NCHU—60%.
 3. When R&D outcomes are licensed to multiple licensees through nonexclusive agreements, the revenue-sharing structure for the first licensing agreement shall be the same as that described under Paragraph 1 or 2 herein. For each additional licensing agreement, the percentage of revenue assigned to NCHU shall be reduced by 10 percentage points until it reaches 20%, whereas the percentage of revenue assigned to the inventor(s) shall be increased by 10 percentage points until it reaches 80%.
 4. After deducting the fees paid to the professional intellectual property law consultant hired by the Center, any liquidated damages or compensation received due to a breach of contract or infringement of the University's R&D rights shall be wholly assigned to the University (100%).
 5. Unless otherwise provided by law or stipulated in a contract, the revenue-sharing structure described herein shall remain in force even in the event of the R&D personnel's resignation, retirement, or death. If an individual is unable to receive payments themselves, their legal heirs and/or designated beneficiaries may appoint a representative to receive the payments.
- Article 8 Twenty-five percent (25%) of the revenue assigned to the University in accordance with the preceding article shall be allocated to the University Endowment Fund, with 5% allocated to the college with which the principal investigator is associated and 20% to the department (graduate institute). The remaining amount shall be allocated to the Center for development purposes. If the relevant college and department (graduate institute) choose not to or are otherwise not required to share costs, the corresponding percentages shall be included in the University Endowment.
- Article 9 Procedures and forms pertaining to the management and utilization of the University's R&D outcomes shall be formulated separately by the Division in the NCHU *Directives for the Management of Research and Development Outcomes*, which shall be approved by the Committee before implementation.
- Article 10 These Regulations and any amendments made hereto shall be implemented upon review by the Committee and approval by the University Council.