

## Plant Variety Rights Application

This agreement (“Agreement”) outlines how National Chung Hsing University (“Party A”) handles the personal data collected from the attached form.

By checking the box indicating their consent, the applicant (“Party B”) acknowledges that they have read, understood, and accepted the terms set forth herein and any future amendments made thereto. If Party B is under 20 years of age, Party B shall ask their legal representative to sign this Agreement to show that they have read, understood, and accepted the terms set forth herein and any future amendments made thereto before Party B may begin using this service. However, if Party B has already signed this Agreement, Party A shall deem Party B’s legal representative to have provided their consent and agreement to be bound by the following terms:

### I. Collection, revision, and maintenance of personal data

1. Party A shall collect, process, and use Party B’s personal data in accordance with Party A’s *Privacy Policy* and the *Personal Data Protection Act* of the Republic of China.
2. Party B shall provide accurate, complete, and up to date personal data during the application process.
3. Party A needs to collect Party B’s name, nationality, identification number, contact number, address, and email in order to process Party B’s application.
4. Party B shall contact Party A to update their personal data in the event of any changes to ensure that the data on file is accurate, complete, and up to date.
5. Party B acknowledges that the provision of erroneous, false, outdated, incomplete, or misleading information may lead to the forfeiture of certain rights and interests.
6. Pursuant to the *Personal Data Protection Act* of the Republic of China, Party B may exercise the following rights regarding the personal data they have on file with Party A: (1) making a request to review their personal data; (2) requesting a copy of their personal data; (3) supplementing or making corrections to their personal data; (4) requesting the cessation of the collection, processing, and use of their personal data; (5) requesting the erasure of their personal data (Party A may decline requests for data erasure if it must use the data for official purposes).

To exercise the aforementioned rights, Party B may submit a request to the contact person indicated in Party A’s *Privacy Policy*. Party B acknowledges that Party A disclaims any and all liability for damages resulting from Party B’s exercise of the aforementioned rights.

### II. Purpose for personal data collection

1. Party A requires Party B’s personal data in order to process Party B’s **plant variety rights application**.
2. Party A must obtain Party B’s consent in writing before Party A may use Party B’s personal data for a purpose not indicated above. Party B may object to such requests but may lose certain rights and interests as a result of their objection.
3. Party A may use Party B’s personal data for a period of up to 30 years in Taiwan, beginning from the date of signing (the actual data usage period may be adjusted for each application based on actual conditions).

### III. Confidentiality

Party B’s personal data will be protected in accordance with Party A’s *Privacy Policy*. In the event that Party B’s personal data is stolen, leaked, tampered with, or otherwise infringed upon due to Party A’s violation of the *Personal Data Protection Act* or due to a natural disaster, accident, or other force majeure event, Party A shall conduct an investigation and notify Party B of the results through telephone, mail, email, website announcement, or other appropriate means.

### IV. Validity

1. Party B acknowledges that their signature signifies that they have read, understood, and agreed to the terms and conditions stipulated herein, and that Party A may terminate all services and rights provided to Party B at any time if the latter violates any of the terms and conditions stipulated herein.
2. Party A reserves the right to modify the contents of this Agreement at any time via an announcement on its website (webpage) without notice to Party B, who shall stop using the services provided by Party A if they do not accept the modified terms. Party B’s continued use of such services shall constitute their agreement to the modified terms.
3. Any advice or information provided to Party B regarding this Agreement, whether verbally or in writing, does not constitute the terms of this Agreement unless expressly stipulated herein.

### V. Jurisdiction

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The interpretation and applicability of this Agreement and any disputes arising therefrom shall be subject to the law of the Republic of China. Both parties agree to designate the Taiwan Taichung District Court as the court of first instance.

**By checking the box to the left, Party B certifies that they have read and accepted the terms above.**

**Party B's signature:** \_\_\_\_\_ **(Please sign personally.)**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)

\* This document is the property of National Chung Hsing University and shall not be disclosed to unauthorized third parties, reproduced, photocopied, or repurposed for other uses unless with the express permission of the University in writing.

\* Data collected from this form shall be used exclusively for patent application purposes in accordance with the *Patent Act* and for no other purposes. This form shall be kept on file for a period of 30 years and then destroyed. Applicants who wish to review their personal data, request a copy, or make corrections shall contact the University's Academia-Industry Collaboration Center.

\* NCHU\_IPForm1-1 NCHU Faculty and Research Fellow R&D Outcomes Patent Application (effective Aug. 01, 2014)

## NCHU Faculty and Research Fellow R&D Outcomes: Plant Variety Rights Application

Date of application: \_\_\_\_/\_\_\_\_/\_\_\_\_ (MM/DD/YYYY)

1. Name of the plant variety	Chinese			
	English			
2. Plant species	Chinese			
	English			
	Scientific name			
3. Plant variety rights representative	Name		Contact info	Phone: Email:
	Dep./Institute		Job title	
4. Contact person	Name:		Phone: Email:	
5. Rights attribution	<input type="checkbox"/> NCHU <input type="checkbox"/> Shared (Please fill in the organization with which the rights will be shared and the percentages assigned to NCHU and the agency. <b>Please also attach the contract to this application.</b> ) NCHU [_____%], shared with _____ (organization name) [_____%]			
6. Source of R&D outcomes <b>(The principal investigator must be the representative if applicable)</b>	<input type="checkbox"/> NSTC <input type="checkbox"/> MOA <input type="checkbox"/> MoEA <input type="checkbox"/> Other: _____ <input type="checkbox"/> Academia-industry collaboration <input type="checkbox"/> R&D outcomes developed by faculty members in the course of their work (skip the following field)			
	Project number: Project name:		NCHU control number:	
7. Jurisdiction (and reason if application is submitted in a foreign country)	<input type="checkbox"/> Republic of China <input type="checkbox"/> Foreign country/countries: _____ (Please list countries in order of priority) Reason(s) for application: _____ <b>Note: For applications paid for by the applicant or a third party, the cost-sharing structure for domestic and foreign applications shall be the same.</b>			

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\* NCHU\_IPForm2-1 NCHU Faculty and Research Fellow R&D Outcomes Plant Variety Right Application (effective Oct. 2022)

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8. Records of public release	<p>Has the plant variety been <b>publicly marketed or sold</b>?</p> <p><input type="checkbox"/> Yes, release method: _____ Time and place of initial release: _____</p> <p><input type="checkbox"/> No.</p> <p><b>Note:</b> Applications for plant varieties that have been publicly released must satisfy the requirements set forth under Article 12, Paragraph 2 of the <i>Plant Variety and Plant Seed Act</i>: “[N]o plant seeds and no harvested material of such plant [varieties] have been sold or promoted solely by, or with the consent of, the holder of the right to apply for the plant variety right either inside the R.O.C. for longer than one year or outside the R.O.C. for longer than six years in the case of trees or perennial vine plants, or for longer than four years in the case of all other plant species.”</p>
9. Application documents	<p><input type="checkbox"/> Plant variety rights application [Form 1]</p> <p><input type="checkbox"/> Plant variety revenue distribution agreement [Form 2]</p> <p><input type="checkbox"/> Plant variety information sheet [Form 3]</p> <p><input type="checkbox"/> Approved budget list (for government-commissioned projects) or project contract (for academia-industry collaboration projects)</p> <p><input type="checkbox"/> Please email the above documents to <a href="mailto:tlo@nchu.edu.tw">tlo@nchu.edu.tw</a>.</p> <p><input type="checkbox"/> Supplementary documents: _____</p>
10. Submission method	<p><input type="checkbox"/> To be handled by the Academia-Industry Collaboration Center</p> <p><input type="checkbox"/> To be handled by a plant variety rights agency (_____) recommended by the applicant. Agency’s contact: _____ (TEL: _____)</p> <p><input type="checkbox"/> To be submitted by the applicant themselves</p> <p style="color: red;"><b>Note:</b> Applications partially paid for by the University must be handled in accordance with Academia-Industry Collaboration Center protocols.</p>

- ◆ Certification by the plant variety rights representative:
1. I hereby certify that the plant variety named in this application (including the information provided in Forms 1/2/3) was fully and completely developed by me personally or my team under the auspices of National Chung Hsing University as part of my/our research duties, and I agree to bear full legal liability for any infringement of others’ rights arising from any misrepresentation herein.
  2. I certify that all of the developers of the target plant variety have agreed to have the associated rights registered in the name of National Chung Hsing University.
  3. I understand that, in principle, rights for certified plant varieties will be maintained by the University for a period of at least five years.
  4. I agree to bear all costs of a rejected application if the plant variety does not satisfy the novelty requirements due to any misrepresentation under Item 8 (“Records of public release”) herein that is attributable to the plant variety developers or related R&D personnel.
  5. I hereby certify that all of the information provided above is true and correct to the best of my knowledge and that I agree to be bound by the above terms and conditions.

Signature of representative: \_\_\_\_\_ Date of signing: \_\_\_\_\_

Cost-sharing structure	Unit/Personnel	Percentage (✓)	Signature of approval	
	R&D personnel	<input type="checkbox"/> 100% <input type="checkbox"/> 40%		
Department/Institute	<input type="checkbox"/> 8% <input type="checkbox"/> 0%			
College	<input type="checkbox"/> 2% <input type="checkbox"/> 0%			
University	<input type="checkbox"/> 50% <input type="checkbox"/> 52%		AICC	President
	<input type="checkbox"/> 58% <input type="checkbox"/> 60%			
	<input type="checkbox"/> 0%			

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Notes:

1. For plant variety rights shared with third parties, the percentage of costs borne by such parties shall be deducted from the calculation in the table above.
2. Article 5, Paragraph 1, Subparagraph 7 of the NCHU *Regulations for the Management and Utilization of Research and Development Outcomes*: “R&D personnel who fail to pay for [their share of] 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.**”
3. Article 8, Paragraph 2 of the same *Regulations*: “**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 Fund.**”

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\* NCHU\_IPForm2-1 NCHU Faculty and Research Fellow R&D Outcomes Plant Variety Right Application (effective Oct. 2022)

**NCHU Faculty and Research Fellow R&D Outcomes:  
Revenue Distribution Agreement**

I. Name of the plant variety: \_\_\_\_\_

II. Application number: \_\_\_\_\_ (to be filled in by the Patent and Technology Transfer Division)

III. The cost-and-revenue sharing structure for the plant variety rights shall be subject to the National Chung Hsing University (“the University”) *Regulations for the Management and Utilization of Research and Development Outcomes* and the terms and conditions stipulated herein.

1. **Revenue distribution** scheme:

1. For plant variety rights applications **partially paid for by the University:**

After deducting royalties payable to the commissioning agency, the remaining royalty revenue shall be shared between the **University and the applicant in a 60–40 ratio.**

2. For plant variety rights applications **paid for entirely by the applicant or a third-party company:**

After deducting royalties payable to the commissioning agency, the remaining royalty revenue shall be shared between the **University and the applicant in a 20–80 ratio.**

Note 1: Royalties for R&D outcomes derived from a government-commissioned project shall be withheld in accordance with the terms stipulated by the commissioning agency, with the remaining portion of the royalty revenue distributed in accordance with the ratios set forth above.

Note 2: The revenue distribution ratios for colleges, departments, and graduate institutes shall be subject to the University’s *Regulations for the Management and Utilization of Research and Development Outcomes*.

2. If the R&D team consists of two or more researchers, they shall negotiate among themselves to determine the revenue-sharing structure and indicate the revenue distribution ratios in the table below.

Future revenue distribution will be handled in accordance with the table.

No.	R&D personnel	Contribution	Revenue distribution	Remarks
1	(Representative)	%	%	
2		%	%	
3		%	%	
Total		100%	100%	

Note 1: Revenue distribution ratios may be adjusted based on actual conditions of the technology transfer project with the consent of all R&D personnel involved.

Note 2: Pursuant to the University’s *Regulations for the Management and Utilization of Research and Development Outcomes*, costs associated with plant variety rights application and maintenance shall be borne by the representative.

IV. Signatures of all R&D personnel in acknowledgement of the cost-and-revenue sharing structure indicated above:

1. R&D personnel: \_\_\_\_\_ (signature/seal) Date: \_\_\_/\_\_\_/\_\_\_\_ (MM/DD/YYYY)

2. R&D personnel: \_\_\_\_\_ (signature/seal) Date: \_\_\_/\_\_\_/\_\_\_\_ (MM/DD/YYYY)

3. R&D personnel: \_\_\_\_\_ (signature/seal) Date: \_\_\_/\_\_\_/\_\_\_\_ (MM/DD/YYYY)

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## NCHU Faculty and Research Fellow R&D Outcomes: Plant Variety Information Sheet

1. Personal information of the breeder(s) (Affix additional tables if necessary)

Breeder No. \_\_\_\_\_ of \_\_\_\_\_

Chinese name		English name	
National identification number		Nationality	
Affiliation		Job title	
Tel.		Fax.	
Email			
Household registration address			
Mailing address			

[Note] Students with a full-time job and in-service master's program students must obtain written consent from their employer in order to be listed as a breeder.

Breeder No. \_\_\_\_\_ of \_\_\_\_\_

Chinese name		English name	
National identification number		Nationality	
Affiliation		Job title	
Tel.		Fax.	
Email			
Household registration address			
Mailing address			

[Note] Students with a full-time job and in-service master's program students must obtain written consent from their employer in order to be listed as a breeder.

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## 2. Plant variety information

<p>1) Prior research in similar technologies and plant varieties</p>	<p>1. Keyword and database search history:</p> <ul style="list-style-type: none"><li>◆ Keywords used: Chinese: English:</li><li>◆ Databases searched:</li></ul> <p>2. Published literature or existing similar plant varieties:</p>
<p>2) Purpose of the plant variety</p>	
<p>3) Abstract (Chinese) (Describe the properties of the plant variety in clear, concise sentences.)</p>	
<p>4) Abstract (English)</p>	

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## 3. Promotion

<p>1) Applications in the industry (Itemize potential applications and use cases of the plant variety.)</p>	
<p>2) Method of promotion</p>	<p>Please select the most suitable method of promotion based on current technology developments and future development plans:</p> <p><input type="checkbox"/> Plant variety rights licensing</p> <p><input type="checkbox"/> Technology Transfer</p> <p><input type="checkbox"/> Academic-industry collaboration</p> <p><input type="checkbox"/> Other _____</p>
<p>3) Target industries</p>	
<p>4) Recommended requirements for recipient(s) of the plant variety</p>	
<p>5) Potential benefits of the plant variety (Describe the value that it creates.)</p>	
<p>6) Business(es) that can utilize the plant variety</p>	<p>1. Business(es) that can utilize the plant variety Contact person:</p> <p>2. Status of the business(es)</p>
<p>7) Supplementary information</p>	

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