

# **NCCU Rules Governing the Management and Application of Research Development Achievement**

*Approved at 152<sup>nd</sup> school affair meeting on 2009/3/2  
Revisions of Article 10 and 13 approved at 168<sup>th</sup> school affair meeting on 2012/4/21*

- Article 1: NCCU (“the University”) has formulated these rules to effectively manage and put to use achievements derived from research and development (“R&D achievements”).
- Article 2: Any R&D achievements completed by units or personnel of the University during the employment or school period, including the management and application of copyrights, patents, trademarks, trade secrets, and/or other relevant outcomes, shall be handled in accordance with these provisions. These rules are also applicable to students and assistants engaged in the research.
- Article 3: Where an R&D achievement is copyrighted, the economic rights to such R&D achievements shall be enjoyed in accordance with the provisions of Articles 11 and 12 of the Copyright Act. Where an R&D achievement is patented, the right to apply for a patent and the patent right thereof shall be vested in accordance with the provisions of Articles 7 and 8 of the Patent Act. Where an R&D achievement is a trade secret, the right of the trade secret shall be vested in accordance with Article 3, Paragraph 1 of the Provisions Governing Trade Secrets. The rights of other R&D achievements shall be vested in accordance with the provisions of government relevant laws and regulations. Where the aforementioned R&D achievement is completed with the subsidy or commission of units from outside the University, the right shall be vested in accordance with the provisions of the contract.
- Article 4: The R&D achievement shall be properly managed and timely and effectively promoted through technology transfer, licensing, and acquisition. The management and application of the R&D achievement shall be executed by the Office of Research and Development (also referred to, hereinafter, as “the Office of R&D”). An R&D Achievement Assessment Committee shall be formed to review the application of patents, technology transfers, and other R&D achievement applications. The Dean of the Office of R&D is the Chairperson, and the Director of the Innovation Incubator Center, the Chief Director of NCCU Press, the Dean of the Graduate Institute of Intellectual Property and the Dean of the College of Law are the Ex-officio Members. 1~3 technology, patent, and law experts can be recruited from within the University or externally as assessment members in accordance with the application.
- Article 5: Duty of the R&D Achievement Assessment Committee:
1. Deliberate the application and maintenance of patents.
  2. Deliberate the application and extension of trademarks.
  3. Deliberate technology transfers and major R&D achievement applications.
  4. Deliberate cost-sharing and revenue allocation.
  5. Deliberate other R&D achievement protection and usage cases.
- Article 6: Under any of the following circumstances, a Member of the R&D Achievement Assessment Committee shall refrain from exercising his/her own initiative:
1. Where the member is the inventor or creator.
  2. Where the member is the spouse, former spouse, is the consanguinity within the fourth degree or is the affinity within the third degree, or once was.

3. Where the member and the person of the aforementioned two paragraphs has the relation with the patent applicant as a joint obligee.
4. Where the member is or was the statutory representative, the head or a member of the family of the inventor or creator of the patent application to be examined.
5. Where the member has other beneficial relations which will result in bias.

Article 7: The inventor or creator, undertaker, member of R&D Achievement Assessment Committee and the committee affair participants are obligated to the confidentiality of the contents relevant to the meeting. The supplier (including individuals) who applies for transfer or licensing is obligated to confidentiality when handling technology transfers in accordance with these rules. The R&D Achievement Assessment Committee may design a statement of confidentiality or contract template to regulate the contents of the aforementioned two confidentiality obligations.

Article 8: The patent of the R&D achievement shall be applied in the name of the University. The inventor or creator shall cooperate with the undertaker to complete the necessary application document and procedures during the patent application and assessment, and shall assist with responding to his/her invention content in the case of a legal proceeding such as an objection, appeal, administrative process, or judicial process.

Article 9: The cost required for the patent application and maintenance in accordance with these rules shall be allocated based on the following proportions: 10% for the inventor or creator (this proportion shall be divided equally in the case of two or more people), 90% for the University.

Article 10: The revenue obtained from patents, technology transfers and other intellectual property rights attributed to the University shall deduct the necessary expense and then distribute in accordance with the following proportion: 70% for the inventor or creator (if there are more than 2 people, the 70% will be divided between those people), 20% for the University, and 10% for the project execution unit and its subordinate units.  
The aforementioned necessary expense includes: The feedback expense for the funding agency and the expense for patent application, maintenance, and promotion.  
If a patent or technology transfer incentive payment is provided by the funding agency, the proportion distribution is shown as follows, 70% for the creator, 20% for the University, and 10% for the project execution unit and its subordinate units. The incentive payment distributed to the University shall be first applied in the relevant application of R&D achievement management and promotion.  
For patents that are applied for by an individual or not approved by the R&D Achievement Assessment Committee after being rejected, the inventor or creator shall apply with the name of the University on his/her own cost after signing the recognizance, and the Office of R&D will report to the R&D Achievement Assessment Committee.

Article 11: Where the rights and benefits of the R&D achievement are violated or may be violated, the relevant units shall be reported immediately and the University shall provide assistance.

Article 12: Any other matters not covered herein shall be executed according to the relevant provisions of the “Fundamental Science and Technology Act”, “Government Scientific and Technological Research and Development Results Ownership and Utilization Regulations”, and any other applicable laws and regulations, or they may be covered by the rules designed

by the R&D meeting.

Article 13: These rules are put into effect after being approved by the University affair meeting and school fund management board. The same applies to revisions.