

National Taiwan Normal University R&D Results and Technology Transfer Management Regulations

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June 19, 2013 Amendments passed during the 110th General Meeting
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Article 1 These Regulations have been established in accordance with the "Fundamental Science and Technology Act," "Government Scientific and Technological research and development Results Ownership and Utilization Regulations," "Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology," and "Regulations Governing Research Personnel's Concurrent Holding of Jobs and Investments by Contribution of Technology to Start-up Biomedical Companies" to provide effective management of research and development results of faculty members, staff or students of National Taiwan Normal University (NTNU) (hereinafter collectively referred to as "R&D Results"), and thereby protect the interests of NTNU while also providing greater incentives for more beneficent and advanced research.

Article 2 The term "R&D Results" mentioned in this Regulations shall refer to any know-how, publications, technologies and creations developed by faculty members, staff or students using NTNU's resources or during their services under NTNU. Unless otherwise agreed to or specified by law, NTNU shall have ownership over intellectual property rights of all R&D Results. NTNU is entitled to acquire, secure, maintain, and distribute the property rights at its discretion.

If NTNU faculty members, staff, or students wish to declare non-work-related R&D Results, the creator should provide a statement explaining that he or she did not use working hours, NTNU resources, and existing R&D Results of NTNU, which shall be approved and kept for reference according to NTNU's administrative procedures.

Article 3 Filing, statistical management, promotional usage, and allocation of benefits derived from R&D Results are collectively managed by NTNU's Office of Research and Development (hereinafter referred to as the "Office"). R&D Results may not be revealed or handed over to any unauthorized party.

Requests can be raised by various departments of NTNU to make use of this information for teaching, research, or administration purposes.

Article 4 The Office of Research and Development shall establish a Patent and Technology Transfer Committee (hereinafter referred to as the "Committee") to manage NTNU's R&D Results and technology transfer. The Committee shall have 5-7 members, including the Vice President for the Office of Research and Development, Associate Vice President for the Office of Research and Development, Division Head for the Research and Industry Liaison, NTNU faculty representatives, external scholars and off-campus experts, and legal consultants or lawyers. The Vice President of the Office for Research and Development shall serve as the convener of the Committee.

All Committee members are to be appointed by the president to a term of three years that is renewable if reappointed at the end of the term.

The Office may invite external professionals to attend meetings and provide their opinions; attendees shall sign a non-disclosure agreement (NDA).

The Committee has the following responsibilities:

I. Review the patent and technology transfer Regulations.

II. Review the general patent fee sharing ratio and technology transfer income distribution ratio.

III. Review the R&D Results management and termination maintenance and technology transfer process.

IV. Review disputes and special cases.

V. Any other related matters.

Article 5 To apply for the patent, the inventor needs to provide full documentation to the Office and allow the patent to be registered under the ownership of NTNU; meanwhile, the inventor shall participate in signing the relevant documents. If there are two or more inventors, all application documents must be jointly signed by all inventors. In the event that the developed technologies do not pass the Office's review or if applications cannot be submitted due to timing issues, inventors shall proceed to register patents on their own, subject to the acknowledgment of NTNU as its owner.

Application for reimbursement of expenses related to patent application in the preceding paragraph may be submitted to NTNU within two months after obtaining the patent right. After the application is approved by the Committee, expenses will be reimbursed in accordance with Article 6 and budget use principles of NTNU.

Article 6 For technologies that pass the Office's review, all costs associated with the patent application (including the filing fee, costs of the first three defenses or appeals, the certification fee, the first annual fee, patent attorney's service charges, and other patent surcharges payable by law) after deducting subsidies sourced from subsidy-providing institutions shall be shared according to the principles below:

- I. R&D Results of National Science and Technology Council (NSTC) (previously the Ministry of Science and Technology) research projects:
 - (I) Patent application in the R.O.C. and the U.S.: 80% of Patent application expenses is borne by NTNU, and the remaining 20% by the inventor.
 - (II) Patent application in other countries: 70% of Patent application expenses is borne by NTNU, and the remaining 30% by the inventor.
 - (III) Patent registration in the Mainland: 50% of Patent application expenses is borne by NTNU, and the remaining 50% by the inventor.
- II. R&D Results from non-NSTC projects: 50% of Patent application expenses is borne by NTNU, and the remaining 50% by the inventor.
- III. Non-invention patents derived from R&D Results of NSTC Projects in subparagraph 1 and expenses after the first three defenses or appeals will be shared using the ratio for "R&D Results of non-NSTC projects."

NTNU will not subsidize expenses that have already been sponsored by private organizations, for which the inventor has registered patent directly with the registrar. Ownership of intellectual property rights shall be governed by Article 2 of this Regulations. In principle, NTNU subsidizes up to 6 Patent applications per person per year. However, subsidies will be provided for an additional 2 Patent applications if cumulative technology transfer licensing fees amount (excluding preliminary technology licensing amounts from the NSTC) reaches NT\$1.5 million or more (inclusive), or cumulative administrative Industry-Academia Cooperation projects reaches NT\$400,000 or more in the most recent five years. The maximum number of Patent applications subsidized each year is 8.

Article 7 For all NTNU-maintained patents, unless otherwise stipulated by the law, the patent is licensed, the patent is co-owned with a third party, or other special situations, the Office shall convene meetings upon the eight-year expiry to discuss the necessity of continuing to maintain the patent. If patents are to be maintained, the maintenance charges shall be shared according to the ratios in Article 6. Where maintenance is no longer deemed necessary by the Committee, NTNU may forgo renewal and inform the inventor of such decision. If the inventor believes that maintaining the patent is important and is willing to pay for its maintenance, NTNU will sponsor 20% of the maintenance charges (the remaining 80% to be paid by the inventor) to maintain the registration.

The transfer, expiration, and maintenance of patent rights is handled in accordance with the "National Taiwan Normal University R&D Results Transfer Operating Procedures" and "National Taiwan Normal University Patent Expiration and Maintenance Operating

Procedures."

Article 8 Any infringements of the R&D Results shall be collectively handled by NTNU's legal advisors, for which the inventor and all NTNU departments are required to assist in the resolution.

Inventors must exercise caution not to infringe intellectual property rights of others during their development. Inventors will be legally accountable for any infringement of the rights and interests of others, losses or damages caused to others, and the concomitant compensation borne by NTNU for such losses or damages, due to illegal acquisition of patents through means such as plagiarism or imitation or any other means attributable to the inventor. However, NTNU may provide assistance within the scope of laws and decrees. Inventors are responsible for stating defenses for their inventions, which is part of the legal procedures in Patent application.

Article 9 NTNU shall license or transfer its R&D Results on a remunerated and non-exclusive basis. However, the licensing or transfer of R&D Results using other methods that may better meet the purposes of the "Government Scientific and Technological R&D Results Ownership and Utilization Regulations", among other central government regulations, shall not be subject to this restriction. Transfers or licensees of NTNU's technologies shall compensate NTNU in the form of licensing fees, equity from Technology Investment or any other agreed-upon methods. Exclusive licenses may be granted depending on how the technology is used and how the industry may benefit from doing so.

Technology license agreements shall be established on a case-by-case basis between NTNU, the inventor and the licensee based on existing circumstances. The agreements need to cover the following main points:

- I. The basis of the agreement.
- II. The name and specifications of the licensed technology, and the location and duration of licensed uses.
- III. Technology transfer or license fees and royalties.
- IV. Rights and obligations.
- V. Consequences of default.
- VI. Other information deemed necessary.
- VII. An application must first be submitted to the Investment Commission, Ministry of Economic Affairs according to regulations when engaging in investment or technical cooperation in China. However, where the cumulative investment amount is under the limit announced by the competent authority, it may be reported instead.
- VIII. One of the following conditions must be met to license or transfer R&D Results to an overseas subject:
 - (I) There are no domestic subjects with the intention to be licensed or transferred.
 - (II) There are no domestic subjects with the ability to be licensed or transferred.

- (III) It does not affect the competitiveness of domestic companies and domestic technology development.
- (IV) Licensing the R&D Results to overseas subjects will benefit the nation's overall development.

Article 10 Any revenues generated from the technology transfer or licensing of R&D Results, net of returns to subsidizing institutions, shall be distributed in the following manner:

I. Where revenues are received in cash:

- (I) 70% will be allocated to the inventor (including co-inventors and associate inventors), 10% to the inventor's department/institute (unit), 5% to the corresponding college (or equivalent unit), and 15% to the NTNU administration.
- (II) If the R&D Result was published by a university, college, or department-level research center, 70% will be allocated to the inventor (including co-inventors and associate inventors), 15% to the inventor's college (or equivalent unit), department/institute (unit), and research center, and 15% to the NTNU administration.
- (III) Where the R&D results were proposed by a specialized college, it shall be distributed according to the method for specialized colleges:
 - 1. University-level specialized college: 70% will be allocated to the inventor (including co-inventors and associate inventors), 15% to the inventor's university-level specialized college, and 15% to the NTNU administration.
 - 2. College-level specialized college: 70% will be allocated to the inventor (including co-inventors and associate inventors), 10% to the inventor's college-level specialized college, 5% to the inventor's college, and 15% to the NTNU administration.
- (IV) With regard to the percentage distributed to the university in Items 1 to 3, 5% may be provided to the Office of Research and Development for personnel who contributed to technology transfer. The incentive regulations shall be separately established.

II. The above percentages also apply where revenues are received in the form of equity.

III. For other non-monetary and indivisible forms of returns, the inventors and their faculties, departments, and colleges still need to be given proper rewards.

Pursuant to the "Business Tax Act," income from R&D Results due to technology transfer and licensing is subject to 5% business tax. Where the benefits are generated in the form of equity or other non-monetary methods, the business tax payable by the university shall be borne by the inventor. If the inventor resigns, retires or for any reason discontinues services with NTNU, NTNU shall continue to protect the inventor's rightful interests under this Regulations unless otherwise regulated or agreed.

Article 11 In the management and related operations of the implementation of R&D Results and

when undertaking part-time employment while making capital contributions in the form of technology, in accordance with the "Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology" and "Regulations Governing Research Personnel's Concurrent Holding of Jobs and Investments by Contribution of Technology to Start-up Biomedical Companies," the NTNU creator of the R&D Results shall submit the "National Taiwan Normal University R&D Results Conflict of Interest Avoidance Declaration" and "National Taiwan Normal University R&D Results Conflict of Interest Avoidance or Information Disclosure Notification Form" to the Office of Research and Development.

Relevant regulations on conflict of interest avoidance and information disclosure shall be handled in accordance with the "National Taiwan Normal University Avoiding Conflict of Interest When Using R&D Results and Information Disclosure Management Regulations".

- Article 12 Expenses associated with R&D Results shall be paid from the Academic Research Promotion account.
- Article 13 Any matters that are not addressed in the Regulations shall be governed by other NTNU policies deemed relevant.
- Article 14 This Regulations has been passed by the University Endowment Fund Committee, and implemented with the approval of the President. The same applies to all subsequent amendments.