

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

2001.4.11 Passed during the 275th Administrative Council

2002.12.4 Amendments passed during the 287th Administrative Council

2008.12.3 Passed during NTNU's 57th University Endowment Fund Committee

2009.2.6 Acknowledged by the Ministry of Education in Letter Tai-Gao-3-Zi No. 0980018535

2009.12.9 Passed during the 326th Administrative Council

2010.1.27 Passed during NTNU's 66th University Endowment Fund Committee

2013.6.19 Amendments passed during the 110th University Council

2015.2.13 Amendments passed during the 87th University Endowment Fund Committee

2015.6.16 Passed during NTNU's 89th University Endowment Fund Committee

2019.3.22 Passed during NTNU's 107th University Endowment Fund Committee

2021.6.3 Passed during NTNU's 120th University Endowment Fund Committee

2022.1.21 Passed during NTNU's 122nd University Endowment Fund Committee

Article 1. This 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", and "Regulations on Concurrent Employment of Researchers and Capital Contribution in the Form of Technology" 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 experts, and legal consultants or lawyers. The Vice President for the Office of 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 MOST 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 application in China: 50% of Patent application expenses is borne by NTNU, and the remaining 50% by the inventor.
- II. R&D Results of Non-MOST 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 MOST 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-MOST 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 licensing amount (excluding preliminary technology transfer licensing fees amounts from the MOST) reaches NT\$1.5 million or more (inclusive), or cumulative administrative expenses of 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 and termination of the maintenance of patent rights shall be handled in accordance with the "NTNU Procedures for the Transfer of Research and Development Results", the "NTNU Procedures for the Termination of Patent Maintenance", and other relevant laws and regulations.

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.

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 (in which 5% will be allocated to personnel of the Office who contributed to the success of technology transfer).

(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 (in which 5% will be allocated to personnel of the Office who contributed to the success of technology transfer). The business tax and administrative service fees resulting from invoices issued through NTNU shall be paid by the inventor.

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.

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. According to the "Guidelines for Subsidizing Academic Research and Development Results introduced by the Ministry of Science and Technology (MOST) ", Executive Yuan, prizes received from MOST Award for Excellent Technology Transfer or subsidies of similar level are to be distributed to the following parties at the stated percentages:

(I) Inventor: 60%.

(II) School administration: 20%.

(III) Inventor's department: 10%.

(IV) Other contributors to technology transfer: 10% (to be proposed by the Office according to administrative procedures for the President's approval).

Article 12. According to the guidelines of the Ministry of Science and Technology above, amounts received from the MOST Subsidy for Excellent Technology Transfer Center or amounts received by other departments from subsidies of similar level are to be distributed to the following parties at the stated percentages:

(I) Inventor: 40% (to be distributed among inventors based on level of contribution).

(II) School administration: 50% (to be used only for managing and promoting R&D Results).

(III) Other contributors to technology transfer: 10% (to be proposed by the Office according to administrative procedures for the President's approval).

NTNU shall also provide complementary subsidies no lesser than the amounts offered by the award issuer to assist in the operation of a technology licensing center.

Article 13. 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", 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 14. Expenses associated with R&D Results shall be paid from the Academic Research Promotion account.

Article 15. Any matters that are not addressed in the Regulations shall be governed by other NTNU policies deemed relevant.

Article 16. 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.