

Enforcement rules governing the implementation of National Sun Yat-sen University research and development results and technology transfers

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Article 1 The following enforcement rules are based on the “Regulation governing the management of National Sun Yat-sen University research and development results and technology transfers”.

Article 2 The enforcement rules apply to NSYSU personnel and those people who have utilized the resources of the NSYSU or the research and development results created by participants of NSYSU research projects.

The enforcement rules regulate the ownership of such research and development results, their commercial promotion, technology transfer, licensing, and the allocation of revenues from such rights.

Article 3 Ownership of research and development results

1. Research and development results arising from job-related efforts are owned by the NSYSU:

1.1 Results achieved by research and development efforts funded by the NSYSU.

1.2 Results achieved by research and development efforts undertaken by the NSYSU that are subsidized, commissioned, or funded by a government agency.

1.3 Results achieved by research and development efforts undertaken by the NSYSU that are commissioned by outside entities, the contract with which stipulates that the NSYSU is the owner of such results.

1.4 Results achieved by NSYSU personnel utilizing its resources.

2. Research and development results arising from non-job related efforts:
 - 2.1 In order to ascertain that the research and development results achieved by an NSYSU staffer while employed by the NSYSU was achieved without using NSYSU resources or its existing research and development results, the creator of such results shall, at the time of achieving the results, notify Innovation Intellectual Property Division in writing, including, if necessary, the process of such creation.
 - 2.2 Upon receipt of the notification, the Innovation Intellectual Property Division shall request the department of the creator or manager of the unit to assess and determine whether the creator-employee created the creation on company time, using NSYSU resources or its existing research and development results.
 - 2.3 If the determination is that the research and development results are attributed to non-job related efforts, the ownership goes to that staffer.
 - 2.4 If the aforementioned notification has not taken place, the staffer's creation or results while employed by the NSYSU are considered job-related research and development results.
 - 2.5 If the NSYSU has not raised objections to that staffer within six months of receiving the aforementioned notification, the NSYSU may not claim any rights to those research and development results.
3. Exceptions to the ownership of rights: If the research and development results are in the form of books, research reports, articles, or other academic publications, the copyright of which still belongs to the creator, notwithstanding the situations stipulated in the preceding item. However, if the research and development results are subsidized or commissioned by government agencies or outside entities, the ownership of the rights should be handled in accordance with the stipulations in the commission contract.
4. Except for the situation stipulated in the preceding subparagraph, when the research and development results are writings, such as layouts of integrated circuits completed on the job, teaching video materials, or computer programming publications, manuals, or notes, the copyright of such writings belongs to the NSYSU while the moral rights of the copyright belong to the creator.
5. If the NSYSU pays or commissions non-NSYSU personnel to complete works of writing, the Innovation Intellectual Property Division should sign a commission contract with such personnel so that the NSYSU owns the copyright. The contents of the contract should be drafted by the Innovation Intellectual Property Division and approved by the president on a case by case basis.
6. Job-related research and development results that are owned by the NSYSU should be protected and preserved in the name of the NSYSU. They should not be held in the name of the inventor or any other people.

Article 4 The management and utilization of NSYSU research and development results, their licensing, technology transfer, grant, income distribution, commission, trust, litigation, and other related matters are centrally managed by the NSYSU Innovation Intellectual Property Division. The Innovation Intellectual Property Division, in a fair, open, and compensated manner, may license

or technology transfer the research and development results to public schools, public research institutions, state-owned businesses, or legal persons or groups. Under the guidance of promoting science and people's welfare without jeopardizing national interests and security, the Innovation Intellectual Property Division is to ensure that NSYSU's research and development results have been utilized to create the maximum value possible. The methods of compensation may include contract payments, royalties, derivative benefit, technology in exchange for equity stakes, and other prevailing methods in industry.

If the rights income from the NSYSU research and development results is technology in exchange for equity stakes, the income should be distributed to the inventor or creator according to the stipulations in the enforcement rules, and the remainder should go to and be centrally used by the NSYSU without distributing to the inventor's or creator's college, department, research center, or the Office of Global Industry-Academe Collaboration and Advancement (hereinafter referred to as OGIACA). However, when there are derivative benefits such as dividends from shares or bonuses or income from share sales, the revenue should be distributed to the inventor's or creator's college, department, research center, or the OGIACA according to the stipulations of the enforcement rules.

Article 5 The inventor or creator of research and development results should submit their research and development results to the Innovation Intellectual Property Division for assistance in technology promotion. The Innovation Intellectual Property Division evaluates their creativity, applicability, and industrial utilization to help them formulate strategies to promote and protect the research and development results. The Innovation Intellectual Property Division may also take the initiative to recommend itself to help promote the research and development results.

Article 5-1 The NSYSU's rights income from the promotion of research and development results should first be distributed to the funding agency in accordance with the relevant laws and contracts and, with the written permission from the project leader, to Global Research & Industry Alliance (GLORIA) (Foresight Industry Contact Center) in accordance with item 4 of the "Regulation governing the management of revenues and expenditures at the National Sun Yat-sen University for the Execution of Global Research & Industry Alliance (GLORIA) projects at the Ministry of Science and Technology". The remainder should then be allocated according to Articles 6 to 8 and Articles 10 to 11.

The distribution provisions in the preceding paragraph shall be applicable to the technology transfer license contracts signed after the passage of the amendments to the enforcement rules.

Article 5-2 The portion allocated to OGIACA may be used for the following purposes.

1. Patent applications, examinations, certificates, maintenance annual fees, regulatory fees, etc., and related expenses required for the use of research and development results, including consulting fees for lawyers, accountants, and other professionals, expenses for litigation and other dispute settlement mechanisms. The amount of the above expenses shall not exceed 20% of the rights income from research and development results allocated to OGIACA in the previous year and the accumulated residual rights income of OGIACA over the years.

2. Participating in exhibitions, holding forums, inviting domestic and foreign scholars and experts to give lectures on campus, participating in conferences, collaboration research, and experimental guidance and other related expenses. The amount of the above expenses shall not exceed 25% of the rights income from research and development results allocated to OGIACA in the previous year and the accumulated residual rights income of OGIACA over the years.
3. To promote industry-academe collaboration, technology research, technology commercialization or execute related projects, equipment costs, prototype machine testing and miscellaneous costs, etc.; consulting fees, technical service fees, etc. for individual or research group service industries; transportation expenses and travel expenses. The amount of the above expenses shall not exceed 20% of the rights income from research and development results allocated to OGIACA in the previous year and the accumulated residual rights income of OGIACA over the years.
4. For second-generation health insurance, the agency pays supplementary insurance premiums and other related taxes according to laws and regulations. The amount of the above expenses shall not exceed 10% of the rights income from research and development results allocated to OGIACA in the previous year and the accumulated residual rights income of OGIACA over the years.
5. Professional managers, assistants, temporary workers, work-study students, internship allowances, industry-academe promotion rewards or performance bonuses and other expenses. Rewards or performance bonuses for personnel who have contributed to promote industry-academe collaboration are reviewed by OGIACA and signed off by the president. The amount of the above expenses shall not exceed 25% of the rights income from research and development results allocated to OGIACA in the previous year and the accumulated residual rights income of OGIACA over the years.

Article 6 For non-patented NSYSU research and development results, the income from rights and interests from the promotion of research and development results shall first be distributed to the funding agency. The remainder should then be allocated according to the following ratios. The portion for the inventor or creator distribution may be reimbursed based on receipts or claimed with a compiled list. inventor or creator 70%, college, department 7%, OGIACA 3%, the NSYSU 20%.

Article 7 For patented NSYSU research and development results, the income from rights and interests from the promotion of research and development results shall first be distributed to the funding agency. The remainder should then be allocated according to the expense allocation option that the inventor or creator has chosen. The portion for the inventor or creator distribution may be reimbursed based on receipts or claimed with a compiled list.

Option	Inventor or creator patent expenses allocation ratios	Income from rights and interests allocation ratios			
		NSYSU	Inventor or	College,	OGIACA

			creator	department	
A	10%	40%	50%	7%	3%
B	30%	30%	60%	7%	3%
C	50%	20%	70%	7%	3%
D	100%	10%	80%	7%	3%

Article 8 In order to encourage inventors or creators to promote technology licensing, for inventors who conduct technology transfer for the first time (excluding early-stage technology transfers under Ministry of Science and Technology industry-academe collaboration plans), the first installment of the income from rights and interests from research and development results shall first be distributed to the funding agency. The remainder should then be allocated according to the following ratios. The portion for the inventor or creator distribution may be reimbursed based on receipts or claimed with a compiled list.

NSYSU: 5%, inventor or creator: 90%, affiliated college, department: 3.5%, OGIACA: 1.5%.

Article 9 If after evaluation, the Innovation Intellectual Property Division decides not to apply for a patent on behalf of the inventor, the inventor or creator may apply for a patent at his own expense but still appoint the NSYSU as the patentee. After the patent is granted, the inventor may apply to the Technical Review Committee for reimbursement of the expenses based on the patent expenses allocation option of his choosing to return the portion of the patent expenses that the NSYSU would have been allocated to the inventor or creator.

Article 10 NSYSU patents are maintained by the NSYSU for three years (or longer if the first phase of the annual fee covers more than three years, but in all cases never longer than five years). Beginning in the year following the end of NSYSU-paid patent maintenance period, if there is any income from rights and interests, such income should be allocated as follows.

1. If the inventor or creator chooses not to maintain the patent and the patent is maintained by the NSYSU, any income derived from the patent will be transferred to the university endowment fund to be centrally used by the NSYSU.
2. If the inventor or creator pays to maintain the patent, if there are any income derived from the patent, the income from rights and interests from research and development results shall first be distributed to the funding agency. The remainder should then be allocated according to the following ratios. The portion for the inventor or creator distribution may be reimbursed based on receipts or claimed with a compiled list.

The option originally chosen	Inventor or creator patent expenses allocation ratios	Income from rights and interests allocation ratios			
		NSYSU	Inventor or creator	College, department	OGIACA
A	10%	30%	60%	7%	3%

B	30%	20%	70%	7%	3%
C	50%	10%	80%	7%	3%
D	100%	5%	90%	3.5%	1.5%

Article 11 For collaboration research conducted by the NSYSU personnel with institutions, organizations, or individuals outside the NSYSU or commissioned research, the ownership of the research and development results and the allocation of income from rights and interests shall be handled in accordance with the contract terms. The income from rights and interests that the NSYSU is entitled to based on the contract should be handled according to the enforcement rules. The inventor or creator has the obligation to timely inform the Innovation Intellectual Property Division of the occurrence of research and development results and the contents of the contract concerning the allocation of income from rights and interests. The Innovation Intellectual Property Division will carry out the management of the research and development results and the allocation of income from rights and interests.

For patents shared by the NSYSU and other schools or research institutions, any income from rights and interests attributable to the NSYSU shall first be distributed to the funding agency. The remainder should then be allocated according to the following ratios. The portion for the inventor or creator distribution may be reimbursed based on receipts or claimed with a compiled list.

Option	Inventor or creator patent expenses allocation ratios	Income from rights and interests allocation ratios			
		NSYSU	Inventor or creator	College, department	OGIACA
A	10%	40%	50%	7%	3%
B	30%	30%	60%	7%	3%
C	50%	20%	70%	7%	3%
D	100%	10%	80%	7%	3%
E	0%	75%	15%	7%	3%

Article 12 When NSYSU personnel participate in external research projects in a collaborative relationship that utilizes NSYSU resources, the NSYSU personnel should sign a contract with the NSYSU specifying the ownership of research and development results and the allocation of income from rights and interests. The income from rights and interests that the NSYSU is contractually entitled to should be handled in accordance with the enforcement rules, and the resulting research and development results should be submitted to the Innovation Intellectual Property Division for promotion application in order to protect the rights of the NSYSU and the researcher.

Article 13 The NSYSU may openly solicit firms to handle technology transfer for the NSYSU research and development results.

Article 14 The main points of Article 14 technology transfer license contract include:

1. Contract basis, technical names, content, and scope.
2. Provisions on the confidentiality of patent rights and technical information.
3. Research results transfer licensing fee and related derivative benefits.
4. Regulation governing failure to perform the contract or breach of contract.
5. Regulation governing contract validity period, termination, amendment, and renewal.
6. Items required for other cases.

Article 15 The NSYSU Innovation Intellectual Property Division may take steps to learn about the research and development results that have been generated by the use of NSYSU resources. If it learns that the NSYSU research and development results infringe on the rights of others or have been infringed on by others, it may ask the relevant units to deal with them appropriately or deal with them in accordance with the law.

Article 16 When a dispute between NSYSU personnel and the Innovation Intellectual Property Division cannot be resolved by an agreement, the vice president may propose a list of five-person ad hoc group. After the president has approved it, the group may learn about the relevant matters, make specific suggestions, and report to the president for a decision.

Article 17 If NSYSU personnel have created job-related research and development results and if such personnel have accepted commissioned research work on such results without first going through the NSYSU administrative procedure, such an incident may be handled in accordance with Article 15 of the enforcement rules.

Article 18 The Innovation Intellectual Property Division may accept the commission of an outside organization to handle research and development results promotion and specify in a contract the service fee income in order to defray the cost of providing service at the Innovation Intellectual Property Division.

Article 19 The enforcement rules were adopted at a University Executive Council meeting and submitted to the president for approval and implementation. Revisions shall follow the same procedure.