

Regulations on R&D Results and Patent Management of NTUNHS

Proposed by the Research and Development Advisory Committee on Dec. 28, 2011

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Amendments to the Articles of Association approved at the 119th University Assembly

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- Article 1 The National Taipei University Nursing (hereinafter referred to as the University) hereby stipulates the *Regulations on R&D Results and Patent Management of NTUNHS* (hereinafter referred to as the Regulations) in accordance with the *Fundamental Science and Technology Act, Government Scientific and Technological Research and Development Results Ownership and Utilization Act, Patent Act and Enforcement Rules for Patent Act* to strengthen the application and promotion of research and development achievements and ensure the rights and interests in invention and creation of faculties and students.
- Article 2 The patent mentioned herein refers to the patents derived from the research conducted by the faculties and students of the University by using the resources of the University during the payroll period. Except as otherwise specified, the application and maintenance of the patent must be handled as per the *Regulations*.
- Article 3 The patent business undertaker specified herein refers to Industry Cooperation Division, Office of Research and Development that handles the affairs involving in patent management of the faculties and students of the University.
Upon the receipt of the patent application, the undertaker shall, according to the expertise scope of the patent application, make formal examination of the patent requirements of the technology, such as its novelty, practicability, progress and availability for industrial use. Where the patent application is approved after the first examination, the Undertaker shall request the Undertaker to inform the inventor (or creator) to complete the follow-up application.
- Article 4 It's necessary to keep the research achievements managed under the Regulations to protect the and effectively manage, implement and apply the intellectual property rights of the University. The inventor (or creator), Undertaker shall be obliged to keep confidential the contents of invention, utility model and design which they know or hold and fill in "Confidentiality Agreement".
- Article 5 For the filling of the patent case, the inventor (creator) shall fill in the following documents for the application:
1. Patent Application of NTUNHS.
 2. Self-assessment Form for Patent Application of NTUNHS.
 3. Letter of Consent of Self-financing Rate for Patent Application Fees of NTUNHS
 4. Others: fill in the Confidentiality Agreement and Patent Application and Assignment of Patent Rights. In principle, only the patent application fees of domestic patents can be subsidized. Applications for non-domestic patents, maintenance, and subsidies may not be filed in accordance with these Measures until they have been signed and approved.
- Article 6 In case of patent application, the University shall be the patent owner and responsible for processing patent application fees, certificate fees, firm service charges, other patent fees payable according to the laws, and annual patent fees from the first year to the third year.

The University shall pay the following fees for each project, which shall be discussed and announced by the Research and Development Conference.

1. The patent application fees and the annual patent fee for the first to third years after deducting the subsidy from the funding agency.
2. Where the research funds are provided by the fund or private companies, the fund provider shall be solely responsible for applying to the competent authorities of the patent. The fund providers shall notify the University and the University shall not bear relevant costs.
3. All procedural fees in the process of patent application shall be handled in accordance with paragraphs 1 and 2 of this Article.

Article 7 If the patent belongs to the University, the patent undertaker shall submit the patent to the Research and Development Conference to review whether to continue to maintain the patent right three years after obtaining the patent right; expenses shall be paid in accordance with Article 6 if necessary; if the University considers that further maintenance is not necessary, it may waive maintenance or the patent inventor (or creator) may maintain it by himself/herself. The subsequent distribution of rights and interests shall be governed by Article 10.

Article 8 In case of patent infringement, the inventor (or creator) and the University jointly designate patent experts to deal with the infringement, and the units of the University and the inventor (or creator) should do their utmost to assist. Where an infringement is proposed, the patent inventor (or creator) shall provide specific facts, and after the patent undertaker has learned the facts, it may, as necessary, obtain legal authorization or to mediate cessation of the infringement. If the mediation fails, the legal counsel of the University will be employed.

Article 9 The University should take protective measures for all research and development achievements made with the University's resources, whether patented or not, and seek opportunities for technology transfer and commercialization when appropriate. The principles of technology transfer are as follows:

1. Based on the principle of paid authorization.
2. Domestic companies shall be given priority, but foreign companies shall be authorized for projects under the following circumstances:
 - (1) Domestic companies have no intention to take it.
 - (2) Domestic companies are incapable of implementing.
3. In the principle of non-exclusive authorization, the exclusive authorization may be applied for the project under any of the following circumstances:
 1. Avoid unfair competition in the industry and hinder the development of the industry.
 2. Transfer of research and development achievements to products that can be marketed only after long-term government review.
 3. The product for which the technology is transferred requires a huge investment in the continued development of commercial technology.
4. In the case of technology transfer of the patented achievements owned by the University, the other party shall provide the University with royalty, technology stock right or other means mutually agreed upon by both parties.

Article 10 For research and development achievement made with the University's resources and approved by the Research and Development Conference and filed by the University for patent application and maintenance, the royalties arising from the patent authorization or technology transfer shall be distributed according to the following ratios after deducting the maintenance fees and other related expenses, and paying the R&D income and related taxes (value-added and non-value-added business tax) according to the regulations of the funding institution and commissions to the funding institution:

1. Patent invention (or creator): 70%; in case of several inventors (or creators), the equality shall be distributed in a coordinated manner.
2. The University: 30%.
3. If the Research and Development Conference concludes that the patent maintenance should be terminated, the inventor must continue to maintain the patent at full cost. The subsequent derivative benefits shall be distributed 90% to the patent inventor and 10% to the University.
4. If the patent inventor waives bearing the patent maintenance fee by himself/herself, and the Research and Development Conference decides to continue to maintain the patent, all the subsequent derivative benefits shall be owned by the University.

The royalties obtained in sub-paragraphs 1 and 3 of the preceding paragraph may be remitted to the inventor (or creator).

Article 11 Other matters not covered herein shall be handled in accordance with the *Patent Act*,

Enforcement Rules for Patent Act as well as relevant regulations of the University.

Article 12 Upon the approval at the Administrative Meeting, the *Regulations* shall be shall be checked and approved by the President before implementation. The same applies to any amendments.