

# 國立台灣科技大學研發成果管理辦法

## National Taiwan University of Science and Technology

### Regulations Governing Research and Development Results

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#### 第一條 宗旨

#### Article 1 Objectives

為有效管理及運用本校教職員工生之研發成果，鼓勵創新及提昇研究水準，並促進產業發展與社會福祉，依「科學技術基本法」及「政府科學技術研究發展成果歸屬及運用辦法」，特訂定本辦法。

To effectively manage and utilize the research and development (R&D) results of faculty and students of the National Taiwan University of Science

and Technology (NTUST), encourage innovation and upgrade research standards, and promote industrial development and the welfare of society, these Regulations are adopted pursuant to the Fundamental Science and Technology Act and the Government Scientific and Technological Research and Development Results Ownership and Utilization Regulations.

## 第二條 研發成果之歸屬

### Article 2 Ownership of R&D results

本校教職員工生及本校聘請從事研究開發者於職務上或利用本校資源所完成之研發成果，除另有契約規範者外，享有該研發成果之人格權，其智慧財產權歸屬於本校。學術論文及書籍等文字著作之智慧財產權則歸創作人享有。

Unless otherwise stipulated by contract, the moral rights in R&D results achieved by NTUST faculty and students or anyone hired by NTUST to engage in research and development in the course of their duties or utilizing NTUST resources shall be enjoyed by those persons. All other intellectual property rights in the R&D results belong to and are owned by NTUST. Intellectual property rights in literary works such as academic papers and books are enjoyed by the creators.

## 第三條 管理承辦單位

### Article 3 Responsible Unit

一、本校研發成果管理承辦單位為研究發展處技術移轉中心，其業務職掌如下：

1. The Responsible Unit for the R&D results of NTUST is the Technology Transfer Center, Office of Research and Development. It is charged with the following functions:

(一) 研發成果之智慧財產申請、推廣及技術移轉。

(1) Applications for intellectual property in, and promotion and technology transfer of, R&D results.

(二) 校外委託智慧財產與技術移轉管理。

(2) Administration of off-campus outsourcing relating to intellectual property and technology transfer.

(三) 智慧財產諮詢、鑑定、與教育訓練。

(3) Consultation, assessment, and education and training relating to intellectual property.

- (四) 技術交易平台之規劃與管理。
- (4) Planning and administration of the technology transaction platform.
- (五) 研發成果之專利分析與專利佈局。
- (5) Patent analysis and patent portfolio for R&D results.
- (六) 主管機關研發成果專利申請與技術移轉獎補助之申請與分配運用。
- (6) Handling matters before the competent authority in connection with R&D result patent applications, and applications for, and allocation and utilization of, technology transfer incentives and subsidies.
- (七) 與研發成果運用相關之廠商申訴案件處理。
- (7) Handling complaints from domestic firms regarding the utilization of R&D results.
- (八) 有關研發成果之利益衝突案件管理機制之訂定、申報受理、揭露資訊管理、案件提請審查、應迴避案件之處置、重大案件內外部通報。
- (8) Adoption of mechanisms for managing cases of conflicting interests in R&D results, processing of reports, management of information disclosure, submission of cases for review, disposition of recusal cases, and internal and external reporting of major cases.

二、有關管理承辦單位之設置營運與前揭業務之相關辦法另訂定之。

2. Regulations will be separately adopted to govern the establishment and operation of the Responsible Unit and the above-listed functions.

#### 第四條 科技權益委員會

##### Article 4 Technology Rights Committee

一、科技權益委員會由常任委員及臨時委員共同組成，由研發長擔任召集人。常任委員由研發長、管理承辦單位主管、主計主任及其他由校長聘任之校內外技術、專利或法律專家組成。常任委員共七至十一人，任期一年，得連任。臨時委員由召集人視個案情形自相關學院院長及系所教師中聘任之。

1. The Technology Rights Committee is jointly composed of regular members and temporary members. The Dean of R&D serves as the

convener. The regular members comprise the Dean of R&D, the Director of the Responsible Unit, the Accounting Director, and other on-campus or off-campus experts in technology, patents, or law as appointed by the NTUST president. The Committee will have seven to eleven regular members who will serve terms of one year, and may serve consecutive terms. The temporary members will be appointed by the convener from among relevant college deans and department faculty according to the circumstances of individual cases.

二、科技權益委員會之權責範圍包括：

2. The functions of the Technology Rights Committee include the following:

(一) 本校負擔在伍萬元以上之申請案件審查。

(1) Review of application cases for which NTUST will bear a share of NT\$50,000 or more of the expenses.

(二) 對科技權益委員會決議之申覆案件之複審。

(2) Secondary review of appeal cases that the Technology Rights Committee has resolved to take up.

(三) 對創作人自行申請且獲得專利之案件作是否為非職務上或非利用本校資源完成之研發成果之認定。

(3) Determination of whether R&D results were achieved not in the course of duties or not utilizing NTUST resources, in cases in which a creator has autonomously applied for and obtained a patent.

(四) 有關本校研發成果管理運用提案之決議。

(4) Resolutions on proposals concerning the management and utilization of NTUST R&D results.

(五) 智慧財產權捐贈本校案件之審查。

(5) Review of intellectual property donations to NTUST.

(六) 有關研發成果之利益衝突案件之審查。

(6) Review of cases of conflicting interests in R&D results.

(七) 研發成果運用案件之稽核。

(7) Audit of the utilization of R&D results.

三、科技權益委員會之召開至少需有過半數之常任委員出席，決議事項至少需有過半數之出席委員之通過始生效力。

3. The quorum for a meeting of the Technology Rights Committee is

attendance by a majority of the regular members. Resolutions take effect only if passed by a majority of the members in attendance.

#### 第五條 專利審查機制

#### Article 5 Patent Review Mechanism

一、視研發成果所擬申請之國家、專利類別之所有申請相關費用本校之實質負擔金額，其審查權責如下：

1. The authority and responsibility for reviewing applications to be filed for R&D results shall be divided as follows, based on the actual monetary amount to be borne by NTUST out of all the application expenses, and depending on the intended countries for application and the types of patents to be applied for:

(一) 本校不負擔所有申請相關費用者，視為通過審查。

(1) In cases in which NTUST will not bear any share of the application expenses, the case is deemed to have passed review.

(二) 本校負擔不及五萬元者，且創作人資格符合下列原則者，由管理承辦單位受理申請審查。

(2) In cases in which NTUST will bear a share of less than NT\$50,000 and the creator meets one of the following qualifications, the Responsible Unit will process the review of the application.

1. 近五年累計技轉一百萬元或產學一千萬元以上收入，且當年度補助未超過五件專利申請。

(i) The creator has accumulated total revenue of not less than NT\$1 million from technology transfer or NT\$10 million from industry-academia cooperation for the most recent 5 years, and has received subsidies for not more than five patent applications in the current year.

2. 近五年累計技轉五十萬元或產學五百萬元以上收入，且當年度補助未超過三件專利申請。

(ii) The creator has accumulated total revenue of not less than NT\$500,000 from technology transfer or NT\$5 million from industry-academia cooperation for the most recent 5 years, and has received subsidies for not more than three patent applications in the current year.

3. 創作人到職未滿三年或近五年累積技轉三十萬元或產學

三百萬以上收入，且當年度尚未補助專利申請。

(iii) The creator has worked at NTUST for fewer than 3 years or has accumulated total revenue of not less than NT\$300,000 from technology transfer or NT\$3 million from industry-academia cooperation for the most recent 5 years, and has not received subsidy for any patent application in the current year.

4. 創作人到職滿三年且未達上述條件，每件申請案無論國內外專利，均需自行負擔至少百分之五十費用。

(iv) If the creator has worked at NTUST for 3 years or longer and does not meet any of the qualifications above, the creator must bear at least 50% of the application expenses no matter whether it is a domestic or foreign patent application.

(三) 本校負擔在五萬元以上者，且符合前款資格者，由科技權益委員會進行審查。

(3) In cases in which NTUST will bear a share of NT\$50,000 or more and the creator meets one of the qualifications set out in the preceding subparagraph, the Technology Rights Committee will conduct the review.

(四) 不符合本項第二款資格者，創作人得依本項第一款自費提出申請，或自行申請後依第十二條辦理繳回。

(4) When none of the qualifications set out in subparagraph (2) of this paragraph is met, the creator may file the patent application at his or her own expense pursuant to subparagraph (1) of this paragraph, or surrender the patent rights pursuant to Article 12 after having autonomously applied for a patent.

二、研發成果申請專利之審查方式如下：

2. The method for reviewing patent applications for R&D results is as follows:

(一) 應依據創作內容、創作人自行評鑑、前案檢索、以及創作人與管理承辦單位各自委請之校內外相關領域專家若干人之評鑑，視本校實質負擔金額，對研發成果之可專利性及潛在商業價值進行相應嚴格程度之審查。

(1) A commensurately rigorous review shall be conducted of the

patentability and potential commercial value of the R&D results, based on the content of the creation, the creator's own appraisal, the prior art search, and the appraisals of on-campus or off-campus experts in relevant fields engaged respectively by the creator and the Responsible Unit, and taking into consideration the share of the monetary expense actually to be borne by NTUST.

(二) 科技權益委員會得依據發明內容之商業價值、校內相關預算、創作人專利申請紀錄與技術移轉績效、及是否為本校重點發展項目等因素，決定或變更申請相關費用分攤方案及申請國別。

(2) The Technology Rights Committee may decide or amend the ratio for sharing expenses or the countries for application based on factors such as the commercial value of the invention content, NTUST's relevant budget, the creator's patent application record and past performance in technology transfer, and whether it falls within NTUST's key development areas.

(三) 通過審查者即由管理承辦單位簽請辦理申請。不服審查結果者得申覆之。

(3) If the review is passed, the Responsible Unit may submit its proposal to the NTUST authorities to proceed with the application. An applicant who disagrees with the review outcome may appeal.

(四) 依據第四條第二項，審查與申覆施行細節由管理承辦單位另訂定之。

(4) The specifics for the implementation of reviews and appeals will be separately adopted by the Responsible Unit pursuant to Article 4, paragraph 2.

第六條 職務上或利用本校資源完成之研發成果之專利申請程序

Article 6 Patent Application Procedures for R&D Results Achieved in the Course of Duties or Utilizing NTUST Resources

一、由創作人向管理承辦單位揭露申請意願。

1. The creator informs the Responsible Unit of willingness to apply.

二、管理承辦單位協助創作人製作發明內容說明書。創作人得選擇負擔

部分或全部申請相關費用。

2. The Responsible Unit assists the creator to prepare a specification of the invention content. The creator may choose to bear part or all of the application fees.

三、依據前條審查機制進行審查。

3. A review is conducted by the review mechanism set out in the preceding article.

四、通過審查者，由管理承辦單位自行或委託專利事務所辦理申請。

4. If the review is passed, the Responsible Unit proceeds with the application or engages a patent agent office to do so.

五、未獲審查通過或科技權益委員會認定應由創作人負擔部分或全部申請相關費用者，得由創作人以本校名義自費自行申請。創作人應於取得專利權三個月內以書面通知管理承辦單位，本校不歸還專利申請相關費用。

5. If the review is not passed or the Technology Rights Committee determines that the creator must bear part or all of the application fees, the creator may proceed to apply in the name of NTUST at the creator's own expense. The creator, within 3 months from obtaining any patent right, shall notify the Responsible Unit in writing. NTUST will not refund any patent application fees.

第七條 非職務上或非利用本校資源完成之研發成果之專利轉讓程序

Article 7 Patent Transfer Procedures for R&D Results Not Achieved in the Course of Duties Nor Utilizing NTUST Resources

一、由創作人自行申請專利。

1. The creator autonomously applies for patent.

二、創作人應於取得專利權三個月內以書面通知管理承辦單位。

2. The creator, within 3 months from obtaining any patent right, shall notify the Responsible Unit in writing.

三、科技權益委員會認定該專利為職務上或利用本校資源完成之研發成果時，創作人協助管理承辦單位將專利權轉讓予本校，科技權益委員會並應決定該專利之申請相關費用分攤方案。

3. If the Technology Rights Committee determines that the patent is R&D results achieved in the course of duties or utilizing NTUST resources, the creator shall assist the Responsible Unit to transfer the patent rights



to NTUST. The Technology Rights Committee also shall formulate a plan for the apportionment of the application expenses for the patent.

四、科技權益委員會如認定該專利非為職務上或非利用本校資源完成之研發成果時，經創作人同意，管理承辦單位得將該專利有關資訊公布於本校技術交易平台，以便提高技術交易機會。

4. If the Technology Rights Committee determines that the patent is R&D results not achieved in the course of duties nor utilizing NTUST resources, the Responsible Unit may, subject to the consent of the creator, post information about the patent on the NTUST technology transaction platform to increase opportunities for technology transactions.

#### 第八條 專利權之維護

##### Article 8 Patent Right Maintenance

管理承辦單位對於本校專利應於取得專利權三年後逐年召集科技權益委員會審查，檢討繼續維護之必要性。如決定無繼續維護必要，本校得停止維護並應通知創作人，如創作人願意自費維護者，創作人對該專利之費用分攤比例應視為 100%。

For NTUST patents, the Responsible Unit, 3 years after the obtainment of any patent right, shall convene the Technology Rights Committee on a yearly basis to review the necessity of continuing to maintain the patent rights. If it is decided that it is unnecessary to continue maintaining the right, NTUST may suspend maintenance of the right and notify the creator. If the creator is willing to maintain the right at the creator's own expense, the portion of the expenses for that patent to be borne by creator shall be deemed 100%.

#### 第九條 創作人對相關研發成果所負之義務

##### Article 9 Obligations of the Creator in Connection with R&D Results

一、創作人對研發成果之專利申請、答辯、訴願、行政、司法訴訟、等相關行政或法律程序應負誠實揭露與充分配合之義務。

1. The creator shall be obligated to disclose in good faith and to fully cooperate in any administrative or legal procedure relating to R&D results including any patent application, defense, administrative appeal, or administrative or judicial litigation.

二、創作人應協助該研發成果與專利權之推廣應用。

2. The creator shall assist in the promotion and utilization of the R&D results and patent rights.  
三、創作人利用不合法手段獲得相關權利者，應就侵害他人權益負一切責任。
3. If the creator has obtained any right by any unlawful means, the creator shall be solely liable for any injury to the rights or interest of any other person.  
四、創作人如變更居住地址及聯絡方式，應主動聯絡管理承辦單位。
4. The creator shall take the initiative to notify the Responsible Unit of any change in residential address or contact information.  
五、創作人應於研發成果公開日後二個月內向管理承辦單位揭露申請，逾期管理承辦單位得拒絕承辦。
5. Within 2 months from the date the R&D results are published, the creator shall disclose them to the Responsible Unit for application; if this deadline is exceeded, the Responsible Unit may refuse to take on the case.  
六、創作人違反第一項、第四項之義務致損本校權益或致相關費用產生時，該損失與費用應由創作人負擔。
6. If the creator breaches the obligation in paragraph 1 or 4 herein, resulting in any injury to the rights or interests of NTUST, or resulting in any cost being incurred, the creator shall be liable for such loss or cost.  
七、創作人如有自行負擔部分而拒不繳付或有第四項之情事而由本校負擔全額者，除管理承辦單位應予追討外，其權益分配視為本校負擔100%。
7. If the creator is liable to bear any portion of the expense and refuses to pay, or a circumstance occurs under paragraph 4 herein such that NTUST bears the entire expense, the Responsible Unit shall pursue collection of the payment from the creator, and NTUST shall be deemed to have borne 100% of the expense for purposes of the allocation of proceeds.  
八、創作人於本條義務之配合情形得由管理承辦單位納入創作人之申請紀錄，作為爾後科技權益委員會審查依據之一。
8. The creator's cooperation in performing the obligations under this article may be incorporated by the Responsible Unit into the creator's

application record, to serve as a reference basis in subsequent reviews by the Technology Rights Committee.

九、管理承辦單位經創作人同意、或創作人對本條義務之配合情形不良、或有其他原因顯無意義或無法繼續者，得簽請中止相關行政或法律程序。

9. With the consent of the creator, or if the creator fails to soundly cooperate in the obligations under this article, or if for some other reason it is obviously meaningless or impossible to continue with relevant administrative or legal proceedings, the Responsible Unit may submit a proposal to the NTUST authorities to terminate such proceedings.

#### 第十條 研發成果技術移轉之原則

#### Article 10 Principles for Technology Transfer of R&D Results

一、以有償移轉為原則。

1. Transfers shall in principle be non-gratuitous.

二、以國內廠商為優先，但有下列情況者，得專案移轉國外廠商：

2. Domestic firms shall have priority, provided that transfers to foreign firms may be permitted on a special-case basis under the following circumstances:

(一) 國內廠商無實施意願。

(1) Domestic firms are unwilling to put the R&D results into practice.

(二) 國內廠商實施能力不足。

(2) Domestic firms lack adequate ability to put the R&D results into practice.

三、以非專屬授權為原則，但有下列情事之一者，得專案申請專屬授權或讓與：

3. Licensing shall in principle be non-exclusive, provided that permission for exclusive licensing or assignment may be applied for on a special-case basis under any of the following circumstances:

(一) 為避免業界不公平競爭致妨礙產業發展者。

(1) For purposes of avoiding unfair competition in the industry that would impede development of the industry.

(二) 研究成果之移轉為須經政府長期審核始能上市之產品。

(2) Where the research results are transferred for products that will require long-term review and approval by the government

before they can go on the market.

(三) 技轉之商品須投入鉅額資金繼續開發商品化技術者。

(3) Where the research results are transferred for products that will require huge financial investment in the continued development of commercialized technology.

(四) 非屬前三款情形，但經管理承辦單位提請科技權益委員會決議通過者。

(4) Where absent the circumstances under the preceding three subparagraphs, but where the Responsible Unit has submitted a proposal to the Technology Rights Committee and the proposal is passed by a resolution of the Committee.

#### 第十一條 研發成果之運用

#### Article 11 Utilization of R&D Results

一、管理承辦單位得依個案性質以授權、讓與、共同開發、技術投資等方式運用本校之研發成果。

1. The Responsible Unit may utilize NTUST R&D results by methods including licensing, assignment, joint development, or technology investment, according to the nature of the individual case.

二、創作人與管理承辦單位皆應對本校之研發成果採取保護措施，並依第十條原則尋求技術移轉及商品化之機會。

2. The creator and the Responsible Unit both shall take measures to protect NTUST R&D results, and shall seek opportunities for technology transfer and commercialization in accordance with the principles in Article 10.

三、本校研發成果運用前，管理承辦單位得就個案性質及技術領域，邀集校內外專家學者二至三人組成計價審查小組，共同決定研發成果運用方式及計價原則，作為管理承辦單位與合作及移轉對象洽約之依據。簽約前，管理承辦單位應簽請核定合約內容。

3. Before NTUST R&D results are utilized, the Responsible Unit may, according to the nature of the individual case and the technical field involved, invite two to three on-campus or off-campus experts to form an Evaluation Team, to jointly determine the utilization method and pricing principles for the R&D results, to provide a basis for contract negotiations between the Responsible Unit and

counterparties for cooperation or transfer. Before signing a contract, the Responsible Unit shall submit a proposal to the NTUST authorities for approval of the contract content.

四、簽約作業完成後，管理承辦單位應依約進行收付款、進度、續約等履約管理，如發現契約關係人有未依約履行事項者應善盡提醒之責。如履約時因情勢變更，契約內容有增刪變更之必要時，經協議後得以「附帶協議書」進行合約變更。

4. After contract signing procedures have been completed, the Responsible Unit shall perform and administer matters related to the performance of the contract stipulations such as collection and payment, progress schedule, and contract renewal. If it discovers any failure to perform any contract stipulation by any party of, or related to, the contract, it shall conscientiously fulfill its duty to remind the party to perform. If during the performance of the contract, because of any change in circumstances, there is any need to add to, delete, or amend any contract content, then after negotiation, the contract may be amended by means of a supplementary agreement.

五、管理承辦單位在進行履約提醒或提出合約變更協議無效後，應向校方提出違約處理方式之建議。

5. After the Responsible Unit has given the reminder to perform or proposed an amendment agreement but the reminder or proposal have been ineffective, it shall propose to the NTUST authorities a method for handling the breach of agreement.

## 第十二條 專利權之自動繳回

### Article 12 Voluntary Surrender of Patent Rights

#### 一、自動繳回義務

本校教職員工生及本校聘請從事研究開發者於職務上或利用本校資源完成之研發成果，如自行申請並已取得專利權者，應以書面通知管理承辦單位申請將專利權轉讓予本校。

#### 1. Obligation of voluntary surrender

If any NTUST faculty or student or anyone hired by NTUST to engage in research and development has applied for and obtained any patent right for any R&D results achieved in the course of their duties or utilizing NTUST resources, they shall notify the Responsible Unit in writing to apply for transfer of the patent rights

to NTUST.

二、創作人自行申請並已取得專利權者，應於取得專利權三個月內辦理專利權自動繳回。

2. A creator who has autonomously applied for a patent and obtained the patent rights shall voluntarily surrender the patent rights within 3 months from obtaining the patent rights.

三、管理承辦單位得基於所欲繳回專利權之剩餘期限過短、顯無技術移轉機會、或其他不利本校之因素簽請拒絕接受自動繳回。

3. The Responsible Unit may submit a proposal to the NTUST authorities to refuse to accept the voluntary surrender based on factors such as that the remaining duration of the patent rights to be surrendered is too short, that there is obviously no opportunity for technology transfer, or other factors adverse to NTUST.

四、專利權之追討繳回

4. Pursued surrender of patent rights

本校教職員工生及本校聘請從事研究開發者於職務上或利用本校資源完成之研發成果，如未依第六條及第七條規定而自行申請獲得專利權，且未依前項規定辦理專利權自動繳回者，管理承辦單位得主動追討要求創作人繳回專利權，創作人並應負擔追討相關費用。

If any NTUST faculty or student or anyone hired by NTUST to engage in research and development has applied for and obtained, other than pursuant to Article 6 or 7, any patent right for any R&D results achieved in the course of their duties or utilizing NTUST resources, and has not carried out voluntary surrender of the patent rights pursuant to the preceding paragraph, the Responsible Unit may take the initiative to pursue the surrender of the patent rights by the creator, and the creator shall be liable for any expenses incurred in such pursuit.

第十三條 專利費用分攤及研發成果收益分配

Article 13 Apportionment of Patent Fees and Allocation of R&D Result Proceeds

一、本條所稱之專利費用包含事務所服務費、專利申請、領證、年費及其他依法令應繳納之專利規費等申請及維護相關費用。

1. "Patent fees" in this article means patent agent office fees, patent

application fees, issue fees, patent annuities, and any other patent fees payable under applicable laws and regulations.

二、本條所稱之研發成果收益，係指因本校研發成果（包含專門知識、技術、以及專利）之授權、讓與所得，包括但不限於簽約金、授權金、權利金、衍生利益金、回饋金、以及股份等。

2. "R&D result proceeds" in this article means income resulting from the licensing or assignment of any NTUST R&D results (including know-how, technology, and patents), including but not limited to signing fees, license fees, rights fees, royalties, rebates, and shares.

三、依第六條及第七條規定程序申請所獲之專利，其研發成果收益於扣除專利申請及其他相關費用、以及回饋資助機關或分配合作機關部分後，應依下表比例分配：

3. R&D result proceeds from patents obtained through applications under the procedures set out in Article 6 or 7 shall be allocated in the percentages set out below, after deducting the patent application fees and other applicable fees and paying rebates to supporting institutions or making allocations to cooperating institutions:

方案	創作人分攤專利費用比例	校方分配收益至少	系所與其他單位分配收益合計至少	創作人分配收益至多
A	20%	25%	5%	70%
B	50%	20%	5%	75%
C	100%	15%	5%	80%

Plan	Percentage of patent fees borne by the creator	Minimum allocation of proceeds to NTUST	Minimum aggregate allocation of proceeds to the department and other units	Maximum allocation of proceeds to the creator
A	20%	25%	5%	70%

B	50%	20%	5%	75%
C	100%	15%	5%	80%

本辦法實施前校方補助 100% 及 90% 者適用舊制。

The old system shall apply if a 100% or 90% subsidy has been granted from NTUST before these Regulations have been implemented.

四、依第六條及第七條規定程序申請所獲之專利，如申請過程中專利費用分攤比例方案有變更，其研發成果收益，依創作人負擔總額及校方投資總額換算費用分攤比例後，應依下表比例分配：

4. As to patents obtained through applications under the procedures set out in Article 6 or 7, if there has been a change to the patent fee apportionment plan in the process of patent application, the R&D result proceeds from the patents shall be allocated in the percentages set out below, after calculating the percentage of the patent fees borne by the creator based on the total amount borne by the creator and the total amount invested by NTUST:

方案	創作人分攤專利費用比例	校方分配收益至少	系所與其他單位分配收益合計至少	創作人分配收益至多
A	1%~20%	25%	5%	70%
B	21%~50%	20%	5%	75%
C	51%~100%	15%	5%	80%

Plan	Percentage of patent fees borne by the creator	Minimum allocation of proceeds to NTUST	Minimum aggregate allocation of proceeds to the department and other units	Maximum allocation of proceeds to the creator
A	1%~20%	25%	5%	70%



B	21%~50%	20%	5%	75%
C	51%~100%	15%	5%	80%

五、非專利之研發成果收益，於扣除相關費用、以及回饋資助機關或分配合作機關部分後，應依校方至少 15%、系所與其他單位合計至少 5%、創作人至多 80% 之比例分配。

5. R&D result proceeds not from patents shall be allocated in a minimum of 15% to NTUST, a minimum of 5% to the department and other units, and a maximum of 80% to the creator, after deducting the applicable fees and paying rebates to supporting institutions or making allocations to cooperating institutions.

六、專利繳回之收益分配

6. Allocation of Proceeds for Surrender of Patent Rights

(一) 自動繳回之收益分配

(1) Allocation of Proceeds for Voluntary Surrender

依第十三條第二項規定辦理自動繳回之專利，其研發成果收益應依校方至少 15%、系所與其他單位合計至少 5%、創作人至多 80% 之比例分配，本校不歸還任何專利申請相關費用與繳回前之維護相關費用。

Proceeds for R&D results in the form of patents that are voluntarily surrendered under Article 13, paragraph 2 shall be allocated in a minimum of 15% to NTUST, a minimum of 5% to the department and other units, and a maximum of 80% to the creator. NTUST will not return any patent application fees nor any maintenance fees from prior to the surrender.

(二) 追討繳回之收益分配

(2) Allocation of Proceeds for Pursued Surrender

依第十三條第四項向創作人追討繳回之專利，其研發成果收益應依校方 50%、創作人 50% 之比例分配，且本校不歸還任何專利申請相關費用與繳回前之維護相關費用。

Proceeds for R&D results in the form of patents the surrender of which is pursued from the creator under Article 13, paragraph 4 shall be allocated in the percentages of 50% to NTUST and 50% to the creator, and NTUST will not return any

patent application fees nor any maintenance fees from prior to the surrender.

七、依第十二條繳回之專利，如屬主管機關補助所產出者，管理承辦單位應予以歸列登錄。自動繳回者如符合主管機關之專利獎勵者，管理承辦單位應協助創作人申請及取得該獎勵。

7. If a patent surrendered under Article 12 was created with subsidization from a competent authority, the Responsible Unit shall make an entry of the surrender in the record-keeping system of that competent authority. If the patent was voluntarily surrendered and meets the conditions for patent incentives by the competent authority, the Responsible Unit shall assist the creator to apply for and obtain those incentives.

八、創作人不只一人者應事先以書面約定收益分配比例，未事先約定者，得於收益產生後以書面協議補訂定之，以為本校分配收益之依據。

8. If there is more than one creator, the creators shall stipulate in writing in advance the percentage allocation of the proceeds. If they have not stipulated it in advance, they may negotiate and stipulate it in writing after the proceeds occur. NTUST will refer to this written stipulation when allocating proceeds.

九、研發成果收益分配屬創作人部分，創作人得選擇全部或部分留存於本人之計畫結餘款專戶，其運用應依本校「專題計畫結餘款分配及使用辦法」辦理。

9. Of the portion of R&D result proceeds that are allocated to the creator, the creator may choose to leave all or a part in the creator's project funding balance account, the utilization of which shall be subject to the NTUST Regulations Governing the Allocation and Utilization of Project Funding Balances.

十、經科權會審查通過贈與本校之智慧財產權，其讓與及維護之相關費用由本校負擔，收益亦歸本校所有，如有特殊情形，得由管理承辦單位另案簽核。

10. For intellectual property donated to NTUST after having passed the review of the Technology Rights Committee, the expenses relating to the assignment and maintenance of such intellectual property will be

borne by NTUST, and the proceeds from the intellectual property will also belong to NTUST. In cases involving special circumstances, the Responsible Unit may review and approve the case separately.

十一、本校學生專有之智慧財產讓與本校，除準用第六條規定申請專利者外，如經本校推廣運用獲有收益，應依校方 7.5%、系所 2.5%、創作人 90% 之比例分配。

11. For intellectual property assigned to NTUST by the NTUST student or students who exclusively own the intellectual property, **with the exception** of patents applied for under the mutatis mutandis application of Article 6, the proceeds, if any, from the NTUST's promotion and utilization of the intellectual property shall be allocated in the percentages of 7.5% to NTUST, 2.5% to the department, and 90% to the creator.

第十四條 收取事業股份之原則

Article 14 Principles for Accepting Shares in Enterprises

研發成果收益如涉及以事業股份為對價者，其收取原則如下：

If the R&D result proceeds involve any consideration in the form of shares in an enterprise, the following principles shall apply to accepting those shares:

(一) 如該研發成果收益本校有回饋資助機關或分配其他機關義務者，該部分收益應以現金方式為之。

(1) If, for those R&D result proceeds, NTUST has any obligation to pay rebates to supporting institutions or make allocations to cooperating institutions, that portion of the proceeds shall be handled by means of cash.

(二) 如涉及衍生利益金者，該衍生利益金應以現金方式為之。

(2) If royalties are involved, the royalties shall be handled by means of cash.

(三) 股數之計算，屬公開發行者，股份價值依其過去六個月之平均市價計算；屬非公開發行者，股份價值依面額計算，惟該事業淨值低於面額時則依淨值計算。

(3) In calculating the number of shares, for publicly issued shares, the value of the shares shall be calculated by the average market value of the shares over the preceding 6 months; for shares that

have not been publicly issued, the value of the shares shall be calculated by par value, provided that if the net worth of the enterprise is lower than that represented by the par value, the value of the shares shall be calculated by the enterprise's net worth.

(四) 其他例外情形，應提請本校科技權益委員會決議通過。

(4) Any exceptions to the above shall be submitted to the NTUST Technology Rights Committee for passage of a resolution.

第十五條 事業股份之處理

Article 15 Handling of Shares in Enterprises

本校所有之事業股份，應依據本校「校務基金自籌收支管理辦法」處理。

All shares held by NTUST in any enterprise shall be handled in accordance with NTUST's Regulations Governing the Self-Administration of Income and Expenditures of the Endowment Fund.

第十六條 研發成果運用之利益迴避

Article 16 Recusal for Conflict of Interest in Utilization of R&D Results

一、為保護本校師生並公平、公正、公開之運用研發成果，本校研發成果之創作人、涉及研發成果管理或運用之人員(以下稱當事人)，於參與或辦理研發成果管理或運用時，如其作為或不作為將直接或間接使本人或其關係人獲取財產或非財產之利益者(以下稱利益衝突情形)，應依本辦法相關規定辦理。

1. To protect the interests of NTUST students and faculty and ensure the fair, just, and open utilization of R&D results, the relevant provisions of these Regulations shall govern if any act or omission of a creator of NTUST R&D results or a person involved in the management or utilization of R&D results (below, the "party"), when participating in or handling the management or utilization of the R&D results, will directly or indirectly cause the party or any related party thereof to gain any pecuniary or non-pecuniary benefit (below, "conflict of interest").

二、本條所稱關係人係指：

2. "Related party" in this article means any of the following:

(一) 當事人之配偶或共同生活之家屬。

(1) The spouse of the party or any family member living together with the party.

(二) 當事人之二親等以內親屬。

(2) Relatives within the second degree of kinship to the party.

(三) 當事人或其配偶信託財產之受託人。

(3) A trustee of trust property of the party or his/her spouse.

(四) 當事人、第一款及第二款所列人員擔任負責人、董事、監察人、或經理人之營利事業。但當事人擔任前述職務係經政府或本校指派時，應依其他法令規定辦理。

(4) A profit-seeking enterprise in which the party or a person set out in subparagraph (1) or (2) acts as a responsible person, director, supervisor, or managerial officer. However, if the party is appointed by the government or NTUST to hold any of the foregoing posts, other applicable laws or regulations shall govern.

三、本條所稱財產上利益係指：

3. "Pecuniary benefits" in this article means any of the following:

(一) 動產、不動產。

(1) Personal property or real property.

(二) 現金、存款、外幣及有價證券。

(2) Cash, deposits, foreign currency, or securities.

(三) 債權或其他財產上權利。

(3) Creditor's rights or other property rights.

(四) 其他具有經濟價值或得以金錢交易取得之利益。

(4) Other benefits that have economic value or can be obtained through monetary transactions.

四、非財產上利益，指當事人或其關係人於本校、或運用本校研發成果之營利事業之任用、陞遷、調動、或其他人事措施。

4. Non-pecuniary benefits means any appointment, promotion, transfer, or other personnel measure for the party or a related party at NTUST or a profit-seeking enterprise utilizing NTUST R&D results.

第十七條 揭露與迴避義務

## Article 17 Duty of Disclosure and Recusal

一、當事人參與或辦理研發成果管理及運用時，應聲明無涉利益衝突情形。聲明之內容與方式，由管理承辦單位另訂定之。

1. When a party participates in or handles the management or utilization of the R&D results, the party shall declare that there is no conflict of interest. The rules governing the content of the declaration and how the declaration shall be made will be separately adopted by the Responsible Unit.

二、當事人遇有利益衝突情形時，應採下列方式辦理：

2. The following provisions shall apply when a party encounters any conflict of interest:

(一) 當事人或其關係人自行迴避；

(1) The party or the related party shall automatically recuse him/her/itself.

(二) 當事人或其關係人未迴避者，當事人應主動揭露相關資訊，經本校認定無迴避必要者，方得繼續參與或辦理；

(2) If the party or the related party does not recuse him/her/itself, the party shall disclose relevant information on his/her own initiative, and may not continue to participate or handle until NTUST determines that recusal is unnecessary.

(三) 經本校認定有迴避必要者，當事人或其關係人應即行迴避。

(3) If NTUST determines that recusal is necessary, the party or the related party shall then immediately recuse him/her/itself.

## 第十八條 揭露資訊處理

## Article 18 Handling of Information Disclosures

一、當事人應確保其揭露資訊之完整性及正確性，揭露之內容與方式，由管理承辦單位另訂定之。

1. The party shall ensure the integrity and accuracy of the information he or she discloses; the rules governing the content of the disclosure and how the disclosure shall be made will be separately adopted by the Responsible Unit.

二、當事人揭露之資訊，除法定應公開事項或應陳報主管機關或補助、委託、出資機關外，均屬機密不得公開。管理承辦單位應依個人資料保護法、營業秘密法與其他相關法令規定負責集中管

理。

2. Except for matters required to be made public by law or to be filed with the competent authority or a subsidizing, commissioning, or contributing agency, all information disclosed by the party is confidential and may not be made public. The Responsible Unit shall be responsible for centralized management of the information pursuant to the Personal Information Protection Act, the Trade Secrets Act, and other applicable laws and regulations.

第十九條 迴避之審查與申復

Article 19 Review and Appeal of Recusal

一、管理承辦單位應將當事人揭露資訊提請科技權益委員會審查。科技權益委員會得邀請當事人、關係人、相關學者專家、法律專業人士列席，並應將事實與認定理由載明於記錄。

1. The Responsible Unit shall submit the information disclosed by the party to the Technology Rights Committee for review. The Technology Rights Committee may invite the party, related parties, scholars, experts, or legal professionals to sit in at the meetings, and shall specify in the record the facts and reasons for the Committee's determination.

二、經科技權益委員會審查認定有迴避必要者，管理承辦單位應將審查結果簽請校長核定後通知當事人迴避。

2. If the Technology Rights Committee determines that recusal is necessary, the Responsible Unit shall submit the review results to the NTUST president for final approval, and then notify the party to recuse him/herself.

三、當事人不服科技權益委員會審查結果得提出書面答辯申復。

3. If the party disagrees with the review results of the Technology Rights Committee, the party may appeal by filing a written defense.

第二十條 檢舉處理及通報

Article 20 Handling and Reporting of Complaints

一、第三人提出檢舉有涉及利益衝突具體事證者，管理承辦單位應簽請校長核定立案後，通知被檢舉人提出書面答辯，準用前條規定提請科技權益委員會審查。

1. If a third party makes a complaint with concrete evidence pointing to the alleged conflict of interest, the Responsible Unit shall submit the complaint to the NTUST president for approval of the filing of the case, and then notify the respondent to file a written defense. The Responsible Unit shall submit the complaint and defense to the Technology Rights Committee for review with *mutatis mutandis* application of the preceding article.
- 二、前項涉及利益衝突情形經科技權益委員會認定確已發生且情節重大者，管理承辦單位應簽請校長核定後，通報主管機關、以及研發成果之補助、委託、出資機關。
2. If the Technology Rights Committee determines that the alleged conflict of interest under the preceding paragraph has indeed existed and the circumstances are serious, the Responsible Unit shall submit the decision to the NTUST president for final approval, and then report the case to the competent authority, as well as the subsidizing, commissioning, or contributing agency of the R&D results.

#### 第二十一條 教育訓練

#### Article 21 Education and Training

管理承辦單位每年至少應辦理一次利益衝突迴避相關教育訓練，宣導利益衝突案件之相關規定，避免當事人誤蹈政府相關法令。The Responsible Unit shall conduct education and training sessions on recusal due to conflicts of interest at least once a year to promote the awareness of the rules governing conflict-of-interest cases, with a view toward preventing parties from unwittingly violating government laws and regulations.

#### 第二十二條 內部控制

#### Article 22 Internal Control

管理承辦單位應定期或應科技權益委員會之要求，提供本校研發成果管理、運用、或利益衝突之案件處理情形，接受科技權益委員會之稽核。

The Responsible Unit shall, regularly or at the Technology Rights Committee's request, provide the status of the management or utilization of the NTUST R&D results or the status of



conflict-of-interest cases for audit by the Technology Rights  
Committee.

第二十三條 本辦法經行政會議通過後實施，修正時亦同。

Article 23 These Regulations, and any amendments hereto, will be implemented following passage by the Administrative Board Meeting.