

Regulations on the Ownership, Management, and Utilization of Research and Development Results from Taipei Medical University and its Subsidiary Bodies

Passed by the school council (7/11/2001)
Passed by the university board (3/1/2002)
Amended by the school council (1/7/2004)
Amended by the university board (10/18/2004)
Amended by the school council (5/20/2009)
Amended by the university board (6/16/2009)
Amended by the school council (12/21/2011)
Amended by the university board (1/10/2012)
Amended by the school council (5/22/2013)
Amended by the university board (6/25/2013)
Amended by the school council (9/30/2015)
Amended by the university board (10/21/2015)
Amended by the school council (5/29/2019)
Amended by the university board (10/29/2019)

All twelve articles amended in accordance with TMUS Memo 1060001599 (11/11/2019)

Article 1 Objective

Regulations on the Ownership, Management, and Utilization of Research and Development Results from Taipei Medical University and its Subsidiary Bodies (hereinafter referred to as “these Regulations”) are prescribed for the purpose of safeguarding and promoting the use of research and development results from the University and its subsidiary bodies, as well as to encourage innovation and raising research standards.

Article 2 Terms and definitions

The terms used in these Regulations are defined as follows.

1. *Result and development results*: results that were obtained through research and development by personnel in this University or its subsidiary bodies. This definition also covers patent rights, rights to apply, copyrights, trademarks, rights to integrate circuit configurations, trade secrets, or other intellectual property rights stemming from these results.
2. *Inventor or creator*: Any personnel of the University or its subsidiary bodies that generated the research and development results using the resources of or by participating in a research program of the University or its subsidiary bodies.
3. *Revenue from the research and development results*: any signing fees, licensing fees, royalties, prize money, derived interests, shares, industry–academia collaboration and incubation rewards, and other equity resulting from the management and use of the research and development results.
4. *Expenditures relating to the research and development results*: Expenditures resulting from the management and use of the research and development results.
5. *Subsidiary bodies*: Any subsidiary body established by or listed in Taipei Medical

University's Articles of Organization.

Article 3 Responsible Units

The application and guarantee of domestic and overseas patents, licensing, assigning, promotions, trusts, litigations, profits, recusals, and informational disclosure or any matters relating to the management and use of the research and development results by the University and its subsidiary bodies shall be handled by the University's Office of Business Development (hereinafter referred to as the Responsible Unit). Litigations, profits, recusals, and informational disclosure or other matters relating to the management or use of research and development results shall be handled by the University's Office of Business Development (hereinafter referred to as the Responsible Unit).

The Responsible Unit may be commissioned by other schools and institutions to manage their research and development results on their behalf; the rights and obligations of both parties shall be defined in accordance to the agreement between both parties.

Article 4 Committee of Research and Development Result Management

A Research and Development Results Management Committee of 9 or 10 members shall be established in accordance with these Regulations. The vice principal, dean of TMU Office of Business Development, and dean of the Office of Research and Development shall serve as *ex officio* members; the other committee members shall be appointed by the principal. The vice principal shall serve as the chairperson. The term of office of a committee member shall be 2 years and may be renewed upon expiration.

The committee shall execute the following tasks in accordance with the goal of managing and using research and development results of the University and its subsidiary bodies:

1. Conduct reviews and furnish suggestions on the patenting and management of research and development results.
2. Conduct reviews and furnish suggestions on the use of research and development results.
3. Provide consultation to the Responsible Unit with regard to use and development.
4. Provide consultation and resources related to industry techniques and legal matters.
5. Conduct investigations and audits to avoid conflicts of interest.
6. Mediate disputes arising from the research and development results.

The committee shall convene regularly to deliberate on issues raised by the Responsible Unit. The chairperson may convene *ad hoc* meetings as necessary. The committee resolutions and minutes shall be reported to the principal for approval.

At least half the committee members must be in attendance to reach quorum for committee meetings. Resolutions are passed only with the agreement of half or more of the committee

members in attendance.

Article 5 Ownership of Rights to Collaboration Achievements

Excepting separate agreements that the University or its subsidiary bodies have with a third party, or otherwise provided by government laws, the ownership of research and development results belong to the University or its subsidiary bodies if the results are obtained by the inventor or creator in the course of their duties; the inventor or creator shall be entitled to moral rights and a right to have his/her name shown as such.

The copyright of any books, research reports, articles, or other academic writings by the inventor or creator to publicize the aforementioned research and development results belong to the inventor or creator.

The copyright of any audio-visual works for educational purposes, computer programs and their manuals, and instructions completed in the course of work duties belong to the University or its subsidiary bodies; the moral rights belong to the inventor or creator.

The aforementioned *research and development results completed in the course of work duties* refer to the following results achieved through research and development:

1. Results achieved through research and development funded by awards and subsidies from the University or its subsidiary bodies.
2. Results achieved through research and development by the University or its subsidiary bodies that was subsidized, commissioned, or funded by a funding agency.
3. Results achieved through research and development using resources from the University or its subsidiary bodies or conducted during work hours.

The ownership of research and development results completed outside the course of work duties shall be recognized in accordance with the following principles:

1. Faculty of the University or its subsidiary bodies shall submit a “Declaration of Inventions Outside of Work Duties” to notify the Responsible Unit of prior existing research and development results that were completed during their term of employment at the University or its subsidiary bodies without the use of the University’s or subsidiary bodies’ resources. The submission should clearly describe the research and development process.
2. After receiving the aforementioned declaration, the Responsible Unit shall ask the declaring faculty member’s department leader to evaluate whether the research and development results were completed outside the parameters of work duties defined above. The evaluation results shall be submitted to the committee for deliberation.
3. If the research and development results are determined to be completed outside of work duties, the ownership belongs to the inventing faculty member.
4. If the inventing faculty member fails to notify the Responsible Unit as prescribed

above, the invention or creation shall be viewed as the result of research and development in the course of work duties.

5. If the Responsible Unit fails to notify the inventing faculty member of its objections within 6 months of receiving the written declaration prescribed in Item 1, the Responsible Unit may not claim to own the rights to said research and development results.

In the event the University or its subsidiary bodies fund and commission persons other than faculty to conduct creative processes or research and development, prior to the commission proceeding, the Responsible Unit must sign a commission contract with the commissioned person granting ownership of the research and development results to the University. Nongovernment agency units commissioning the University or its subsidiary bodies to conduct research and development shall be entitled to whole or partial ownership or licensed use of the results in proportion to their contribution in capital, labor, and research and development; the relevant rights and obligations shall be prescribed in the commission contract.

Article 6 Obligations of Confidentiality

Regardless of which intellectual property rights have been obtained or applied for for the research and development results, excepting for matters to be disclosed according to law, the inventor or creator shall respect confidentiality to not disclose the results to the public in accordance with the following: nature of the intellectual property rights, contractual agreements between the University or its subsidiary bodies and third parties, and legal requirements. The inventor or creator also cannot use the results for their own or a third person's interests.

In the process of maintaining, managing, using, and promoting the research and development results, the inventor or creator and the personnel in charge of submission shall keep the contents of the results confidential; they are not allowed to disclose the contents to the public. In the event where the opinion of a third party professional is solicited, the professional must be asked to sign a nondisclosure agreement.

Article 7 Management and Use of Collaboration Achievements

When using the research and development results, the Responsible Unit shall fulfill the following obligations to the best of their ability.

1. Patenting and maintaining the University's and its subsidiary bodies' research and development results in accordance with benefit principles, as well as the proper documentation and regular inventory.
2. Monitoring of matters relating to conflicts of interests, protection of rights, risk control and the enforcement of personnel, document, and informational confidentiality

practices.

3. Licensing, assigning, and establishing a trust for the holding of equity in exchange for technology. Establishing new or terminating the maintenance of existing businesses or other uses relating to the research and development results, in accordance with the principles of justice and benefit.

The details for implementing the management and use of research and development results shall be in accordance with the *Enforcement Rules for Managing and Using Results of Research and Development by Taipei Medical University and its Subsidiary Bodies*.

Article 8 Expenditure Management

The University and its subsidiary bodies shall draft the expenditure budget based on the management, use, and promotion of research and development results for the year.

The management of revenue from and expenditure on research and development results shall be managed by the accounting department of the University or its subsidiary bodies in a special ledger or account, as prescribed by the funding agency of the research and development agency.

Article 9 Allocation of Revenue

Revenue from the research and development results shall be allotted to the inventor or creator and to contributing personnel in their unit. Revenue shall also be allotted to industrial–academic collaboration and the promotion of the results. The distribution ratio shall be allotted in accordance with the *Enforcement Rules for Managing and Using Results of Research and Development by Taipei Medical University and its Subsidiary Bodies*.

Students of the University are regarded as creators or inventors when they participate in the revenue allocation with the agreement of the entire body of creators or inventors.

Article 10 Tort Liability

The inventor or creator must take care not to infringe on the intellectual property rights during research and development. If a tort causes injury to the University or a subsidiary body, the inventor or creator shall pay damages to the University or the subsidiary body. The University or the subsidiary body may, in accordance with the details of the tort, demand that the inventor or creator return all, or a portion of, those rights they have received through these Regulations.

Article 11 Unsettled Matters

Matters not covered in these Regulations shall be handled in accordance with the University's relevant regulations or the relevant government decrees.

Article 12 Power of Approval

These Regulations and any amendment thereto shall be examined and approved by a meeting of the school council, before being reported to the university board prior to their announcement and implementation.