

The Chinese University of Hong Kong, Shenzhen

Regulations on Patent Management (Trial)

Article 1 These regulations are formulated to normalize the management of patents of The Chinese University of Hong Kong, Shenzhen (“University”).

Article 2 The University owns the right to apply for patents for inventions made by staff members while performing their duties (service inventions) or students making use of material conditions of the University. The University also owns patent rights upon successful applications. No unit or individual shall use, permit or transfer such rights without consent of the University.

Article 3 While applying for a patent, the principal inventor shall file a request for application and submit it to the Research Administration Office after it has been signed by the responsible person of the project team and the school (institute) where the principal inventor works.

Article 4 The Research Administration Office shall conduct a formal examination of the patent application before submitting it to the Vice President for Academic Affairs for approval.

Article 5 The detailed application procedures for service inventions shall be handled by a patent agent that appointed by Research Administration Office base on the inventor’s selection.

Article 6 A joint application agreement shall be signed to specify the rights and interests of each applicant if a patent application is jointly made with an external unit.

Article 7 Expenses incurred by a patent application shall be disbursed from the scientific research funds of the project team of the principal inventor. Patent certificate fees and patent annuities shall be funded by the University (25%) and the project team (75%) respectively.

Article 8 The project team shall provide a written waiver declaration in the event that it does not intend to bear its share of patent annuities after a patent is granted. The

University reserves the right to maintain the patent rights, and the Research Administration Office shall handle the relevant procedures.

Article 9 As a patent assignee, the University has the right to exploit patents for service inventions. It encourages inventors to commercialize their inventions. Written agreements shall be signed by the University and the inventor(s) before being archived by the Research Administration Office for patent transfers and the applications of patented technologies. The revenues related to the patent transfer and technique transformations shall be disposed according to relevant financial rules and regulations of the University.

Article 10 The University shall in principle suspend to pay the maintenance fee for a granted patent at the beginning of the sixth year after the patent was granted in the event of the granted patent has not being applied/transferred in the last five years. The inventor could submit an application to the University for assessment of the necessity of patent maintenance. The Research Administration Office shall entrust the University's Legal Counsel/lawyer to handle the disputes over patent infringements. The schools (institutes) where inventors work shall proactively assist in these affairs, and engage in litigation actions if necessary.

Article 11 These regulations take effect upon review and approval of the Executive Board and the University Research Administration Office reserves the right of the interpretation of above terms.

香港中文大学（深圳）专利管理规定（试行）

第一条 为规范学校专利管理，制定本规定。

第二条 学校教职工完成的职务发明创造和学生在校期间利用学校物质条件所完成的发明创造，申请专利的权利属于学校，批准后专利权归学校所有，未经学校许可，任何单位和个人都无权使用许可和转让。

第三条 申请专利时须由该专利主要发明人提交专利申请需求，由发明人所在课题组、学院（研究所）负责人签署意见后报科研处。

第四条 科研处对专利进行形式审核后，报学术副校长审批。

第五条 决定申请专利的职务发明创造，专利申请手续由科研处委托专利代理机构办理。

第六条 与外单位合作申请的专利，需签订合作申请协议，明确各申请方对于该专利的权益分配。

第七条 专利申请所发生的费用从专利主要发明人所在课题组的科研经费中列支。专利授权后的证书费和年费由学校和课题组共同承担，其中学校承担 25%，课题组承担 75%。

第八条 专利授权后，如果课题组不愿意分担年费，须提供书面放弃声明。学校保留选择继续维持专利的权利，科研处负责承办相关程序。

第九条 对于职务发明，学校作为专利权人有权对专利进行实施。学校鼓励发明人进行专利转化。发明人进行有关专利转让和专利技术实施时，须经学校批准，以书面的形式签订转让和实施协议，转化收益按学校相关文件执行，由科研处备案。

第十条 获得授权的专利，五年内没有转让实施的，原则上从第六年开始，学校不再缴交维持费。发明人认为还需要维持的，可提出申请，由学校评估决定是否继续维持。专利的侵权纠纷由科研处委托学校律师处理，发明人及其所在学院（研究院）应积极协助，必要时参加一定的诉讼活动。

第十一条 本办法自校务会审议通过之日起实施。由科研处负责解释。