

# **Scientific and Technological Achievements Transfer and Transformation Management Measures of Shenzhen Institute of Advanced Technology, Chinese Academy of Sciences (Revised 2023)**

## **Chapter 1 General**

**Article 1** In order to establish a standardized system for the transfer and transformation of scientific and technological achievements, fully leverage the leading and supporting role of scientific and technological achievements in innovation, stimulate the innovative vitality of scientific research personnel, and effectively enhance the innovation capability of Shenzhen Institute of Advanced Technology, Chinese Academy of Sciences, these Measures are formulated in accordance with national policies and regulations and in consideration of the actual situation of the Institute.

**Article 2** These Measures apply to all personnel of Shenzhen Institute of Advanced Technology, Chinese Academy of Sciences (SIAT), including but not limited to full-time and part-time employees, visiting scholars, as well as formal students, joint training students, visiting students, scientific research interns, postdoctoral fellows, and various trainees of the Institute. The principles outlined in these Measures also apply to the basic research institutes and major infrastructure projects led by Shenzhen Institute of Advanced Technology (SIAT).

**Article 3** The term "scientific and technological achievements" in these Measures refers to the duty-related research results completed with the funding or resources provided by SIAT (including research platforms, library resources, and laboratory facilities), including but not limited to invention patents, utility model patents, design patents, integrated circuit designs, proprietary technologies, new plant or animal varieties, academic works, related technical data and materials, as well as other scientific research achievements that are owned or held by SIAT as stipulated by national laws and regulations or contractual agreements.

**Article 4** The term "transfer and transformation of scientific and technological achievements" in these Measures refers to activities or processes that realize the use value and application value of scientific and technological achievements through commercialization of scientific and technological achievements and obtain expected returns, including but not limited to licensing, transfer, and valuation-based investment. These Measures also apply when scientific and technological achievements are used as collaboration conditions for joint transformation with others.

**Article 5** The individuals or teams who complete scientific and technological achievements have the right to be credited for the research results, apply for scientific and technological awards, be informed about the transfer and transformation of scientific and technological achievements, and receive the benefits. SIAT has the rights of ownership, possession, disposal, benefits, and distribution of duty-related research results.

**Article 6** For the transfer and transformation of scientific and technological achievements, we adhere to the basic principles of market traction, application orientation, and industry linkage, encourage participation from all staff, establish a collaborative transformation mechanism among the Academy - Institute - Centers, explore new models of transfer and transformation of scientific and technological achievements, and gradually improve the system for the transfer and transformation of scientific and technological achievements.

## **Chapter 2 Organization and Implementation**

**Article 7** The Director Office Meeting is responsible for reviewing and approving the annual objectives and plans for the transfer and transformation of scientific and technological achievements, studying and approving major matters concerning the transfer and transformation of significant scientific and technological achievements, determining the guarantee conditions for the transfer and transformation of scientific and technological achievements, and approving the implementation plans for the transfer and transformation of scientific and technological achievements.

**Article 8** SIAT implements centralized management of the transfer and transformation of scientific and technological achievements and is responsible for the functions of department in charge of centralized management, including but not limited to:

(1) Formulating and implementing management measures for the transfer and transformation of scientific and technological achievements;

(2) Formulating work plans and objectives for the transfer and transformation of scientific and technological achievements and organizing their implementation;

(3) Gradually establishing and improving the system for the transfer and transformation of scientific and technological achievements;

(4) Coordinating with external cooperative institutions legally established to engage in technology transactions and achievement transformation to implement the transfer and transformation of scientific and technological achievements;

(5) Unified connecting with superior management departments and coordinating cooperative resources;

(6) Organizing training on the transfer and transformation of scientific and technological achievements, project roadshows, achievement docking, and other activities.

**Article 9** Each research institute shall designate a person responsible for the transfer and transformation of scientific and technological achievements. Based on the effectiveness of the transfer and transformation of scientific and technological achievements, each research institute may apply to establish full-time personnel. Each research center must designate a person responsible for the transfer and transformation of scientific and technological achievements who is responsible for connecting with the department responsible for the transfer and transformation of scientific and technological achievements, and coordinating the service and management of the transfer and transformation of scientific and technological achievements of the research institutes and research centers.

**Article 10** SIAT encourages internal and external institutions recognized by the Institute to participate in the transfer and transformation of scientific and technological achievements through various forms and obtain corresponding benefits or returns as stipulated in the agreements.

**Article 11** The transfer and transformation of scientific and technological achievements may be conducted through the following methods:

(1) Licensing: licensing scientific and technological achievements to other units or individuals;

(2) Technology transfer: transferring scientific and technological achievements to other units and individuals;

(3) Valuation-based investment: investing in shares with scientific and technological achievements as equity, jointly implementing the transformation with other institutions or individuals;

(4) Independent transformation: Main inventors invest in entrepreneurship and implement transformation after leaving their posts;

(5) Other negotiated methods as determined.

**Article 12** Pricing methods for the transfer and transformation of scientific and technological achievements:

- (1) Agreed pricing;
- (2) Listing on technology trading markets;
- (3) Public auction;
- (4) Evaluation pricing;
- (5) Other pricing methods permitted by laws and regulations.

**Article 13** The transfer and transformation of scientific and technological achievements through agreed pricing shall be handled according to the following procedures:

1. Business contact. Scientific research personnel, together with the department responsible for the transfer and transformation of scientific and technological achievements, initiate initial contact with the unit intending to implement the scientific and technological achievements. Enter the business negotiation stage, with the department responsible for the transfer and transformation of scientific and technological achievements drafting the cooperation agreement.

2. Proposal and approval. The department responsible for the transfer and transformation of scientific and technological achievements proposes the transformation plan, which is reviewed by the Director Office Meeting and documented in meeting minutes.

3. Publicity. The department responsible for the transfer and transformation of scientific and technological achievements organizes publicity according to regulations. The publicity content includes the name, brief introduction, proposed transaction price, and price formation process of the scientific and technological achievements. The publicity period is 15 days. If there are no objections after the publicity period ends, the contract is signed; if there are objections, the department responsible for the transfer and transformation of scientific and technological achievements coordinates for resolution.

**Article 14** The transfer and transformation of achievements through listing follows the following procedures:

1. Business contact. The department responsible for the transfer and transformation of scientific and technological achievements selects legally compliant trading institutions intending to implement the listing, and forms a cooperation intention regarding cooperation methods, listing period, rights and obligations of both parties, and transaction costs.

2. Proposal and approval. The department responsible for the transfer and transformation of scientific and technological achievements forms a listing plan, which is approved by the Director Office Meeting and documented in meeting minutes.

3. Publicity. The department responsible for the transfer and transformation of scientific and technological achievements organizes publicity according to regulations. The publicity content includes the name, brief introduction, proposed listing transaction period, and proposed transaction price of the scientific and technological achievements; the publicity period is 15 days; after the publicity period ends, if there are no objections, the contract is signed with the entrusted trading unit; if there are objections, the department responsible for the transfer and transformation of scientific and technological achievements coordinates for resolution.

4. Listing trading. A transfer agreement must be signed within the listing period, and relevant procedures must be completed. If no transaction is achieved by the end of the listing period, the transformation method and price must be re-determined.

**Article 15** The process of achieving transfer and transformation through public auction follows these procedures:

1. Business contact. The department responsible for the transfer and transformation of scientific and technological achievements selects legally compliant auction institutions intending to conduct the auction, and forms a cooperation intention regarding cooperation methods, rights and obligations of both parties, and transaction costs.

2. Proposal and approval. The department responsible for the transfer and transformation of scientific and technological achievements proposes an auction plan, which is approved by the Director Office Meeting and documented in meeting minutes.

3. Publicity. The department responsible for the transfer and transformation of scientific and technological achievements organizes publicity according to regulations. The publicity content includes the name of the scientific and technological achievements and the proposed auction reserve price; the publicity period is 15 days; after the publicity period ends, if there are no objections, a contract must be signed with the auctioning unit; if there are objections, the department responsible for the transfer and transformation of scientific and technological achievements coordinates for resolution.

4. Public auction. After the auction transaction is completed, an agreement must be signed with the successful bidder, and relevant procedures must be completed. If no transaction is achieved through the auction, the transformation method and price must be re-determined.



**Article 16** The process of achieving transformation through equity investment follows the management measures for external investment of SIAT.

**Article 17** When research centers undertake indicators related to the transfer and transformation of achievements in scientific research projects, they must negotiate with the department responsible for the transfer and transformation of scientific and technological achievements to determine the industrialization-related content of the assignment.

**Article 18** During the initial contact with the unit intending to implement scientific and technological achievements, scientific research personnel and relevant departments must not disclose technical secrets such as the technical scheme of scientific and technological achievements and commercial secrets such as the transfer and transformation price. No individual or department shall transfer or indirectly transfer duty-related scientific and technological achievements without authorization. Otherwise, for any losses caused to SIAT, SIAT shall pursue the relevant personnel's responsibilities according to the law.

**Article 19** For transactions involving the transfer and transformation of scientific and technological achievements, qualified evaluation agencies shall be selected for evaluation or the listing trading procedure shall be adopted.

### **Chapter 3 Distribution of Revenue and Incentives**

**Article 20** The cash income portion and cash portion of equity income obtained from the transfer and transformation of scientific and technological achievements shall all enter the unified management account of SIAT, and shall be distributed according to these Measures. Personal income rewards shall be subject to individual income tax according to relevant regulations.

**Article 21** Cash income from the transfer and transformation of scientific and technological achievements shall be distributed as follows:

1. For cash income obtained from licensing scientific and technological achievements, 50% shall be awarded to scientific research personnel and other contributors from the received cash, 25% shall be transferred to the secondary accounting unit of the Institute, and the remaining 25% shall be retained by the Institute.

2. For cash income obtained from transfer of scientific and technological achievements, 50% shall be awarded to scientific research personnel and other contributors from the cash received, 25% shall be transferred to the secondary accounting unit of the Institute, and the remaining 25% shall be retained by the Institute.

**Article 22** For scientific and technological achievements that are subject to valuation-based investment, 50% shall be awarded to scientific research personnel and other contributors from the equity or proportion of investment formed.

**Article 23** Income or equity income obtained from the transfer and transformation of scientific and technological achievements maintained by the special fund for intellectual property of the Institute shall be managed in a coordinated manner by SIAT.

**Article 24** During the process of transfer and transformation of achievements, if it is necessary to undergo review or registration with the competent department according to relevant regulations, the department responsible for the transfer and transformation of scientific and technological achievements shall handle it in accordance with the regulations.

**Article 25** After the completion of the transfer and transformation of achievements, the internal reward distribution shall be based on the actual contributions or pre-agreed in writing. The head of the invention team shall be responsible for the distribution, and the reward plan shall be publicized. If there are no objections, the relevant departments shall be responsible for implementation. In case of substantive objections, the department responsible for the transfer and transformation of scientific and technological achievements shall coordinate for resolution.

## **Chapter 4 Legal Responsibilities**

**Article 26** The activities of transfer and transformation of scientific and technological achievements shall follow the principles of voluntariness, mutual benefit, fairness, and honesty, and shall enjoy benefits and bear risks according to the law or contractual agreements.

**Article 27** During the process of transfer and transformation of scientific and technological achievements, participants must not engage in fraud. If any fraudulent behavior causes losses, SIAT reserves the right to recover all rewards already distributed and to pursue legal responsibilities against relevant personnel.

## Chapter 5 Bylaw

**Article 28** In case of conflict between the provisions of these Measures and relevant national laws and regulations, the relevant national laws and regulations shall prevail.

**Article 29** The department responsible for the transfer and transformation of scientific and technological achievements shall be responsible for interpreting these Measures. These Measures shall come into effect upon issuance, and the original *Scientific and Technological Achievements Transfer and Transformation Management Measures of Shenzhen Institute of Advanced Technology, Chinese Academy of Sciences* (SYCF [2022] No. 46) shall be repealed simultaneously.