

**Intellectual Property Management Measures of Shenzhen  
Institute of Advanced Technology, Chinese Academy of Sciences  
(Revised 2023)**

**Chapter 1 General**

**Article 1** In order to strengthen the creation, management, utilization, and protection of intellectual property (IP) at Shenzhen Institute of Advanced Technology, Chinese Academy of Sciences (SIAT), encourage technological progress and invention, promote the transformation of scientific and technological achievements, and safeguard the legitimate rights and interests of SIAT and its employees, these Management Measures are formulated in accordance with policies and regulations, combined with the actual situation of SIAT.

**Article 2** These Measures apply to SIAT and its relevant personnel (including but not limited to full-time employees, part-time employees, visiting personnel, as well as formal students, joint training students, visiting students, scientific research interns, postdoctoral fellows, and various trainees, etc.). These principles also apply to the basic research institutes and major infrastructure projects led by SIAT.

**Article 3** The term "intellectual property" in these Measures refers to the rights enjoyed by the employees and relevant personnel of SIAT as natural persons or legal persons in accordance with the law for the results of their intellectual activities, mainly including:

(I) Patent rights;

(II) Trademark rights;

(III) Copyrights (including computer software), including: engineering designs, product design drawings and descriptions, computer software, maps, photographs, videos, and other works created in the course of duty;

(IV) Integrated circuit layout design rights;

(V) Geographical indication rights;

(VI) Plant variety rights;

(VII) Trade secrets, including technical secrets and business secrets, such as undisclosed technology, engineering and design information, market, operation, service, financial, management, and other business information;

(VIII) Other intellectual property rights stipulated by national laws and regulations.

**Article 4** The creation, management, and protection of intellectual property adhere to an application-oriented, quality-traction, and targeted cultivation approach. All relevant departments follow the basic principles of unified management, division of labor and cooperation, standardization, and orderliness, enhance awareness of intellectual property protection, and safeguard the legal rights and interests of the intangible assets of SIAT.

## **Chapter 2 Organization and Implementation**

**Article 5** The Institute Administrative Affairs Meeting is responsible for reviewing and approving annual intellectual property work objectives and plans, determining the guarantee conditions for the creation, operation, and maintenance of intellectual property, approving major matters related to intellectual property management, and deliberating and approving the intellectual property management measures.

**Article 6** The intellectual property unified management department is responsible for the overall management of intellectual property creation, maintenance, and operation throughout the Institute, with the following main responsibilities:

(I) Formulating intellectual property plans and organizing their implementation;

(II) Formulating intellectual property policy documents and organizing their implementation, including quality control of intellectual property and planning and management of intellectual property utilization;

(III) Establishing, implementing, and operating an intellectual property management system, proposing improvement suggestions for the intellectual property management system;

(IV) Organizing industry-university-research cooperation and technology transfer activities related to intellectual property;

(V) Establishing a patent navigation mechanism, participating in the layout of intellectual property for major research projects, and providing patent navigation services for scientific research projects;

(VI) Establishing an inventory of intellectual property assets, establishing an evaluation and statistical analysis system for intellectual property assets, and proposing disposal plans for major intellectual property assets;

(VII) Reviewing intellectual property clauses in contracts to guard against intellectual property risks;

(VIII) Training, guiding, and evaluating intellectual property commissioners;

(IX) Responsible for the daily management of intellectual property, including intellectual property training, intellectual property information registration, as well as selection, coordination, and evaluation of external intellectual property service organizations;

(X) Responsible for the collection, collation, and analysis of intellectual property information and other data and literature resources.

### **Chapter 3 Ownership and Agreement on Intellectual Property**

**Article 7** Within the scope of application of these Management Measures, the patent rights, trademark rights, copyrights (including computer software), exclusive rights to integrated circuit layout designs, business secrets (technical secrets and business secrets) formed by individuals and institutions when executing tasks for SIAT, or utilizing the name of SIAT, or primarily utilizing the material conditions of SIAT to complete inventions and creations, all belong to SIAT; the exclusive rights to the Institute's name (including English name and its abbreviation), emblem, and marks of products and services belong to SIAT according to the law; the exclusive rights to registered trademarks and domain names in the name of SIAT belong to SIAT according to the law. In case of infringement, SIAT reserves the right to pursue legal actions.

**Article 8** Upon entry into employment, employees undergo appropriate background checks on intellectual property, and records are formed; upon entry, employees shall fill out a declaration of background knowledge of intellectual property, pledging not to infringe the intellectual property rights of external units in any form, and also sign a Commitment Letter to abide by the relevant intellectual property regulations of SIAT; when signing labor contracts, labor service contracts, or other relevant agreements, clauses related to intellectual property confidentiality and intellectual property declaration documents shall be included; employees bringing in phased achievements upon entry shall have intellectual property pre-agreements.

When students enroll, the education competent department shall organize intellectual property training for students to enhance awareness of intellectual property; students with certain research foundations must have pre-agreements for achievements before joining the Institute; when students who hold core technical secrets leave SIAT, the center where they are located shall propose and confidentiality agreements shall be signed.

**Article 9** During their tenure at SIAT, relevant personnel are not allowed to apply for any intellectual property in the name of any entity other than SIAT without review and approval from the unified management department; when applying for intellectual property in the name of SIAT, it shall be reported to the unified management department; for matters involving non-duty achievements, an application must be submitted to their respective units, and after approval by the respective units, it shall be submitted to the unified management department for review. After approval, a non-on-duty invention certificate shall be issued.

**Article 10** Intellectual property rights formed by Institute employees during concurrent employment with other companies either belong to SIAT or are jointly owned by both parties.

**Article 11** When employees are transferred, on leave without pay, or retired, they shall be reminded of intellectual property matters, and rights and obligations regarding on-duty inventions shall be clarified. Employees who are involved in core intellectual property shall sign intellectual property agreements or non-compete agreements when leaving. Upon leaving, patent work shall be handed over, and related intellectual property rewards shall be allocated by the handover personnel. For

employees who are transferred, on leave without pay, or retired, within one year after leaving SIAT, the intellectual property rights formed by achievements related to their duties or tasks assigned by SIAT shall generally belong to SIAT. If there is any violation, SIAT reserves the right to pursue legal actions.

**Article 12** SIAT has intellectual property rights for the following:

(I) For engineering design drawings, product design drawings, maps, computer software, and other works created primarily utilizing the material and technical conditions of SIAT and undertaken by SIAT, their rights of authorship belong to the person who completed the work, and other rights of copyright belong to SIAT.

(II) Achievements during the work period at SIAT by personnel or other temporary employees engaged in exchange, learning, further education, cooperation, or other activities at SIAT, belong to SIAT unless otherwise agreed.

(III) Inventions, technical secrets, business secrets, or other intellectual labor achievements completed outside SIAT by personnel dispatched by SIAT for overseas lectures, further studies, training, studying abroad, visiting scholars, etc., belong to SIAT unless otherwise agreed.

(IV) Various intellectual property rights formed by projects conducted by SIAT in cooperation with other units or individuals, including but not limited to outsourced development, outsourced testing, leasing of instruments and equipment, and entrusted development by other units and individuals, generally belong to SIAT or are jointly owned by both parties. Clear agreements shall be made in agreements or contracts regarding the ownership, disposal rights, profit rights, and expense sharing methods of intellectual property. If the agreements or contracts stipulate that the intellectual property rights belong exclusively to the cooperation party, it must be specially approved by the unified management department.

**Article 13** No one may apply for intellectual property rights in the name of SIAT for achievements that clearly belong to other units or individuals; if violated, it is considered individual behavior, and SIAT does not assume any responsibility.

**Article 14** Intellectual property rights generated from scientific research projects shall be consistent with the applicant unit and the project's undertaking main body, and intellectual property expenses shall be covered by the corresponding project funds of the project's undertaking main body.

## **Chapter 4 Creation, Management, and Protection of Intellectual Property**

**Article 15** The Principal Investigator is directly responsible for the intellectual property of each project outcome, and the Center head is the primary responsible person for the intellectual property of scientific research achievements in each unit. The Center head is obligated to implement management of scientific research achievements in their respective units.

**Article 16** Scientific research achievements that have not applied for intellectual property protection (patents or technical secrets) shall not be disclosed prematurely in the form of articles, exhibitions, academic presentations, etc.

**Article 17** Necessary confidentiality measures must be taken for duty intellectual achievements with commercial value but are not suitable for public disclosure.

**Article 18** For achievements suitable for patent application, when scientific research personnel submit patent applications, they need to determine the importance level of the patent, which is classified into core patents, important patents, and ordinary patents. Intellectual property agencies must be partners approved through unified bidding or agreements by SIAT.

**Article 19** SIAT establishes special funds for intellectual property, which are included in the annual budget and used to support intellectual property analysis, navigation, layout cultivation, etc., funded by government departments' intellectual property-related subsidies. Special funds are applied for by each unit, evaluated by expert review organized by the unified management department, and submitted for approval. Support for individual projects shall not exceed 50% of the total project budget, with a maximum of 200,000 yuan.



**Article 20** Encourage cooperation with external professional institutions to jointly apply for projects from the intellectual property competent department, and utilize the services of government professional procurement institutions to improve SIAT's intellectual property work. If SIAT leads the application and declaration of such projects, the maximum proportion of external funds is 60%. Article 21 The unified management department organizes the bidding, selection, and management of agencies uniformly, and regularly conducts quality management and reviews of the services provided by the cooperating intellectual property agencies and agents, making adjustments to those that do not meet the requirements.

**Article 22** In case of changes in patent inventors, an application must be submitted to the respective unit for review and approval by the unit and institute before being submitted to the unified management department for processing.

**Article 23** For intellectual property rights abandoned by research centers, an application must be submitted by the research center, reviewed by the research institute, and managed by the unified management department using the Institute's special funds for intellectual property.

**Article 24** In the event of internal transfers or leaving of inventors (teams) and adjustments in research units, responsible units and individuals for relevant intellectual property applications and maintenance must be agreed upon.

**Article 25** When intellectual property is invalid or in disputes, inventors (teams) have an obligation to cooperate and assist relevant departments of the Institute actively in protecting their rights. If SIAT suffers losses as a result, the relevant responsibilities shall be investigated.

**Article 26** When introducing technology and equipment, procuring experimental supplies, consumables, and software, intellectual property reviews must be conducted and liability for intellectual property defects by the provider must be agreed upon in contracts, with specific requirements as follows:

(I) Intellectual property review when purchasing experimental supplies, software, and consumables;

(II) Corresponding intellectual property checks when handling used experimental items;

(III) Clearly specify intellectual property requirements in the equipment management measures. When leasing instruments and equipment to external parties, intellectual property affairs shall be stipulated in the lease contract;

(IV) When national major scientific research infrastructure and large-scale scientific research equipment are open to the public, user identity information and intellectual property and scientific data generated during use shall be protected. Users are required to indicate the use of scientific research facilities and equipment when publishing works, papers, and other achievements.

## **Chapter 5 Intellectual Property Incentive Mechanism**

**Article 27** After the completion of intellectual property application or registration for scientific research achievements, the unified management department organizes the issuance of rewards for foreign intellectual property rights obtained in the previous year from January to March.

**Article 28** Reward standards: 4,500 yuan/item for authorized foreign patents (specifically referring to the United States, Japan, Europe). Those authorized after application and authorization using special funds coordinated by SIAT are not eligible for rewards.

**Article 29** When participating in the formulation of various levels and types of standards in the name of SIAT, 50% of the funding subsidies received shall be used to reward the team.

## Chapter 6 Archive Management

**Article 30** Original certificates of intellectual property rights exclusively owned by SIAT, original or copies of intellectual property rights certificates jointly owned by SIAT and external units, and other archival materials are managed by the unified management department in accordance with the Archive Management System of SIAT.

**Article 31** Each research unit shall carry out the management of scientific and technological data archives. Technical materials generated during the research and development stages (including experimental records, data, code, reports, manuscripts, drawings, audiovisual materials, etc.) shall be managed by part-time archive administrators in each research unit. After the project is completed, the research group shall organize all original technical materials.

## Chapter 7 Bylaw

**Article 32** In case of any conflict between the provisions of these Measures and relevant national laws and regulations, the relevant national laws and regulations shall prevail.

**Article 33** These Management Measures are interpreted by the unified management department of intellectual property. These Measures shall come into effect upon issuance, and the original *Management Measures of Shenzhen Institute of Advanced Technology, Chinese Academy of Sciences on Intellectual Property (Revised in 2022)* (SYCF [2022] No. 140) shall be repealed simultaneously.