

# 广东以色列理工学院

## Guangdong Technion - Israel Institute of Technology

### 关于完善知识产权管理体系落实

### 《促进科技成果转化法》的实施意见 (试行)

## Policies on Transformation of Scientific and Technological Achievements and Intellectual Property Protection

(TENTATIVE)

### 第一章 总则

#### Chapter one - General

第一条 为深入贯彻中共中央“十八大”提出的“创新驱动”发展战略，落实国务院“大众创业、万众创新”精神，发挥知识产权对广东以色列理工学院（以下简称“学校”）自主创新能力提升的支撑作用，加强学校科技成果及知识产权的管理，鼓励师生员工开展科技成果转化、实施和运用工作，根据《中华人民共和国科学技术进步法》、《中华人民共和国科学技术促进法》、《中华人民共和国专利法》、《中华人民共和国促进科技成果转化法》、《关于加强高等学校科技成果转移转化工作的若干意见》、《关于进一步完善中央财政科研项目资金管理等政策的若干意见》、《关于进一步完善省级财政科研项目资金管理等政策的实施意见（试行）》、《国务院关于优化科研管理提升科研绩效若干措施的通知》、《关于进一步促进科技创新的若干政策措施》等文件精神 and 规定，结合我校实际，制定本实施意见。

Article 1 - To thoroughly implement the CPC Central Committee "eighteen" session proposal on "innovation-driven" development strategy; implement the State Council "encouragement of nationwide Mass entrepreneurship and innovation" spirit; Give full play to the supporting role of intellectual property in the improvement of the independent innovation capability of Guangdong Technion-Israel Institute of Technology (hereinafter referred to as the "GTIIT"), strengthen the management of the school's scientific and technological achievements and intellectual property rights, and encourage faculty, researches, students and staff to carry out the transformation, implementation and application of scientific and technological achievements. The Science and Technology Progress Law of the People's Republic of China, the Science and Technology Promotion Law of the People's Republic of China, the Patent Law of the People's Republic of China, the Law of the People's Republic of China on Promoting the Transformation of Scientific and Technological Achievements, and Several Opinions on Strengthening the Transfer and Transformation of Scientific and Technological Achievements in Colleges and Universities", "Several Opinions on Further Improving Policies on the Fund Management of Scientific Research Projects of the Central Government", "Implementation Opinions on Further Improving the Fund Management of Provincial Fiscal Research Projects and Other Policies (for Trial Implementation)", "Several Opinions on Optimizing Scientific Research Management and Improving Scientific Research Performance by the State Council" The spirit and regulations of documents such as the Notice of Measures and Several Policy Measures on Further Promoting

Scientific and Technological Innovation; the following guidelines and policies are formulated in accordance with the relevant conditions of GTIIT.

第二条 本实施意见所称科技成果，是指通过科学研究与技术开发所产生的具有实用价值的成果。职务科技成果，是指执行学校的工作任务、以在校任职的身份申报或承接的科研项目或主要利用学校的物质技术条件所完成的科技成果。

本实施意见所称科技成果转化，是指为提高生产力水平而对科技成果所进行的后续试验、开发、应用、推广直至形成新技术、新工艺、新材料、新产品，发展新产业等活动。

Article 2 - The scientific and technological achievements mentioned in this implementation policy refer to the achievements of practical value produced through scientific research and technological development. Job scientific and technological achievements or “service invention” refer to the scientific and technological achievements completed by performing GTIIT tasks or during the scientific and technological projects obtained in the capacity of GTIIT faculty or mainly using the GTIIT's material and technical conditions.

The transformation of scientific and technological achievements mentioned in the implementation policy refers to the follow-up experiments, development, application, and promotion of scientific and technological achievements in order to improve the level of productivity until the formation of new technologies, new processes, new materials, new products, and the development of new industries.

第三条 本实施意见所称所属单位是指以学校作为主管单位的学院（学科、系）、研究中心和直属单位（含广东以色列理工学院附属学校）。

Article 3 - The affiliated units mentioned in the implementation policy refer to the programs (disciplines, departments), research centers and directly affiliated units (including the affiliated schools of the Guangdong Technion-Israel Institute of Technology) with the University as the secondary unit.

第四条 本实施意见所称师生员工，是指在学校及其所属单位工作的专任教师、科研人员、博士后，以及在校学习的研究生、本科生和进修人员（含政府或企业拓展项目）。

Article 4 - The term “faculty, researcher, student, and staff” mentioned in this implementation policy refers to full-time faculty members, scientific researchers, post-doctoral fellows working in GTIIT and its affiliated units, as well as graduate students, undergraduates and advanced students studying in the GTIIT (including government or enterprise expansion projects).

第五条 本实施意见所称职务科技成果完成人是指对职务科技成果做出创造性贡献的教职员工及参加科研项目的学生。

Article 5 - The term “scientific and technological achievement accomplishers” mentioned in these implementation policy refers to the faculty and staff who have made creative contributions to the job related scientific and technological achievements and students participating in scientific research projects.

第六条 学校允许在校学生进行自主创新创业活动，为学生创新创业提供有利条件。除参加在校的科研项目以外，学生可自行申请的专利，所有权归属学生（仅限本科生）。

Article 6 - The University allows students on campus to carry out independent innovation and entrepreneurship activities, and provides favorable conditions for students' innovation and entrepreneurship. In addition to participating in research projects on campus, the patents that students can apply for by themselves are owned by students (only for undergraduates), with the exception that GTIIT materials or lab resources were used as significant contribution to the project.

## 第二章 组织机构及职责

### Chapter II Organization and Responsibilities

第七条 学校建立主管校领导负责的科技成果转化协调工作机制，对学校科技成果转化工作统筹协调，各部门各司其职。

Article 7 - The University establishes a coordination mechanism for the transformation of scientific and technological achievements under the responsibility of the university leaders (PVC in Charge, and/or VC).

第八条 科研，创新，研究生办公室（以下简称“RIGS”）负责办理知识产权申请、登记、备案等与科技成果形成有关的事务，并协助分管校领导，校科技成果转化委员会及有关部门建立和完善学校科技成果转化体系。

Article 8 - The Office of Research, Innovation, and Graduate Studies (hereinafter referred to as "RIGS") is responsible for handling matters related to the formation of scientific and technological achievements such as intellectual property application, registration, and filing, and assists the university leadership, GTIIT's scientific and technological achievements transformation committee and relevant departments/programs to establish and Improve the University's scientific and technological achievements transformation system.

第九条 科研，创新，研究生办公室（以下简称“RIGS”）负责知识产权转让、授权许可、作价入股等科技成果转化工作及相关合同的审批。

Article 9 - The Office of Research, Innovation, and Graduate Studies (hereinafter referred to as "RIGS") is responsible for the transfer of intellectual property rights, authorization and licensing, conversion of scientific and technological achievements, and preparation of related contracts for approval by university leadership.

第十条 学校可以委托相关第三方法律专业人员或机构负责科技成果转化过程中有关合同效力的审核、纠纷解决、诉讼仲裁等法律事项。

Article 10 - GTIIT may engage relevant third-party legal professionals or institutions to be responsible for the review of contract validity, dispute resolution, litigation and arbitration and other legal matters during the transformation of scientific and technological achievements.

第十一条 校财务办公室（以下简称“财务办”）负责向分管校领导汇报并协助科技成果作价入股形成的经营性国有资产的监督管理。

Article 11 - GTIIT's Finance Office (hereinafter referred to as the "Finance Office") is responsible for reporting to the University leaders in charge and assisting in the supervision and

management of operational state-owned assets formed by the investment of scientific and technological achievements.

第十二条 校学术事务办公室负责向分管校领导汇报并协助建立符合科技成果转化工作特点的专业技术职务聘任、岗位管理和考核评价制度。

Article 12 - The Academic Affairs Office of GTIIT is responsible for reporting to the university leaders in charge and assisting in the establishment of academic and technical post appointment, job performance management, and evaluation systems that meet the characteristics of the transformation of scientific and technological achievements.

第十三条 校财务办公室需在分管校领导的指导下负责科技成果转化过程中技术转让、授权许可、作价入股等相关奖酬金的支出以及转化收入的核算。

Article 13 - The financial office of the University shall be responsible for the payment of relevant awards and fees and the accounting of conversion income in the process of technology transfer, authorization and license, and equity investment in the process of technological achievements transformation under the guidance of the university leaders in charge.

### 第三章 知识产权的归属

#### Chapter III Ownership of Intellectual Property

第十四条 职务科技成果完成后，其知识产权的申请权利属于学校。申请被批准后，依法获得的知识产权归属学校。

Article 14 - After the completion of job-related scientific and technological achievements or “service invention”, the right to apply for intellectual property rights belongs to the University. After the application is approved, the intellectual property obtained according to law belongs to the university.

第十五条 学校派遣出国访问、进修、留学及开展合作项目研究的人员，对其在学校已进行的研究，而在国外完成的发明创造、获得的知识产权，应当与接受派遣的单位签订协议，提前确定其知识产权的归属。

Article 15 - The University dispatches personnel for overseas visits, advanced studies, study abroad, and joint project research to be conducted at the University, as well as inventions and creations completed abroad, and intellectual property rights acquired, and shall sign an agreement with the unit/organization that accepts the dispatch, to determine the ownership of its intellectual property rights in advance.

第十六条 进入学校学习、进修或者开展合作研究项目的学生、研究人员（含兼职人员），应就研究项目的知识产权归属与学校签订协议。未签订协议的，在学校期间参与承担的研究课题或任务所完成的科技成果，应当归学校所有。

Article 16 - Students and researchers (including part-time personnel) who enter the university for study, advanced studies, or carry out cooperative research projects shall sign an agreement with the university on the ownership of the intellectual property rights of the research project. If no agreement is signed, the scientific and technological achievements of the research topics or tasks undertaken during the university period shall belong to GTIIT.

第十七条 学校与企事业单位所订立的技术合同中对知识产权的归属有约定的，依照合同约定。未约定的，委托开发完成的科技成果，申请知识产权的权利属于学校，申请被批准后，依法获得的知识产权归属学校；合作开发完成的科技成果，申请知识产权的权利属于学校与合作方共有，申请被批准后，依法获得的知识产权归属学校与合作方共有。

Article 17 - Where there is an agreement on the ownership of intellectual property rights in the technology contract reached between the University and the enterprise and/or commercial institution, the agreement shall be followed. If there is no agreement, the right to apply for intellectual property rights for the entrusted development of scientific and technological achievements belongs to the University. After the application is approved, the intellectual property rights obtained in accordance with the law belong to the University; for the scientific and technological achievements of cooperative development, the right to apply for intellectual property rights belongs to the University and the partner, after the application is approved, the intellectual property rights obtained in accordance with the law belong to the university and the partner/s.

#### 第四章 职务科技成果与兼职管理

##### Chapter 4 Service Invention or Job related Science and Technology Achievements and Part-time Job Management

第十八条 职务科技成果的范围包括：

- （一）在本职工作中完成的科技成果；
- （二）履行学校分配在本职工作之外的任务所完成的科技成果；
- （三）退休、调离原岗位后或者劳动、人事关系终止后一年内做出的，与其在原岗位承担的本职工作或者学校原来分配的任务有关的科技成果；
- （四）主要利用学校的资金、设备、零部件、原材料、繁殖材料或者不对外公开的技术资料等物质技术条件完成的科技成果，但约定返还资金或者支付使用费，或者仅在完成后利用学校的物质技术条件验证或者测试的除外。

Article 18 - The scope of job related scientific and technological achievements includes:

- (1) Scientific and technological achievements completed in their own work;
- (2) The scientific and technological achievements accomplished by performing tasks other than those assigned by the university;
- (3) The scientific and technological achievements made within one year after retirement, transfer from the original position, or termination of labor or personnel relations, and related to the work undertaken in the original position or the tasks originally assigned by the university;
- (4) Mainly use the university's funds, equipment, parts, raw materials, propagation materials, or technical materials that are not disclosed to the public, to complete the scientific and technological achievements, but agree to return the funds or pay the usage fee, or use the university only after completion Except for verification or testing of material technical conditions.

第十九条 学校支持师生员工为科技成果转化提供技术集成、共性技术研究开发、中间试验和工业性试验、科技成果系统化和工程化开发、技术推广与示范等服务。

学校鼓励师生员工与企业及其他组织开展科技人员交流。在不影响教学、科研任务等学校工作的前提下，学校支持师生员工到企业及其他组织从事科技成果转化活动。

以上活动必须得到相关校领导书面批准后方可实施或进行。

Article 19 - The university supports its faculty, researchers, students and employees to provide services such as technology integration, common technology research and development, intermediate and industrial testing, systematic and engineering development of scientific and technological achievements, and technology promotion and demonstration for the transformation of scientific and technological achievements.

The university encourages its faculty, researchers, students and employees to communicate with companies and other organizations in science and technology personnel. On the premise of not affecting the work of the university such as teaching and scientific research tasks, the university supports faculty, researchers, students and employees to engage in the transformation of scientific and technological achievements in enterprises and other organizations, however, prior approval by university leaders in charged must be obtained.

第二十条 学校鼓励所属单位与企事业单位采取联合建立研究开发平台、技术转移机构、地方产研院或者技术创新联盟等产学研合作方式，共同开展研究开发、成果应用与推广、标准研究与制定等活动。

Article 20 - The University encourages its affiliated units and enterprises and institutions to jointly establish research and development platforms, technology transfer institutions, local industry-research institutes or technological innovation alliances and other industry-university-research cooperation methods to jointly carry out research and development, application and promotion of results, and standard research and development, or other activities. However, prior approval by university leaders in charged must be obtained.

## 第五章 知识产权取得和维持

### Chapter V Acquisition and Maintenance of Intellectual Property

第二十一条 职务科技成果完成后，完成人不可以使用个人科研经费支付知识产权相关费用，完成人应及时向 RIGS 办公室提出知识产权申请、登记、备案或确认事宜，RIGS 审批后以学校名义向国家有关机关办理。

Article 21 - After the completion of the job-related scientific and technological achievements, completer/s cannot use personal research funds to pay for intellectual property related expenses, the person who completes it should promptly submit the intellectual property application, registration, filing or confirmation to the RIGS office, and the RIGS will handle it with the relevant state agency in the name of the University after approval.

第二十二条 学校设立专利申请和维持基金，为知识产权提供申请费用和一定年限的维持费用。专利申请和维持基金的使用、管理等办法由 RIGS 负责制定。

Article 22 - The university sets up a patent application and maintenance fund to provide application fees and maintenance fees for a certain period of time for intellectual property rights. RIGS is responsible for formulating the use and management of patent applications and maintenance funds, under the guidance of university leaders in charge.

第二十三条 学校建立、完善科技报告制度和科技成果信息系统，向社会提供科技成果信息查询、筛选等公益服务。相关办法由 RIGS 负责制定。

Article 23 - The University shall establish and improve the scientific and technological report system and scientific and technological achievement information system, and provide the society with public welfare services such as information inquiry and screening of scientific and technological achievements. The relevant measures are formulated by RIGS, under the guidance of university leaders in charge.

## 第六章 科技成果转化和促进

### Chapter VI: Transformation and Promotion of Scientific and Technological Achievements

第二十四条 学校加强对科技成果转化的管理、组织和协调，促进科技成果转化队伍建设，优化科技成果转化流程。

Article 24 - The University strengthens the management, organization and coordination of the transformation of scientific and technological achievements, promotes the construction of scientific and technological achievements transformation team, and optimizes the process of scientific and technological achievements transformation.

第二十五条 学校鼓励采取技术转移或其他方式开展科技成果转化工作，强化以技术许可方式开展科技成果转化，或作价入股方式转化。

Article 25 - The University encourages the use of technology transfer or other methods to carry out the transformation of scientific and technological achievements, strengthens the transformation of scientific and technological achievements by means of technology licensing, transformation through technology conversion to shares.

第二十六条 学校鼓励采用多种渠道推进科技成果转化工作。学校所属单位、科技成果完成人等可以委托第三方中介机构协助开展。学校可以通过签订协议方式，授予职务科技成果完成团队或个人对该成果进行自行转化。

Article 26 - The university encourages the use of multiple channels to promote the transformation of scientific and technological achievements. University affiliates, scientific and technological achievements holders. may entrust third-party intermediary agencies to assist in the development. The University may sign an agreement to grant the team or individual job related technological achievements to transform such achievement by itself.

第二十七条 学校可以自主决定科技成果交易方式，其定价形式包括协议定价、在技术交易市场挂牌交易、拍卖等。通过协议定价的，应当在学校公示科技成果名称和拟交易价格。

Article 27 - The University can independently determine the trading methods of scientific and technological achievements, and their pricing formats include agreement pricing, listing on the technology trading market, auctions, etc. If the price is set through an agreement, the name of the

scientific and technological achievements and the proposed transaction price shall be announced through university notification system.

第二十八条 学校设立科技成果转化基金并开设基金专用账户，由 RIGS 负责管理。RIGS 负责制定与基金设立、管理、资金使用等有关的具体规定。

Article 28 - The University establishes a scientific and technological achievement transformation fund and opens a special account for the fund, which is managed by RIGS. RIGS, under the guidance and university leaders in charge, is responsible for formulating specific regulations related to the establishment, management, and use of funds.

## 第七章 科技成果转化合同审批

### Chapter VII Approval of Contracts for Transformation of Scientific and Technological Achievements

第二十九条 合作研发、委托研发、产学研合作等合同中含有知识产权转让、授权许可等处置条款的，由科技成果转化委员会审批并将信息抄送 RIGS。

Article 29 - If the contract for cooperative R&D, entrusted R&D, university-industry research cooperation, etc. contains disposition clauses such as intellectual property transfer, authorization, etc., it shall be approved by the university leaders in charge (PVC and VC), Scientific and Technological Achievement Transformation Committee and the information shall be copied to RIGS.

第三十条 知识产权转让合同、授权许可合同等与知识产权处置有关的合同，由科技成果转化委员会审批并将信息抄送 RIGS。

Article 30 - Contracts related to the disposal of intellectual property rights, such as intellectual property transfer contracts, licensing contracts, etc., shall be examined and approved by the University leaders in charge, Scientific and Technological Achievement Transformation Committee, and the information shall be copied to RIGS.

## 第八章 科技成果转化资金管理及收益分配

### Chapter 8 Scientific and technological achievements transformation fund management and Income distribution

第三十一条 学校科技成果转化收入中，用于科研团队和对完成、转化职务科技成果做出重要贡献的人员的奖励和激励支出部分，不受学校工资总额的限制，不纳入工资总额基数。

Article 31 - The income from the transformation of scientific and technological achievements of the university, which is used for the rewards and incentives of the scientific research team and the personnel who have made important contributions to the completion and transformation of the scientific and technological achievements of the job, is not restricted by the school's total salary, and is not included in the total salary base.

第三十二条 学校财务办增设科技成果转化收入科目。经校分管领导和 RIGS 及学术行政办公室对奖酬金比例及数额认定之后，由财务办向相关人员和所属单位拨付。

Article 32 - The Finance Office of the university will create account item for income from the transformation of scientific and technological achievements. After the university leaders in charge, RIGS and the Academic Administration Office have confirmed the proportion and amount of the awards and rewards, the Finance Office will allocate them to relevant personnel and affiliated units.

第三十三条 科技成果转化收益在学校、科技成果完成人之间原则上按照 70%：30%（试行）的比例分配。

学校对科技成果完成人的奖励可以奖酬金方式支付，发放时依法缴纳个人所得税。奖酬金的具体计算方法按有关细则规定执行。

Article 33 - The income from the transformation of scientific and technological achievements shall in principle be distributed between the University and the person who completes the scientific and technological achievements at a ratio of **70%: 30% (TENTATIVE IN TRIAL)**.

The University's rewards for the completion of scientific and technological achievements can be paid in the form of rewards, and personal income tax shall be paid in accordance with the law when it is issued. The specific calculation method of awards shall be implemented in accordance with the relevant regulations.

第三十四条 科技成果转化收益中学校分配部分用途如下：

（一）**80%（待定）**作为作为学校科技成果转化基金专利申请和维持基金，由 RIGS 按照基金管理规定进行管理；

（二）**20%（待定）**作为 RIGS 科技成果转化运行管理费。

Article 34 - The use of part of the University's distribution of income from the conversion of scientific and technological achievements is as follows:

(1) **80% (to be determined)** as a patent application and maintenance fund for the transformation of school scientific and technological achievements, managed by RIGS in accordance with the fund management regulations;

(2) **20% (to be determined)** as RIGS scientific and technological achievements transformation operation management fee.

## 第九章 科技成果保护及法律责任

### Chapter 9 Protection of Scientific and Technological Achievements and Legal Liability

第三十五条 职务科技成果完成人抄袭、窃取、篡改、非法占有、假冒他人知识产权造成重大不良影响，或者不履行约定配合科技成果转化工作义务，可责令其限期改正，并退还非法所得，取消其获得的优惠待遇和奖励。

Article 35 - The person who completed the job-related scientific and technological achievements plagiarizing, stealing, falsifying, illegally possessing, or counterfeiting the intellectual property rights of others, causing significant adverse effects, or failing to fulfill the agreed obligation to cooperate in the transformation of scientific and technological achievements, may be ordered to

make corrections within a time limit, and the illegal gains shall be refunded. Withdraw the preferential treatment and rewards it received.

第三十六条 职务科技成果完成人未经学校同意，擅自转让、许可他人实施或以其他方式转化学校的科技成果，损害学校权益的，根据情节轻重，给予行政处分；触犯法律的，依法追究法律责任。

Article 36 - If the person who completes the job scientific and technological achievements without the consent of the university transfers, permits others to implement or otherwise transforms the scientific and technological achievements of the university, and damages the rights and interests of the university, he shall be given administrative sanctions according to the seriousness of the circumstances; those who violate the law shall be investigated in accordance with the law legal liability.

第三十七条 学校知识产权权属纠纷、合同纠纷、侵权纠纷等由校委托或指定法务机构处理，职务科技成果完成人及其所属单位应当配合纠纷处理工作。

Article 37 - The University's intellectual property rights disputes, contract disputes, infringement disputes, etc. shall be handled by the University's entrusted or designated legal affairs agency, and the person who completed the job-related scientific and technological achievements and his unit shall cooperate with the dispute resolution work.

第三十八条 因知识产权的权利归属或者奖酬发生争议的，应当首先协商解决。协商不成的，任何一方可以向校科技成果转化委员会请求调解，也可以依法向人民法院起诉或者依据仲裁协议申请仲裁。

Article 38 - In the event of disputes over the ownership of intellectual property rights or rewards, they shall first be resolved through negotiation. If the negotiation fails, either party may request mediation from the University's leaders in charge, and/or scientific and technological achievements transformation committee, or file a lawsuit in the people's court or apply for arbitration based on the arbitration agreement.

## 第十章 附则

### Chapter X Supplementary Provisions

第三十九条 学校相关部门依据本实施意见相关条款负责制定具体管理办法或实施细则，报请校领导批准后实施。

Article 39 - Relevant departments of the University are responsible for formulating specific management measures or implementation rules in accordance with the relevant provisions of these implementation opinions, and submit them to university leaders for approval before implementation.

第四十条 本实施意见自发布之日起实施。学校其他规定与本实施意见不一致的，以本实施意见为准。

Article 40 - The implementation policy shall be implemented from the date of issuance. If other regulations of the university are inconsistent with this implementation policy, this implementation policy shall prevail.