

## Academia Sinica Guidelines for Copyright-Related Matters

Approved by the President on 7 Jun. 2000.  
Amended pursuant to Letter No. 0990653764 dated 8 Oct. 2010.  
Points 1 and 10 amended pursuant to Letter No. 1020502041 dated 20 Mar. 2013.  
Point 5 amended pursuant to Letter No. 1100501432 dated 22 Mar. 2021.  
Points 1 to 13 amended pursuant to Letter No. 1131700912 dated 6 Jun. 2024.

1. These Guidelines are stipulated in accordance with Paragraph 3, Article 2 of the Academia Sinica (“AS”) Regulations for Ownership and Utilization of Scientific and Technological Research and Development Achievements for the purpose of managing issues related to copyright.

The authorship, ownership, management and utilization of the works created by AS employees for research and development (“R&D”) projects funded from the budget of other government agencies (entities) shall be governed by the applicable regulations of such government agencies (entities). These Guidelines shall apply to the extent that no such regulation is applicable.

2. If an AS employee creates a work within the scope of his or her employment or job responsibilities, he or she shall be considered as the author of the work unless a contract agreement stipulating otherwise.

Economic rights to the work set forth in the preceding paragraph shall be assigned to the author unless any of the following conditions applies:

- (a) Economic rights to a computer program work shall remain in AS;
- (b) In the case of a sponsored research project funded by an external entity and carried out by AS, if it is agreed that part or all of the R&D results shall belong to the external entity, the economic rights to a work created in connection with the sponsored research project shall be jointly owned by AS and the external entity in an agreed proportion, or owned entirely by the external entity in accordance with the agreement;
- (c) Economic rights to a designated work created for an assigned official duty shall remain in AS; or
- (d) Economic rights to a work created with resources appropriated by AS for specific purposes shall remain in AS.

The term “AS employee” set forth in the first paragraph refers to either a full-time certified employee or contract-based staff member who receives a salary from AS.

3. The provisions related to copyright specified in Point 2 shall apply mutatis mutandis to works created by non-AS employee under commission of AS.
4. An AS employee who creates a work prescribed in any subparagraph (except for Subparagraph (a)) of Paragraph 2 of Point 2 within the scope of employment or job responsibilities shall submit a declaration to AS through the division he or she belongs to prior to an intended license or utilization of the economic rights to such work; licensing of such works is within the purview of AS.

Details of the declaration set forth in the preceding paragraph should encompass particulars (including but not limited to purposes and the parties involved) of the intended licensing or utilization of the economic rights, the author's name, title of the work, abstract of the work, completion date, names of any co-authors, funding received from AS or an external entity, and the resources appropriated by AS for specific purposes. The declaration format will be provided separately by AS.

5. For a computer program work created by an AS employee within the scope of his or her employment or job responsibilities, the author of such work may publicly release the content thereof with an open source license.

Unless approved by AS, the scope of an open source license prescribed in the preceding paragraph shall not include any intellectual property rights other than copyright or any paid use.

6. In the case of a work created by an AS employee within the scope of his or her employment or job responsibilities and to which the economic rights have been assigned to him or her in accordance with these Guidelines, the author shall grant AS a perpetual, free of charge and non-exclusive license to use and provide public access to the work for research and educational purposes.

If a specific work has been exclusively licensed to another party before these amended Guidelines come into effect, or if there are other legitimate reasons for not granting a public access license as provided in the preceding paragraph, the AS employee may apply to AS for an exemption from the provision of the preceding paragraph.

7. With regard to all proceeds resulting from the economic rights owned by AS, 80% of such proceeds may be allocated to the author(s) and 20% to the national treasury or the funding agency after deduction of the necessary derivative expenses; provided, however, that the proceeds resulting from the economic rights to computer program

works owned by AS shall be allocated in accordance with Article 7 of the AS Regulations for Ownership and Utilization of Scientific and Technological Research and Development Achievements. If a work is subject to separate provisions stipulated by the funding agency or if there are other special conditions concerning the allocation ratio of such proceeds, the office in charge may otherwise determine the allocation ratio after obtaining approval through AS's administrative procedures.

The conditions for licensing the economic rights to AS works shall be approved by the Director of AS's Department of Intellectual Property and Technology Transfer.

For a work created by an AS employee within the scope of his or her employment or job responsibilities and published by an AS's publishing division, the allocation of the copyright-related proceeds and their relevant payments may be handled by such division in accordance with Paragraph 1 of Point 7.

8. AS may take the author's preferences into consideration to determine whether to have a work published by AS Press or by other publishers.
9. An AS employee may retain the economic rights to the works he or she created outside the scope of employment or job responsibilities, and shall have the option to either enter into publishing agreements with AS Press or independently arrange for the publication of the works through other publishers, businesses, or organizations.
10. AS's name and emblem should be appropriately displayed on all of its publications.
11. The transitional clauses regarding the ownership of copyright outlined in Chapter 8 of the Copyright Act shall apply mutatis mutandis to the works created by AS employees before these Guidelines come into effect.
12. Any matter not covered in these Guidelines shall be governed by AS Regulations for Ownership and Utilization of Scientific and Technological Research and Development Achievements.
13. These Guidelines shall be applicable to persons who are not covered by the provision of Paragraph 3, Point 2 hereof but otherwise utilize AS resources or participate in the projects or tasks of AS.