

Regulations Governing Invention and Creation Awards

- 1.Promulgated on July 31, 1996
- 2.Amended on February 18, 1998
- 3.Amended on December 17, 2003
- 4.Amended and Promulgated on March 17, 2005
- 5.Amended on February 07, 2007
- 6.Amended on March 03, 2008
- 7.Amended on February 17, 2009
- 8.Amended on February 13, 2012
- 9.Amended on December 26, 2012; entered into force on January 1, 2013
- 10.Amended on March 6, 2014; entered into force on January 1, 2014
- 11.Amended on July 21, 2015; entered into force on July 21, 2015

Article 1

These Regulations are formulated pursuant to Article 144 of the Patent Act (hereinafter referred to as “the Act”).

Article 2

The Specific Patent Agency may set up the National Invention and Creation Award (hereinafter referred to as "the Award") to encourage those who pursue in inventions and creations of utility model or design.

The recipients of the Award specified under the preceding paragraph shall be limited to ROC citizens.

Article 3

The Award may be held once every two years.

Article 4

The Specific Patent Agency may appoint, commission, or designate juristic persons or groups to conduct matters related to the Award.

Article 5

Categories for the Award include Invention Award and Creation Award. Gold and silver medals are awarded to winning entries in each category, accompanied by an award certificate, a trophy and prize money.

Article 6

The award given shall be to the inventor/utility model creator/designer whose name appears on the patent certificate.

Where the invention or creation of utility model or design is produced by more than one person, the award shall be presented to all inventors/utility model creators/designers, unless otherwise provided for in an agreement. In such case, the provisions set out in the agreement shall prevail.

The recipients prescribed in the preceding paragraph shall negotiate on how the award should be distributed among them within a specified period of time. Should the group fail to reach an agreement within the specified time period, the Specific Patent Agency may distribute the award equally among all recipients.

Inventors, utility model creators or designers referred to in Paragraph 2 may each be awarded a certificate; the trophy is awarded to all recipients as a whole. Recipients wishing to have a trophy of their own may request the Specific Patent Agency for a replica, provided all the costs are borne by the requesting party.

Article 7

Any candidate for the Invention Award shall have obtained the patent right to the invention from the ROC within six (6) years prior to the selection of eligible entries and the patent right shall still remain valid until application deadline.

Any candidate for the Creation Award shall have obtained the patent right to the utility model or design patent from the ROC within six (6) years prior to the selection of eligible entries and the patent right shall still remain valid until application deadline.

Inventions/creations of utility model or design that have previously been made entry into the Award may be made entry for the second time. However, no entry shall be made for the inventions/creations that have been awarded a prize.

Article 8

An application for Invention or Creation Award shall be made by the inventors/utility model creators/designers by submitting an application form along with the description, claim(s) and drawing(s) of the invention, utility model or design, the patent certificate and identification documents.

In addition to the documents specified in the preceding paragraph, the utility model creators contending for Creation Award shall submit a technical evaluation report.

Any submitted document or information not meeting the requirements shall be resubmitted within a specified time period; otherwise, the application will not be accepted.

Article 9 (Deleted)

Article 10

The Specific Patent Agency shall be open, fair and not be interfered by any organization or third party while handling the operation of the Award.

Article 11

The Specific Patent Agency may set up an Invention and Creation Evaluation Committee (hereinafter referred to as "the Committee") to be in charge of matters regarding the Awards.

The Committee shall consist of 25 to 40 members. The Chair of the Committee shall be assigned by the Specific Patent Agency; the remaining members shall be scholars, specialists, and representatives from relevant competent authorities appointed by the Specific Patent Agency.

Members of the Committee are of unpaid posts. However, members may receive an honorarium for evaluation, attendance, and transportation during the evaluation period pursuant to relevant regulations.

The Committee may be further subdivided into smaller sub-committees to handle different categories of the Award.

Evaluation standards and related matters shall be decided by the Committee.

Article 12

The Evaluation Committee Meeting shall be convened and presided over by the Chair of the Committee. In the event that the Chair of the Committee is unavailable, he/she shall designate a member to preside over the meeting or the members shall select one in his/her place.

Article 13

The Evaluation Committee Meeting shall commence only with a quorum of no less than half of the Committee members. Any resolution made at the Meeting must be reached by no less than half of the attending members.

Article 14

The Committee shall not issue any statement externally. Any resolution reached at the Meeting shall be ratified and announced by the Specific Patent Agency.

Article 15

The evaluation procedures for the Award are as follows:

1. Preliminary round: The Committee shall select a list of preliminary winning entries after all the application documents are reviewed.

2. Semifinal round: The Committee may deem it necessary to conduct an on-site evaluation and give scores to preliminary winning entries or presentations given by candidates.
3. Final round: The Committee shall select the final award recipients based on the total scores of the preliminary scores for thirty percent (30) and the semifinal scores for seventy percent (70).

Article 15-1

If the inventors/utility model creators/designers of inventions/creations of utility model or design that applied for Invention or Creation Award are the patentee, the Committee may consider to give extra scores at the semifinal round.

The increasing scores standards as stated in the preceding paragraph shall be decided by the Committee.

Article 16

In the event that no entry qualifies for the Award, the awards may be omitted.

The qualifications referred to in the preceding paragraph shall be made by the resolution of the Evaluation Committee.

Article 16-1

Those candidate for the Award may submit for review within thirty (30) days after received the score notice of the Specific Patent Agency. Only one review may be performed, however.

The candidate shall submit a request form for review included the name of inventions/creations of utility model or design that applied for the Award and the contact information to the Specific Patent Agency.

Article 17

The Specific Patent Agency shall offer subsidy to any invention/creation of utility model or design that has taken part in renowned international invention exhibitions and received Gold, Silver or Bronze Medal medals within four (4) years after obtaining patent right approval from the ROC. Related documents of proof and certificates should be provided to the Specific Patent Agency to apply for subsidy for shipment of the exhibition items, round-trip air tickets and other related expenditures.

The subsidy prescribed in the preceding paragraph shall include the following:

1. Asia: Maximum NT\$20,000.
2. America: Maximum NT\$30,000.

3. Europe: Maximum NT\$40,000.

Any person who has participated in the same renowned international invention exhibition with two or more inventions/creations of utility model or design shall be subsidized according to the provisions in the preceding paragraph. In the event that the invention/creation of utility model or design has previously been subsidized by the Specific Patent Agency, the said invention/creation of utility model or design may not apply for subsidy as based on the participation in the same renowned international invention exhibition. Where an application for the subsidy of an item in the same renowned international invention exhibition has been approved by other units, the applicant may only be allowed to apply with the Specific Patent Agency for the amount in the actual expenditure that exceeds the part being subsidized.

The "renowned international invention exhibitions" referred to in Paragraph 1 shall be announced by the Patent Authority.

Inventors/utility model creators/designers who meet the requirements for subsidy referred to in Paragraph 1 shall apply for subsidy in the same year in which the exhibition is held. The matters to be noted for subsidy application, the application form, the required documents, and other related requirements shall be prescribed by the Specific Patent Agency.

Article 18

The Specific Patent Agency may organize a national invention and creation exhibition.

Article 19

Any award winner whose patent right has been revoked, or whose relevant certificates or documents of proof are plagiarized or falsified, the Specific Patent Agency shall revoke the award. In such event, the recipient must forfeit and return all the awards or subsidies received.

Article 20

The Specific Patent Agency reserves the right to adjust accordingly any award or subsidy provided in these Regulations based on its budget allowance.

Article 21

The Specific Patent Agency shall prescribe all information on the number of awards, the amount of prize money, application, registration forms, required documents, and other related requirements with respect to the Award.

Article 22

These Regulations shall come into force on January 1, 2013.

These Regulations, as amended on March 6, 2014, shall enter into force on January 1, 2014.

These Regulations, as amended on July 21, 2015, shall enter into force on July 21, 2015.