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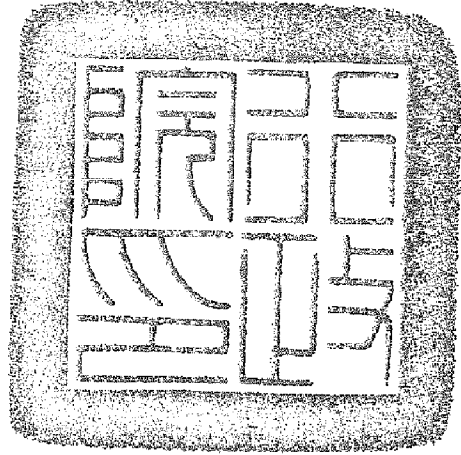
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行政院 令

發文日期：中華民國 103 年 4 月 1 日
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中華民國一百零三年一月二十九日制定公布之「國家中山科學研究院設置條例」，本院定自一百零三年四月十六日施行。

院長 江宜樺

總統府公報

第 7124 號

中華民國 103 年 1 月 29 日 (星期三)

總統令

中華民國 103 年 1 月 29 日
華總一義字第 10300010801 號

茲制定國家中山科學研究院設置條例，公布之。

總 統 馬英九
行政院院長 江宜樺
國防部部長 嚴 明

國家中山科學研究院設置條例

中華民國 103 年 1 月 29 日公布

第一章 總 則

- 第 一 條 為提升國防科技能力，建立自主國防工業，拓展國防及軍民通用技術，特設國家中山科學研究院（以下簡稱本院），並制定本條例。
- 第 二 條 本院為行政法人；監督機關為國防部。
- 第 三 條 本院之業務範圍如下：
一、國防科技及主要武器裝備之研究發展、生產製造及銷售。

- 二、軍民通用科技之研究發展、生產製造及銷售。
- 三、國內外科技之合作、資訊交流及推廣。
- 四、國內外科技之技術移轉、技術服務及產業服務。
- 五、國防科技人才之培育。
- 六、重要國防軍事設施工程。
- 七、配合國防部重大演訓及戰備急需之事項。
- 八、其他與本院設立目的相關之事項。

前項第一款至第四款之有關銷售、科技合作、技術移轉及技術服務等相關辦法，由國防部定之。

本院執行第一項業務有涉及國家機密、軍事機密或國防秘密之事項時，應由國防部比照國防部軍備局及其所屬機關（構）相關規定予以機密之核定與等級變更，並善盡監督本院保護機密之責。

第 四 條 公務機關依政府採購法第一百零五條第一項第三款規定辦理採購者，本院視為公務機關，國防部視為其上級機關。

第 五 條 本院經費來源如下：

- 一、政府之核撥及捐（補）助。
- 二、國內外公私立機構、團體及個人之捐贈。
- 三、受託研究及提供服務之收入。
- 四、營運及研發成果收入。
- 五、其他收入。

前項第一款之捐（補）助經費，以國防部年度國防預算總額百分之三為原則，但得視本院所提國防專技前瞻研究專題或生產能量維持計畫之核定及執行情形調整。

第一項第二款之捐贈，視同對政府之捐贈。

第一項第一款之捐（補）助經費，不含國防部支付本院武器裝備之委託製造費用。

第 六 條 本院應擬訂組織章程、人事管理、會計制度、內部控制、稽核作業及其他規章，提經董事會通過後，報請國防部備查。本院規章涉及本條例第三條第二項規定之辦法者，由國防部核定。

本院就執行之公共事務，在不抵觸有關法律或法規命令之範圍內，得訂定規章，並提經董事會通過後，報請國防部備查。

第二章 組 織

第 七 條 本院設董事會，置董事十一人至十五人，由國防部就下列人員遴選提請行政院院長聘任之；解聘時，亦同：

- 一、政府相關機關代表。其中國防部部長、經濟部次長與行政院國家科學委員會副主任委員為當然董事。
- 二、國防科技相關之學者、專家。
- 三、民間企業經營、管理專家或對本院有重大貢獻之社會人士。

前項第三款之董事不得逾董事總人數三分之一。

專任之董事不得逾董事總人數三分之一。

第一項之董事性別比例，不受行政法人法第五條第五項前段規定之限制。

第 八 條 本院置監事三人至五人，由國防部就下列人員遴選提請行政院院長聘任之；解聘時，亦同：

一、政府相關機關代表。

二、國防科技相關之學者、專家。

三、法律、會計或財務相關之學者、專家。

監事應互選一人為常務監事。

第一項之監事性別比例，不受行政法人法第五條第五項前段規定之限制。

第 九 條 董事、監事任期為三年，期滿得續聘一次。續聘人數應達其總人數三分之一以上，並不得逾其總人數三分之二。

代表政府機關出任之董事、監事，應依其職務異動改聘，不受前項續聘次數之限制；依第七條第一項及前條規定聘任之董事、監事，任期屆滿前出缺者，由國防部提請行政院院長補聘，任期至原任期屆滿時為止。

董事、監事之資格、遴聘、解聘、補聘及其他相關事項之辦法，由國防部定之。

第 十 條 本院置董事長一人，由國防部部長兼任。

董事長對內綜理本院一切事務，對外代表本院；其因

故不能執行職務時，由其指定之董事代行職權，不能指定時，由董事互推一人代行職權。

第十一條 董事會之職權如下：

- 一、十年期國防科技發展構想與五年期國防科技研究、應用及產製計畫之審議。
- 二、年度營運（業務）目標及營運計畫之審議。
- 三、年度預算及決算報告之審議。
- 四、規章之審議。
- 五、自有不動產處分或設定負擔之審議。
- 六、院長之任免。
- 七、經費之籌募。
- 八、本條例所定應經董事會決議事項之審議。
- 九、其他重大事項之審議。

第十二條 董事會會議每三個月開會一次；必要時，得召開臨時會議，由董事長召集，並擔任主席。

董事會會議應有過半數董事之出席，其決議應有出席董事過半數之同意。但前條第一款至第七款事項之決議，應有董事總額過半數之同意。

第十三條 監事之職權如下：

- 一、業務、財務狀況之監督。
- 二、財務帳冊、文件及財產資料之稽核。
- 三、決算報告之審核。

四、其他重大事項之審核及稽核。

監事單獨行使職權，常務監事應代表全體監事列席董事會會議。

第十四條 本院置院長一人，應具國防科技或企業管理相關經驗，專任，任期三年，期滿得續聘一次，由董事長提請董事會通過後聘任之；解聘時，亦同。

院長初任年齡不得逾六十五歲，任期屆滿前年滿七十歲者，應即更換。但有特殊考量，經行政院核准者，不在此限。

院長依本院規章、董事會之決議及董事長之授權，負責本院營運與管理業務之執行及參與本條例第二十條第二項之會議。

第十五條 董事、監事及院長應遵守利益迴避原則，不得假藉職務上之權力、機會或方法，圖謀本人或關係人之利益，其利益迴避範圍及違反時之處置，由國防部定之。

董事、監事及院長相互間，不得有配偶或三親等以內血親、姻親之關係。

董事、監事及院長之配偶或其三親等以內之血親、姻親，不得擔任本院總務、會計及人事職務。

董事長、院長不得進用其配偶或三親等以內血親、姻親，擔任本院職務。

本條例所稱關係人，指配偶或二親等以內之親屬。

第十六條 董事、監事、院長或其關係人，不得與本院為買賣、租賃、承攬等交易行為。但有正當理由，經董事會特別決議者，不在此限。

違反前項規定致本院受有損害者，行為人應對其負損害賠償責任。

第一項但書情形，本院應將董事會特別決議內容，於會後二十日內主動公開之，並報國防部備查。

第十七條 董事、常務監事應親自出席、列席董事會會議，不得委託他人代理出席。

第十八條 有下列情事之一者，不得聘任為董事、監事及院長：

- 一、受監護宣告或輔助宣告尚未撤銷。
- 二、受有期徒刑以上刑之判決確定，而未受緩刑之宣告。
- 三、受破產宣告尚未復權。
- 四、褫奪公權尚未復權。
- 五、經公立醫院證明身心障礙致不能執行職務。

董事、監事及院長有前項情形之一或無故連續不出席、列席董事會會議達三次者，應予解聘。

董事、監事及院長有下列各款情事之一者，得予解聘：

- 一、行為不檢或品行不端，致影響本院形象，有確實證據。
- 二、工作執行不力或怠忽職責，有具體事實。

- 三、違反聘約情節重大。
 - 四、當屆任期內之本院年度績效評鑑連續二年未達國防部所定基準。
 - 五、違反公務人員行政中立法之情事，有確實證據。
 - 六、就主管事件，接受關說或請託，或利用職務關係，接受招待或餽贈，致損害公益或本院利益，有確實證據。
 - 七、非因職務之需要，動用本院財產，有確實證據。
 - 八、違反本條例所定利益迴避原則或第十六條第一項前段特定交易行為禁止之情事，有確實證據。
 - 九、其他有不適任董事、監事及院長職位之行為。
- 前項各款情形，國防部於解聘前，應給予當事人陳述意見及申辯之機會。

第十九條 兼任之董事、監事，均為無給職。

第三章 業務及監督

第二十條 國防部對本院之監督權限如下：

- 一、十年期國防科技發展構想與五年期國防科技研究、應用及產製計畫之核定。
- 二、規章、年度營運（業務）計畫與預算、年度執行成果及決算報告書之核定或備查。
- 三、財產、財務及國家機密保護狀況之檢查。
- 四、營運績效之評鑑。

- 五、董事、監事之遴選及建議。
- 六、董事、監事於執行業務違反法令時，得為必要之處分。
- 七、本院違反憲法、法律、法規命令時，予以撤銷、變更、廢止、限期改善、停止執行或為其他處分。
- 八、自有不動產處分或設定負擔之核可。
- 九、其他依法律所為之監督。

國防部應要求本院參加與國防科技研究、應用與產製作業相關之重大建軍規劃會議，並得視建軍構想與兵力整建計畫之規劃情形，頒布國防科技發展之指導。

本院應依前項之指導，擬具十年期國防科技發展構想與五年期國防科技研究、應用、產製計畫及年度營運計畫、預算。

第二十一條 國防部應邀集有關機關代表、學者專家及社會公正人士，辦理本院之績效評鑑。

前項績效評鑑之方式、程序及其他相關事項之辦法，由國防部定之。

績效評鑑之內容如下：

- 一、本院年度執行成果之考核。
- 二、本院業務績效及目標達成率之評量。
- 三、本院經費核撥之建議。
- 四、其他有關事項。

第二十二條 本院應依本條例第二十條第二項之指導，每四年訂定十年期國防科技發展構想與每年訂定五年期國防科技研究、應用及產製計畫，並報請國防部核定。

本院應訂定年度營運（業務）計畫及其預算，提經董事會通過後，報請國防部備查。

第二十三條 會計年度終了後二個月內，本院應將營運成果及收支決算報告，委託會計師查核簽證，提交董事會審議，並經監事通過後，報請國防部備查，及送審計機關。

前項決算報告，審計機關得審計之，審計結果得送國防部或其他相關機關為必要之處理。

第四章 人事及現職人員權益保障

第二十四條 國防部軍備局中山科學研究院（以下簡稱原機關）隨同移轉本院之軍職人員，其任官、任職、服役、勳賞、獎勵、懲罰、考績、訓練進修、待遇、保險、撫卹、福利、退伍、除役及其他權益事項，均依原適用軍職人員相關法令辦理。但不能依原適用軍職人員相關法令辦理之事項，由行政院另定辦法辦理。

國防部在不損及隨同移轉軍職人員之權益下，得修正原機關改制前人員編制（組）表之階級及員額。

第一項之軍職人員得依其適用之法令辦理退伍、除役後，依本院相關人事管理規章進用，不加發慰助金。

第二十五條 原機關以原職稱原官等職務留用之公務人員隨同移轉

本院者，得繼續以原職稱原官等職務留用至離職時止，其服務、懲戒、考績、訓練進修、俸給、保險、保障、結社、退休、資遣、撫卹、福利及其他權益事項，均依原適用之公務人員相關法令辦理。但不能依原適用之公務人員相關法令辦理之事項，由行政院會同考試院另定辦法辦理。

前項人員退休、資遣後再擔任本院職務者，依本院人事管理規章進用，不加發慰助金。

公務人員退休後，再擔任本院職務者，其請領月退休金及停辦優惠存款等事項，應依公務人員退休相關法令辦理。

第二十六條 原機關隨同移轉本院之科技、編制內、民診及特約等各類聘雇人員（以下簡稱各類聘雇人員）改制前之服務年資，其工資（薪給）、保險、退休、資遣、撫卹、福利等權益事項，依各類聘雇人員原適用之相關勞動法令、管理規定或勞動契約辦理。

前項聘雇人員，其改制前後服務年資應合併計算，年資自受僱原機關之日起算，得繼續適用原選擇之退休金制度；適用勞動基準法退休金制度者，其退休金及資遣費給與標準，依該法第十七條、第五十五條及第八十四條之二規定計算合併給付，改制前後退休金相加總額不得超過退休時四十五個月平均工資。

第二十七條 不願隨同移轉本院之軍職人員，應由國防部於改制之

日予以安置；無法安置者，依原適用之軍職人員相關法令辦理退伍，並一次加發七個月俸給總額之慰助金。

依前項規定發給慰助金之軍職人員，以少校階以上軍官，退除年資須滿二十年，且屆滿現役最大年齡或年限前七個月以上者為限。

原機關外調之軍職人員，退伍轉任本院聘雇人員或由國防部安置其他國軍單位者，不發給慰助金。

第一項人員於退伍生效日起七個月內，再任有給公職或行政法人職務時，應由再任機關或行政法人收繳扣除離職月數之剩餘俸給總額之慰助金繳庫。

第一項及第四項所稱俸給總額係指退伍當月所支領之本俸、專業加給及主管職務加給。

第二十八條 不願隨同移轉本院之公務人員，自機關改制之日，依其原適用公務人員相關法令辦理退休、資遣，並一次加發七個月俸給總額之慰助金。但已達屆齡退休人員，依其提前退休之月數發給之。

前項人員於退休、資遣生效日起七個月內，再任有給公職或行政法人職務時，應由再任機關或行政法人收繳其扣除離職月數之剩餘俸給總額之慰助金繳庫。

前項所稱俸給總額係指退休或資遣當月所支領之本（年功）俸、專業加給及主管職務加給。

第二十九條 不願隨同移轉本院之各類聘雇人員，由國防部於改制

之日予以安置；無法安置者，依原適用之相關勞動法令、管理規定或勞動契約辦理退休、資遣，分段計算合併給付，並一次加發七個月之慰助金。但已達屆齡退休人員，依其提前退休之月數發給之。

前項聘雇人員於退休、資遣生效日起七個月內，再任有給公職或行政法人職務時，應由再任機關或行政法人收繳其扣除離職月數之剩餘月之慰助金繳庫。

第一項所稱慰助金係指退休或資遣當月所支領之本（功）薪及專業加給。

第三十條 原機關之定期契約工得隨同移轉至本院服務，並依原契約繼續工作至契約期滿為止，本院應依勞工退休金條例規定提繳退休金至個人專戶；不願隨同移轉者，終止原契約，並依該條例規定發給資遣費，不另發給慰助金。

第三十一條 原機關改制前依勞動基準法或勞工退休金條例提撥之勞工退休準備金，應於改制之日移轉至本院勞工退休準備金專戶存儲。

原機關改制所需加發之慰助金及資遣費，得由國防部在原預算範圍內調整支應，不受預算法第六十二條及第六十三條規定之限制。

第三十二條 休職、停職（含免職未確定）及留職停薪人員，由原機關列冊移交本院繼續執行。進修回任、依法復職或回職復薪人員得選擇繼續於本院服務，不願繼續服務者，得準

用第二十七條至第二十九條規定，由國防部協助安置，辦理退伍（休）、資遣，並加發慰助金。

第三十三條 本院設立後受僱之新進人員，不具公務人員或軍職人員身分，應適用勞動基準法。退休金、資遣費給與，依勞工退休金條例辦理。

前項人員相關權利、義務事項，另以勞動契約及工作規則規範之。

第五章 會計、財務、財產及租稅減免、資訊公開及審核

第三十四條 本院之會計年度，應與政府會計年度一致。

第三十五條 本院之財務報表，應委請會計師進行財務報表查核簽證。

本院年度營運賸餘，於完稅及彌補虧損後，應將賸餘之百分之十解繳國庫。

第三十六條 國軍生產及服務作業基金項目下屬原機關之資產及負債部分，於改制之日由本院概括承受，不受預算法第二十五條及第八十八條規定之限制。

本院成立年度之政府核撥經費，得由國防部在原預算範圍內調整因應，不受預算法第六十二條及第六十三條規定之限制。

第三十七條 本院設立時，需使用公有財產者，除前條作業基金資產外，得採無償提供使用、捐贈等方式為之；採捐贈者，

不適用預算法第二十五條及第二十六條、國有財產法第二十八條及第六十條相關規定。

本院設立後，因業務需要得價購公有不動產。土地之價款，以當期公告土地現值為準。地上建築改良物之價款，以稅捐稽徵機關提供之當年期評定現值為準；無該當年期評定現值者，依公產管理機關估價結果為準。

本院以政府機關核撥經費指定用途所購置之財產，為公有財產。

第一項無償提供使用及前項之公有財產以外由本院取得之財產，為自有財產。

第一項無償提供使用及第三項之公有財產，由本院登記為管理人，不得為任何處分。但所生之收益，列為本院之收入，不受國有財產法第七條第一項規定之限制。

第一項必要使用之公有財產，其分類移轉處理方式，及第一項無償提供使用與第三項之公有財產，其管理、使用、收益等相關事項之辦法，由國防部定之。

公有財產用途廢止時，應移交各級政府公產管理機關接管。

本院接受捐贈之公有不動產，不需使用時，應歸還原捐贈機關，不得任意處分。

第三十八條 政府機關核撥本院之經費，應依法定預算程序辦理，並受審計監督。

前項經費超過本院當年度預算收入來源百分之五十者，應由國防部將本院年度預算書，送立法院審議。

第三十九條 本院所舉借之債務以具自償性質者為限，並應先送國防部核定。預算執行結果，如有不能自償之虞時，應即檢討提出改善措施，報請國防部核定。

第四十條 本院辦理採購，應本公開、公平之原則，並應依我國締結簽訂條約或協定之規定。

前項採購，除符合政府採購法第四條所定情形，應依該規定辦理外，不適用該法之規定。

前項應依政府採購法第四條規定辦理之採購，於其他法律另有規定者，從其規定。

第四十一條 銷售與本院業務使用之武器、艦艇、飛機、戰車，及與作戰有關之偵察、通訊器材，免徵營業稅。

本院承接國防部及所屬機關委託研究（製）計畫，免徵營業稅。

本院因業務需要採購之貨物，經國防部核定直接供軍用者，準用軍用貨品貨物稅免稅辦法。

本院進口專供軍用之武器、裝備、車輛、艦艇、航空器與其附屬品，及其他專供軍用之物資，準用軍用物品進口免稅辦法。

第四十二條 本院之相關資訊，除國家機密保護法相關法令另有規定外，應依政府資訊公開法相關規定公開之；年度財務報

表、年度營運（業務）資訊及年度績效評鑑報告，應主動公開。

前項年度績效評鑑報告，應由國防部提交分析報告，送立法院備查。必要時，立法院得要求國防部部长率同本院院長或相關主管至立法院報告營運狀況並備詢。

第六章 附 則

第四十三條 對於本院之行政處分不服者，得依訴願法之規定，向國防部提起訴願。

第四十四條 本院因情事變更或績效不彰，致不能達成設立目的時，由國防部提請行政院同意解散之。

本院解散時，繼續任用人員，由國防部協助安置之，或依其適用之公務人員及軍職人員法令辦理退休（伍）、資遣；其餘人員依相關勞動法令，終止其契約；相關資產負債，由國防部概括承受。

第四十五條 本條例施行日期，由行政院定之。

Order of the Executive Yuan

Issued on: 1 April 2014

Ref. No.: Yuan-Sho-Ren-Zhong-Zi 1030027822

The Act for the “Establishment of the National Chung-Shan Institute of Science and Technology” promulgated on 29 January 2014 shall be implemented as of 16 April 2014.

Seal of the Executive Yuan

Yi-huah Jiang

Premier

President Decree

29 January 2014

Hua-Zhong-Yi-Yi-Zi (103) 00010801

To establish and proclaim the Act for the Establishment of the National Chung-Shan Institute of Science and Technology

President: Ying-jeou Ma

Premier: Yi-huah Jiang

National Defense Minister: Ming Yen

Act for the Establishment of the National Chung-Shan Institute of Science and Technology

Promulgated on 29 January 2014

Chapter I General Provisions

- Article 1 The Establishment of the National Chung-Shan Institute of Science and Technology (hereinafter called this Institute) and this Act are established to enhance the capability of defense technology, establish an independent defense industry, and expand defense and dual-use technology.
- Article 2 This Institute shall be an independent administrative agency under the supervision of the Ministry of National Defense (MND) of the Republic of China (ROC).
- Article 3 The scope of business of this Institute shall include:
1. The research and development, production, and sales of defense technology and major weapons and equipment.
 2. The research and development, production, and sales of dual-use technology.
 3. Technology cooperation, information exchange and promotion at home and abroad.
 4. Technology transfer, technological service and industrial service at home and aboard.
 5. Cultivation of talents for defense technology.
 6. Construction of major defense and military facilities.

7. Collaboration of major MND maneuvers and affairs relating to emergency war preparedness.

8. Other affairs relating to the purpose of establishment of this Institute.

The regulations governing sales, technological cooperation, technology transfer, and technological service prescribed in items 1-4 in the foregoing paragraph shall be specified by the MND.

Where implementing the business prescribed in paragraph 1 by this Institute involves classified national security information, classified military information, or national defense secrets, the MND shall approve the classification and security level of confidence for such information and secrets with reference to relevant regulations of Armaments Bureau and its affiliated agencies (organizations) and exercise due diligence to supervise this Institute to protect such classified information and secrets.

Article 4 A government agency procuring with reference to item 3, paragraph 1, Article 105 of the Government Procurement Act of the Republic of China shall be considered as a government agency by this Institute and the MND shall be its superior agency.

Article 5 Fund sources of this Institute are as follows:

1. Government contributions and donations (subsidies).
2. Donation from public and private organizations, groups, and individuals at home and abroad.
3. Incomes from commissioning research and service provisions.
4. Incomes from operations and research outcomes.
5. Other incomes.

Funds from donations (subsidies) specified in item 1 in the foregoing paragraph shall not exceed three percent (3%) of the total budget of MND; except for adjustments made for approved visionary defense technology research projects or production capacity maintenance projects and with reference to the status of implementation.

Donations specified in item 2 of paragraph 1 are considered as government donations.

Funds from donations (subsidies) specified in item 1, paragraph 1, do not include the fee for manufacturing armaments and equipment commissioned by the MND.

Article 6 This Institute shall establish the articles of incorporation, personnel management, accounting system, internal control, audit and other regulations. After being approved by the board of directors, they shall be reported to the MND for reference. Regulations for governing classified information as specified in paragraph 2 of Article 3 shall be approved by the MND. This Institute may also establish regulations for implementing public affairs that do not conflict with relevant laws, regulations and orders. After being approved by the board of directors, they shall be reported to the MND for reference.

Chapter II Organization

- Article 7 This Institute shall establish a board of directors with eleven to fifteen directors selected by the MND from among the following candidates. These candidates shall be appointed, also dismissed, by the premier.
1. Representatives of relevant government agencies, where the defense minister, deputy economic minister, and the deputy minister of the National Science Counsel (now Ministry of Science and Technology, MOST) shall be ex-officio directors.
 2. Scholars and experts related to defense technology.
 3. Experts in private business operations and administration or citizens with significant contributions to this Institute.
- The number of directors selected from item 3 in the foregoing paragraph shall not exceed one third of all directors.
- The number of full-time directors shall not exceed one third of all directors.
- Restrictions specified in the front part of paragraph 5 of Article 5 of the Non-Departmental Public Bodies Act shall not apply to the gender proportion of directors selected from item 1.
- Article 8 This Institute shall establish three to five supervisors selected by the MND from among the following candidates. These candidates shall be appointed, also dismissed, by the premier.
1. Representatives of relevant government agencies.
 2. Scholars and experts related to defense technology.
 3. Scholars and experts related to law, accounting or finance.
- Supervisors shall elect from among themselves a managing supervisor.
- Restrictions specified in the front part of paragraph 5 of Article 5 of the Non-Departmental Public Bodies Act shall not apply to the gender proportion of supervisors selected from item 1.
- Article 9 Each term of directors and supervisors shall be three years, and each director and supervisor is eligible for a second term. The number of repeat directors and supervisors shall at least be one third of members of each role, with a total of not more than two third.
- Directors and supervisors selected from representatives of relevant government agencies shall be re-appointed with reference to their duty change irrespective to the said term limit. Where there are vacancies of directors and supervisors appointed with reference to paragraph 1 of Article 7 and the foregoing article before the end of the term, the MND shall ask the premier to appoint other members to fill up these vacancies until the end of the original term.
- The MND shall establish regulations to specify the eligibility, selection and appointment, dismissal, filling up and other affairs relating to the directors and supervisors of this Institute.

Article 10 This Institute shall have one chairman to be seated concurrently by the defense minister.

The chairman shall administer all institute affairs and represent this Institute externally. When the chairperson is unable to carry out his duty, he should assign a director to carry out his duty for and on his behalf. When no agent is appointed, directors shall elect one from among them to carry out the chairman's duty for and on his behalf.

Article 11 Duties of the board of directors:

1. Evaluation of the ten-year defense technology development pre-proposal and five-year defense technology research, application and production plan.
2. Evaluation of the annual operational (business) targets and business plan.
3. Evaluation of the annual budget and final report.
4. Review of rules and regulations.
5. Evaluation of the disposition or mortgage of own real estate.
6. Appointment and dismissal of presidents.
7. Fund raising.
8. Evaluations that should be resolved by the board of directors with reference to this Act.
9. Evaluation of other material affairs.

Article 12 The board meeting shall be held once every three months. Provisional board meeting may be convened as necessary and chaired by the chairman.

A board meeting shall be attended by more than one half of all directors and resolutions shall be made by over one half of directors attending the board meeting. Resolutions for items 1-7 in the foregoing article, however, shall be made by over half of all directors.

Article 13 Duties of supervisors

1. Supervision of the business and financial status of this Institute.
2. Audit of financial statements, account books, documents, and property data.
3. Review and approval of the final report.
4. Review and audit of other material affairs.

Supervisors shall carry out their duties independently and the managing supervisor shall attend the board meeting for and on behalf of all supervisors.

Article 14 This Institute shall have one full-time president with experience relating to defense technology or business administration. The term shall be three years and a second term is eligible. The president shall be appointed, and also dismissed, by the chairman with board approval.

The president shall be under 65 years of age when he starts his term and shall be replaced at age 70 before his term ends; except for special considerations approved by the Executive Yuan.

With reference to the rules and regulations of this Institute, board resolutions, and the chairman's authorization, the president shall operate and manage the

business of this Institute and attend the meetings specified in paragraph 2 of Article 20 of this Act.

Article 15 Directors, supervisors and the president of this Institute shall uphold the principle of avoidance of conflicts of interest and shall not seek personal interests or interests for related parties with the authority, opportunity or method ascribed to their duty. The MND shall specify the scope of avoidance of conflicts of interest and the settlement of violation of such principle.

Directors, supervisors and the president shall not be relatives by consanguinity or by affinity within the third degree.

The spouse or relatives by consanguinity or by affinity within the third degree of directors, supervisors and the president shall not be the general affairs, accounting or personnel affairs personnel of this Institute.

The chairman or the president shall not hire their relatives by consanguinity or by affinity within the third degree for this Institute.

A related party in this Act shall mean the spouse or relatives within the second degree.

Article 16 Directors, supervisors, the president or their related parties shall not involve in trading, leasing or undertaking behavior with this Institute; except for a just cause specially resolved by the board.

The agent violating the foregoing paragraph shall compensate for all damages caused to this Institute, if any.

For the exception specified in paragraph 1, the board of this Institute shall voluntarily open the content of the resolution meeting within twenty days after the meeting and report to the MND for reference.

Article 17 Directors and the managing supervisors shall attend and appear in board meetings personally without assigning any agents.

Article 18 A person shall not be appointed as the director, supervisor or president of this Institute under any of the following circumstances:

1. A person who is under guardianship or assistance without court revocation.
2. A person who is convicted imprisonment sentence without approval for parole.
3. A person who has declared bankruptcy without resumption of rights.
4. A person whose civil rights have been deprived by law without resumption.
5. A person who is certified incapable of carrying out such duties for mental or physical disabilities by a public hospital.

Directors, supervisors and the president shall be dismissed under any of the said circumstances or for unexcused absences from the board meeting for three times.

Directors, supervisors and the president may be dismissed under any of the following circumstances:

1. Misconduct or misbehavior which affects the image of this Institute with solid evidence.

2. Slack in work or neglect of duty as proven by concrete facts.
3. Violation of the employment agreement in a serious manner.
4. The annual evaluation result of this Institute is under the standard specified by the MND for two consecutive years during his term.
5. Violation of the Civil Service Administrative Neutrality Act with solid evidence.
6. Damage of public interest or the interest of this Institute by accepting lobbying or requests for affairs concerned or accepting treats or gifts due to personal duty with solid evidence.
7. Use of institute property for unofficial needs with solid evidence.
8. Violation of the principle of avoidance of conflicts of interest or the behaviors specified in the front part of paragraph 1 of Article 16 of this Act with solid evidence.
9. Other behaviors inappropriate for directors, supervisors or the president.

When a director, a supervisor or the president is dismissed for any of the above reasons, the MND shall provide them an opportunity to express their opinion and defend themselves before dismissal.

Article 19 Part-time directors and supervisors shall receive no pay for their work.

Chapter III Business and Supervision

Article 20 The supervision rights of the MND over this Institute are as follows:

1. Approval of the ten-year defense technology development pre-proposal and five-year defense technology research, application and production plan.
2. Approval or retention for reference of the rules and regulations, annual business plan and budget, annual performance, and final report.
3. Inspection of the status of institute property, finances and protection of classified national security information.
4. Evaluation of operating performance.
5. Selection and suggestion of directors and supervisors.
6. Imposing necessary punishments or disciplinary actions on directors or supervisors violating the law while carrying out their duties.
7. Revocation, change, abolition, improvement by a limited time, suspension of implementation, or other disciplinary actions when this Institute violates the constitution, law, regulations, or orders.
8. Approval of the disposition or mortgage of own real estate.
9. Supervision of other items specified by the law.

The MND shall request this Institute to participate in force planning meetings relating to defense technology research, application, and production and shall give defense technology instructions with reference to the planning status of the force building concept and troop building plan.

Based on the instructions specified in the foregoing paragraph, this Institute shall draw up the ten-year defense technology development

pre-proposal and five-year defense technology research, application and production plan and annual business plan and budget.

Article 21 The MND shall invite representative of relevant agencies, scholars and experts, and public figures considered as fair and just by society to evaluate the performance of this Institute.

The MND shall also determine the methods, establish the procedures, and define related affairs for the performance evaluation specified in the foregoing paragraph.

Contents of performance evaluation are as follows:

1. Evaluation of the annual achievements of this Institute.
2. Assessment of the business performance and target achievement rate of this Institute.
3. Recommendation for fund contributions of this Institute.
4. Other related items.

Article 22 With reference to the instructions in paragraph 2 of Article 20 of this Act, this Institute shall draw up the ten-year defense technology development pre-proposal every four years and the five-year defense technology research, application and production plan every year and submit them to the MND for approval.

This Institute shall draw up the annual operational (business) plan and budget. After they are approved by the board of directors, this Institute shall submit them to the MND for reference.

Article 23 Within two months after the end of the fiscal year, this Institute shall send the achievement and revenue/expenditure financial report to a certified public accountant for audit and certification before submitting to the board of directors for evaluation. After it is approved by supervisors, this Institute shall submit it to the MND for reference and to the audit authority.

The audit authority may audit the final report specified in the foregoing paragraph, and the audit results may be delivered to the MND or other relevant agencies to take necessary action.

Chapter IV Personnel Affairs and Protection of Employee Benefits

Article 24 The original rules and regulations governing military personnel shall apply to the rank, position, service, decorations, rewards, punishment, performance evaluation, training and continuing education, pay, insurance, compensations, benefits, retirement, discharge from service, and other rights and benefits of military personnel transferred to this Institute from Chung-Shan Institute of Science and Technology under the Armaments Bureau (hereinafter called the Original Agency). The Executive Yuan shall establish regulations to govern matters where original rules and regulations governing military personnel are inapplicable.

The MND may revise the rank and number of staffing (establishment) of the Original Agency without damaging the rights and benefits of military personnel transferring to this Institute.

- Military personnel specified in paragraph 1 will receive no additional compensational pay after they apply for retirement or discharge from service with reference to applicable laws and regulations and are recruited with reference to relevant personnel management regulations of this Institute.
- Article 25 Civil servants of the Original Agency transferred to this Institute with their original title, rank, and position may continue to use their title, rank, and position until they resign; and their service, punishment, performance evaluation, training and continuing education, income, insurance, protection, freedom of association, retirement, severance, compensations, benefits and other rights and benefits shall be administered with reference to applicable rules and regulations governing civil services. The Executive Yuan and Examination Yuan shall establish regulations to govern matters where original rules and regulations governing civil services are inapplicable.
- No additional compensational pay shall be given to the above personnel recruited with reference to the personal management regulations of this Institute by this Institute after they are retired or laid off.
- The monthly pension and suspension of the preferential deposit of civil servants recruited by this Institute after retirement shall be handled with reference to relevant civil servant retirement regulations.
- Article 26 The wage (salary), insurance, retirement, severance, compensations, benefits, and rights and benefits of technical, organizational, civilian administration and other contract employees (hereinafter referred to as Contract Employees) before restructuring shall be subject to relevant labor laws and regulations, management regulations, or employment contract originally applicable to them.
- The service length of the said Contract Employees before and after restructuring shall be combined, starting from the date of employment by the Original Agency, and the pension plan they have previously selected shall still be valid. Where the pension plan in the Labor Standards Act applies, their pension and severance pay shall combined with reference to the payment standard specified in Articles 17, 55, and 84-2 of the Labor Standards Act, provided that the total amount of pension before and after restructuring shall not exceed the average wage of forty-five months at the time of retirement.
- Article 27 The MND shall accommodate military personnel who do not wish to transfer to this Institute from the date of restructuring. Military personnel who cannot be accommodated shall apply for retirement with reference to applicable laws and regulations for military personnel and will receive a compensational pay amounting to seven months of the total amount of remuneration.

The above compensational pay shall be payable only to military officers above the major rank with a service length of at least twenty years and at maximum service age or seven months to the maximum service age.

No compensational pay shall be given to military personnel transferred to other units from the Original Agency when they are recruited by this Institute after retirement or transferred to other military units by the MND.

When personnel specified in paragraph 1 are re-assigned to civil service or a non-departmental public body within seven months after retirement is effective, the government unit or non-departmental public body where they serve shall retrieve to the treasury the balance of the compensational pay of the total amount of remaining remuneration after deducting the length of retirement.

The total amount of remuneration specified in paragraphs 1 and 4 shall mean the sum of the base salary, profession allowance, and supervisor duty allowance received in the month of retirement.

Article 28

Civil servants who do not wish to transfer to this Institute may apply for retirement or layoff on the date of restructuring with reference to relevant laws and regulations governing civil servants originally applicable to them. An additional compensational pay amounting to seven months of their salary will be given to them. For personnel who are at the retirement age, however, pensions will be given based on the months of their advance retirement.

When personnel specified in the foregoing paragraph are re-assigned to civil service or a non-departmental public body within seven months after retirement is effective, the government unit or non-departmental public body where they serve shall retrieve to the treasury the balance of the compensational pay of the total amount of remaining remuneration after deducting the length of retirement.

The total amount of remuneration specified in the foregoing paragraph shall mean the sum of the base salary (additional senior-increases over basic pay rate), profession allowance, and supervisor duty allowance received in the month of retirement or layoff.

Article 29

The MND shall accommodate Contract Employees who do not wish to transfer to this Institute from the date of restructuring. Those who cannot be accommodated shall apply for retirement or layoff with reference to relevant labor laws and regulations, management regulations, or employment contract originally applicable to them. Pensions or severance pay shall be calculated by stage and given together, including a seven-month compensational pay. For personnel who are at the retirement age, however, pensions will be given based on the months of their advance retirement.

When Contract Employees specified in the foregoing paragraph are re-assigned to civil service or a non-departmental public body within seven months after retirement is effective, the government unit or non-departmental public body where they serve shall retrieve to the treasury the balance of the compensational pay of the total amount of remaining remuneration after deducting the length of retirement.

The compensational pay specified in paragraph 1 shall mean the sum of the base salary (additional senior-increases over basic pay rate) and profession allowance received in the month of retirement or layoff.

Article 30 Fixed-term contract employees of the Original Agency may transfer to this Institute and continue with their work until the contract expires. This Institute shall contribute labor pension to the individual labor pension account with reference to the Labor Pension Act. This Institute shall terminate the employment contract of those who do not wish to transfer and issue a severance to them according to the Labor Pension Act without additional compensational pay.

Article 31 The labor pension reserve contributed by the Original Agency with reference to the Labor Standards Act or Labor Pension Act before restructuring shall be transferred to the labor pension reserve account of this Institute on the date of restructuring.

The compensational pay and severance pay required to be paid by the Original Agency for the restructuring may be disbursed from the original budget of the MND irrespective to the restrictions specified in Articles 62 and 63 of the Budget Act.

Article 32 The Original Agency shall prepare a list of personnel on administrative leave, suspension (including unconfirmed dismissal) and leave without pay for this Institute to continue their cases. Personnel reinstating after continuing education, by the law, or after their leave without pay may choose to stay at this Institute. If they do not wish to stay, Articles 17-27 shall apply mutatis mutandis for the MND to accommodate them, including retirement or layoff with a compensational pay.

Article 33 Personnel hired after this Institute is established shall not hold the status of civil servant or military personnel and the Labor Standards Act shall apply to them. Their pension and severance pay shall be subject to the Labor Pension Act.

The rights and obligations of personnel specified in the foregoing paragraph shall be subject to the employment contract and work rules.

Chapter V Accounting, Finance, Property and Tax Preferences, Freedom of Information and Approval

Article 34 The accounting year of this Institute shall be the same as that of the government accounting year.

Article 35 The financial statement of this Institute shall be audited and certified by certified public accountants.

After paying taxes and covering the loss, this Institute shall pay ten percent (10%) of the operating surplus to the treasury.

Article 36 This Institute shall generally assume the assets and debts of the Original Agency under the Defense Manufacturing and Service Operation Funds after the date of restructuring irrespective to the restrictions specified in Articles 25 and 88 of the Budget Act.

- The MND may disburse from its original budget the funds approved by the government for this Institute in the establishment year irrespective to the restrictions specified in Articles 62 and 63 of the Budget Act.
- Article 37 In addition to the assets under the said Operation Funds, when this Institute needs to use public property at establishment, it may be used gratuitously or by donation. Articles 25 and 26 of the Budget Act and Articles 28 and 60 of the National Property Act shall not apply to public property donated to this Institute under such circumstance.
- After establishment this Institute may purchase national real estate as necessary. The price of land shall be subject to the announced current land value in the same period. The price of buildings and land improvements shall be subject to the current value rated by the taxation authority in the same year period. Where not current value rated in the same year period, the price shall be subject to the result estimated by the public property management agency.
- Property purchased by this Institute for specific purposes with funds approved and appropriated by government agencies shall be public property.
- Property obtained by this Institute other than the property for gratuitous use specified in paragraph 1 and the public property specified in the foregoing property shall be own property of this Institute.
- This Institute shall be the registered manager of the property for gratuitous use specified in paragraph 1 and the public property specified in paragraph 3 and shall not dispose of them. However, benefits gained from such property shall be the income of this Institute irrespectively to the restrictions specified in paragraph 1 of Article 7 of the National Property Act.
- The MND shall establish regulations to govern the classification and transfer of the required public property specified in paragraph 1 and the management, use, and income of property for gratuitous use specified in paragraph 1 and public property specified in paragraph 3.
- When the use of public property ends, this Institute shall hand it over to the government property management agency.
- When the national real estate donated to this Institute is not use any more, this Institute shall return it to the donor and shall not dispose of it.
- Article 38 Funds approved and appropriated to this Institute by government agencies shall be handled with reference to the statutory budgetary procedure. This Institute shall also accept audit and supervision.
- When the amount of funds specified in the foregoing paragraph exceeds fifty percent (50%) of the annual budget of this Institute, the MND shall send the budget plan of this Institute to the Legislative Yuan for evaluation.
- Article 39 Debts raised by this Institute shall be self-liquidated by this Institute and approved by the MND in advance. If there are doubts about the self-liquidation of debts in the budget execution result, this Institute shall review and propose improvement measures immediately and report to the MND for approval.
- Article 40 This Institute shall handle all procurement contracts in an open and fair principle and with reference to the regulations governing treaty or agreement conclusions of the Republic of China.
- Except as otherwise provided in Article 4 of the Government Procurement Act, the Government Procurement Act shall not apply to the procurement contracts specified in the above paragraph.
- Where there are other rules specified in other laws, procurement provided

- in Article 4 of the Government Procurement Act shall be proceeded with reference to such rules.
- Article 41 No sales tax shall be imposed on weapons, vessels, aircrafts, tanks and war-related detection and communication equipment sold to this Institute.
 No sales tax shall be imposed on the research and manufacturing projects commissioned by the MND and its affiliated agencies.
 The Regulations for Exemption of Commodity Tax on Goods for Military Use shall apply mutatis mutandis to the goods purchased for the business needs of this Institute approved by the MND for direct military use.
 Regulations for Exemption of Commodity Tax on Supplies for Military Use shall apply mutatis mutandis to the weapons, equipment, vehicles, vessels, aircrafts and their accessories and other military supplies imported by this Institute for military use only.
- Article 42 Except as otherwise provided in the Classified National Security Information Protection Act and relevant acts, relevant information of this Institute shall be disclose with reference to the Freedom of Government Information Law. This Institute shall also voluntarily disclose its financial statements, annual operation (business) information, and annual performance revaluation reports.
 The MND shall submit to the Legislative Yuan for reference an analysis report on the performance evaluation report specified in the foregoing paragraph. The Legislative Yuan may request the defense minister and the president or relevant officers of this Institute to report on the operating status of the Institute and answer to interpellation.
- Chapter VI Addenda**
- Article 43 Those who do not agree with the administration sanction of this Institute may appeal to the MND with reference to the Administrative Appeal Act.
- Article 44 When this Institute fails to achieve the establishment goals for whatever changes or ineffective performance, the MND shall apply for dissolution to the Executive Yuan.
 When dissolving this Institute, the MND shall assist in accommodating personnel who stay or helping them apply for retirement or layoff with reference to the civil service or military service regulations applicable to them. The MND shall terminate the employment contract of other employees with reference to relevant labor laws and regulations. The MND shall also generally assume the assets and liabilities of this Institute.
- Article 45 The date of implementation of this Act shall be approved by the Executive Yuan.

This is to certify that the translation is true to the original.