

Nagoya Institute of Technology Regulations on the Handling of Commissioned Research

Established on April 1, 2004

(Purpose)

Article 1 These regulations shall define the necessary matters on the handling of commissioned research undertaken by Nagoya Institute of Technology (hereinafter “the Institute.”)

(Definitions)

Article 2 The terms listed in the following items are defined as follows.

- (1) “Commissioned research” refers to research commissioned by an entity outside the Institute (hereinafter “the Party,”) conducted by the Institute as a university, and the Party bears the necessary expenses.
- (2) “Researcher in charge” refers to a faculty member as defined by Article 2 of the National University Corporation Nagoya Institute of Technology Working Regulations for Employees (established April 1, 2004) who is responsible for the coordinating the research plan, including the theme, topic, purpose, content and driving the research forward.

(Principle of Accepting Commissioned Research)

Article 3 The Institute shall accept commissioned research if it is deemed to be beneficial for the Institute and there is no hindrance to the Institute’s education and research.

(Application)

Article 4 The Party shall apply for commissioned research to the President using the appended form.

(Determining Accepting Commissioned Research)

Article 5 On receiving the application specified in the preceding Article from the Party, the President shall determine whether to accept it in a deliberation of the meeting of the Nagoya Institute of Technology Organization for Co-Creation Research and Social Contributions.

2. After the determination, the President shall notify the result to the obligating officer (hereinafter “obligating officer”) as stipulated in article 6, paragraph 1, item1 of Nagoya Institute of Technology Regulations on Accounting (enacted on April 1, 2004.)

(Conclusion of Agreement)

Article 6 The obligating officer shall, based on the notice given under paragraph 2 of the preceding Article, conclude a commissioned research agreement with the Party.

(Conditions for Accepting Commissioned Research)

Article 7 Commissioned research shall be accepted on the conditions listed followings.

- (1) The commissioned research cannot be discontinued unilaterally just because of circumstances of the Party.
- (2) The Party must pay expenses for commissioned research by the due date specified in the invoice issued by the Institute.
- (3) Equipment and facilities acquired by research expenses belong to the Institute.
- (4) In case of a natural disaster or other unavoidable circumstances, the commissioned research is discontinued or the research period is extended, the Institute does not take any responsibility.

- (5) In principle, the research expense shall not be refundable after the payment of thereof.
 - (6) The intellectual property rights resulting from commissioned research shall belong to National University Corporation Nagoya Institute of Technology (hereinafter referred to as “the Corporation”) or the researcher in charge.
2. If necessary for the commissioned research, equipment owned by the Party can be accepted free of charge, subject to prescribed procedures. In this case, the expenses required for loading and unloading the equipment shall be borne by the Party.
 3. In addition to the conditions stipulated the preceding two paragraphs, the President may attach additional conditions if he/she considers it necessary.

(Bearing of Research Expenses)

Article 8 The Party shall bear direct costs such as rewards, travel expenses, consumables, etc. (hereinafter “direct costs”) which are particularly necessary as research expenses, as well as expenses necessary for enhancing the functions of the Institute and management costs (hereinafter “indirect costs”).

2. The amount of the indirect costs shall be 30% of the direct costs and over.
3. When it is obvious to conduct a commissioned research with national institutions, local public authorities, and/or independent administrative agency by receiving commission fee/subsidies, the amount of the indirect costs shall be the amount equivalent to the said institution’s criteria, if the maximum amount of indirect costs does not fulfil the condition in the previous paragraph.

(Report of Research Completion)

Article 9 On completion of the commissioned research, the researcher in charge shall make a report on the research achievements.

(Handling of Patents)

Article 10 With respect to the right that the Corporation succeeded to or obtained by an invention resulting from commissioned research (hereinafter “the patent”), the Corporation cannot allow the party to exercise or assign the patent to the Party without any charge. However, based on a request from the Party, allocation of the patent rights owned by the Corporation in relation to the research achievements may be assigned to the Party.

- 2 If the Corporation is notified, by the Party or a person designated by the Party (hereinafter “the Parties”), that the Parties wish to exclusively exercise patent rights, the Corporation may allow them to exclusively exercise these rights for specified period by mutual consultation and this period may be renewed as necessary.
3. When the Parties fails to exercise the patent without a valid reason after certain period of time, the Corporation get opinions from the Parties and may allow persons other than the Parties to exercise the patent.
4. When the Corporation licenses the patent rights succeeded to or obtained, in accordance with the provisions of the preceding two paragraphs, a patent licensing agreement shall be concluded and wherein a license fee shall be charged.

(Handling of Other Inventions)

Article 11 The Inventions prescribed in Article 2, paragraph 1, items 2 to 5 of the National University Corporation Nagoya Institute of Technology Service Invention Regulations (established on April 1, 2004) resulting from commissioned research shall apply mutatis mutandis to handling in the preceding Article.

(Announcement of Research Achievements)

Article 12 Research achievements from commissioned research may be announced after consultation with the Party regarding release timing and method of announcement and publication.

(Exemptions)

Article 13 If any of the following items applies to the commissioned research, the Party may be partially exempted from these regulations.

1. When the commissioned research is conducted with national institutions, special corporations, authorized corporations, local public authorities, national university corporations, public university corporations, and/or independent administrative agencies.
2. When the President decides after a deliberation in the meeting of Nagoya Institute of Technology Organization for Co-Creation Research and Social Contributions.

(Miscellaneous Provisions)

Article 14 In addition to what is stipulated in these regulations, necessary matters regarding the handling of contracted research shall be prescribed separately.

Supplementary Provision

These regulations shall come into force on April 1, 2004.

Supplementary Provision

These regulations shall come into force on April 1, 2007.

Supplementary Provision (Regulations No. 27, March 24, 2016)

These regulations shall come into force on April 1, 2016.

Supplementary Provision (Regulations No. 7, September 27, 2017)

These regulations shall come into effect on October 1, 2017.

Supplementary Provision (Regulations No. 9, November 29, 2017)

These regulations shall come into effect on December 1, 2017.

Supplementary Provision (Regulations No. 37, February 19, 2020)

These regulations shall come into effect on April 1, 2020.

Appended Forms Omitted