

National University Corporation Nagoya Institute of Technology Service Invention Regulations

Established on April 1, 2004

(Purpose)

Article 1 These regulations are intended to stipulate the basic policies for handling inventions, by staff members of the National University Corporation Nagoya Institute of Technology (hereinafter, “the Corporation,”) strive to socially utilize the outcomes of academic research, and contribute to the promotion of academic research.

(Definitions)

Article 2 In these regulations, the term “inventions” shall mean the following:

- (1) Inventions that can be subject to patent right
 - (2) Devices that can be subject to utility model right
 - (3) Creations that can be subject to design right, trademark, layout-design exploitation right and copyright for programs, etc.
 - (4) Breeding that can be subject to right concerning breed registration
 - (5) Inventions or creations that can be subject to right concerning other technical information and practical experience
2. In these regulations, the term “the staff members” shall mean the persons listed in the following items:
- (1) President and Executive Directors of the Corporation
 - (2) Faculty members and administrative staff members stipulated in Article 2 of National University Corporation Nagoya Institute of Technology Working Regulations for Employees (enacted April 1, 2004); the specific fixed-term employees stipulated in all items of Article 2 of National University Corporation Nagoya Institute of Technology Working Regulations for Specific Fixed-Term Employees (enacted September 11, 2007); the part-time employees stipulated in the items of Article 2, paragraph 1 of National University Corporation Nagoya Institute of Technology Working Regulations for Part-Time Employees (enacted April 1, 2004), and the re-employed employees stipulated in all items of Article 2, paragraph 1 of National University Corporation Nagoya Institute of Technology Re-employed Employees (enacted February 20, 2007).
 - (3) Those who collaborate with the Corporation’s research projects
3. In these regulations, “service inventions” shall mean the following.
- (1) Inventions resulting from research conducted by the staff members using the Corporation’s research funds and/or facilities and equipment.
 - (2) Inventions that, even if the research expenses and/or facilities and equipment listed in the preceding item were not used, have properties that lie within the Corporation’s scope of business and for which the actions that led to their invention can be recognized as belonging to the staff member’s present or past work duties.
4. In these regulations, the term “intellectual property rights” shall mean the following:
- (1) Patent right and the right to obtain a patent as prescribed in the Patent Act (Act No. 121 of 1959)
 - (2) Utility model right and the right to obtain utility model registration as prescribed in the Utility

Model Act (Act No. 123 of 1959)

- (3) Design right and the right to obtain design registration as prescribed in the Design Act (Act No. 125 of 1959)
 - (4) Trademark right and the right to obtain trademark registration as prescribed in the Trademark Act (Act No. 127 of 1959)
 - (5) Layout-design exploitation right and the right to obtain the registration of an establishment of layout-design exploitation right as prescribed in the Act on the Circuit Layout of a Semiconductor Integrated Circuit (Act No. 43 of 1985)
 - (6) Right pertaining to variety registration and the right to obtain variety registration as prescribed in the Plant Variety Protection and Seed Act (Act No. 83 of 1998)
 - (7) Copyrights prescribed in Articles 21 through 28 of the Copyright Act (Act No. 48 of 1970) pertaining to computer program works prescribed in Article 2, paragraph (1), item (x)-2, and database works prescribed in Article 2, paragraph (1), item (x)-3
 - (8) Intellectual property rights other than those listed in the preceding seven items that have proprietary values
5. In these regulations, the term “the Inventors” shall mean the staff members who have made inventions, etc.

(Succession of Rights)

Article 3 The intellectual property rights pertaining to service inventions, shall be succeeded to the Corporation if it is determined that the Corporation succeed the rights under the provision prescribed in Article 6.

2. When staff members have made service inventions, jointly with parties other than staff members (hereinafter “the third party,”) the share of commonly owned intellectual property which said party possess shall be succeeded to the Corporation if it is determined that the Corporation succeed the rights under the provision prescribed in Article 6.

(Intellectual Property Committee)

Article 4 To deliberate on matters concerning service inventions, the National University Corporation Nagoya Institute of Technology Intellectual Property Committee (hereinafter “the Committee”) shall be established at the Corporation.

2. Necessary provisions concerning the Committee shall be prescribed separately.

(Notice)

Article 5 When the staff members have made inventions that may fall under service inventions, they shall make a notice to the President promptly with the Form 1, which is provided separately.

(Acknowledgement of Service Inventions and Determination of Succession)

Article 6 When receiving a notice prescribed in the preceding article, the President shall refer a matter to the Committee regarding acknowledgment of the service invention and the determination of succession of the intellectual property rights.

2. Based on the request for advice from the President, the Committee shall deliberate on it promptly and report to the President about its results.
3. The President shall decide on the acknowledgment of the service invention and the succession of the intellectual property rights based on the report from the Committee, and notify the result to the

inventors.

(Submission of A Letter of Assignment)

Article 7 When the inventors receive a notice that the intellectual property rights pertaining to their service inventions shall be succeeded in the Corporation, they must submit a letter of assignment of rights provided separately (Form 2) to the President.

(Objection)

Article 8 When the inventors who receive the notice under Article 6, paragraph 3 have an objection against the contents of the relevant notice, they can make an objection to the President within two weeks after they received the notice.

2. When receiving the objection under the preceding paragraph, the President shall refer a matter to the Committee regarding the relevant objection.
3. The Committee shall deliberate on the matter under the preceding paragraph and report to President about its results.
4. The President shall decide on the acceptance or rejection of the objection based on the report under the preceding paragraph, and notify the result to the said persons who took the objection.

(Restricted Acts)

Article 9 The inventors shall not apply for a patent or assign to a third party concerning the inventions for which they made a notice under the provision prescribed in Article 5, or take procedures to obtain the legal rights specified in Article 2, paragraph 4, items 1 through 6 (hereinafter referred to as an “application,”) until they receive a notice that the Corporation has decided not to acknowledge that such inventions as service inventions or a notice that the Corporation has decided not to succeed intellectual property rights pertaining to such service inventions in the Corporation.

(Application)

Article 10 When it is determined that the Corporation shall succeed the intellectual property rights pertaining to service inventions, the President shall promptly proceed application procedure.

2. The Corporation shall bear application cost which prescribed in the preceding paragraph.
3. Inventors shall cooperate in application procedures which prescribed in this regulation.

(Retention of Rights)

Article 11 The costs for retaining the intellectual property rights that have been succeeded to the Corporation shall be borne by the Corporation.

Article 12 The President shall not retain the intellectual property rights that the Committee recommended that the Corporation should not retain based on the results of the relevant deliberation.

2. The Committee shall ask for the inventors' opinions in advance as a reference for the deliberation under the preceding paragraph.
3. When the Corporation decides not to retain the rights under paragraph 1, the Corporation can assign the rights to the inventors.

(Use for the Inventors' Research Activities)

Article 13 The inventors cannot assert the licenses pertaining to the service inventions related to the intellectual property rights which the Corporation has succeeded. However, inventors are able to exercise his/her service inventions after obtaining approval from the President as long as they

exercise such service inventions by themselves for their own research activities.

(Revenue Allocation)

Article 14 The President shall determine the allocation of the revenue that the Corporation has earned from exercising of intellectual property rights, licensing or disposing to the third party based on the deliberation of the Committee.

2. The revenue prescribed in the preceding paragraph shall imply revenue earned from the service inventions, and the costs for application and maintaining its right (hereinafter “expenses”) shall not be deducted. However, this shall not apply to expenses for which the Committee had determined expenses before March 31, 2016.
3. The revenue earned by the Corporation from exercising of service inventions shall be allocated as described in the following respective items. However, this does not apply to trademark rights.
 - (1) The inventors: 50%
 - (2) The Corporation: 50%
4. The right to receive a share of revenues will continue after the staff member left the Institute. However, this shall not apply if the whereabouts of the staff member are unknown.

(Notification and Application of Other Regulations)

Article 15 If staff members have made inventions, that might be fall under service invention, jointly with the third party, Article 5 shall be applied mutatis mutandis.

2. If there is a notification prescribed in the preceding paragraph, the provisions of Articles 6 through 9, Article 13 and Article 14 shall be applied mutatis mutandis. In these cases, the term “intellectual property rights” in these provisions shall be replaced to “the jointly owned share of intellectual property rights.”

(Consultation with the Third Party)

Article 16 Regarding service inventions that staff members have made jointly with the third party, when the Corporation has succeeded the jointly owned share of intellectual property rights with the inventor, the provisions concerning the relevant intellectual property rights, including patent application, retention of the rights, and licensing to the third party, shall be specified after consultation between the Corporation and the said third party.

(Other Inventions)

Article 17 The committee shall deliberate on the succession of the intellectual property rights if there is a proposal that the inventors assign the intellectual property rights that are not fall under service invention to the Corporation.

2. After the deliberation in the preceding paragraph, when it is determined that the Corporation succeed the intellectual property rights, the provisions of Article 7 and Articles 10 through 13 shall be applied mutatis mutandis.

Article 18 If an employee dispatched from an institution other than the Corporation works with another staff members to make an invention that is fall under service inventions, the Corporation and the institution where the dispatched employees belongs to determine necessary matters.

(Confidentiality Obligation)

Article 19 The inventors, the Committee members and other members, those who came to know the contents of inventions (hereinafter “the persons under the confidentiality obligation”) shall not

disclose any confidential information. However, this shall not apply to the cases in which there is a mutual agreement between the President and the inventors.

2. The provision of the preceding paragraph shall apply even after the persons under the confidentiality obligation left the Institute and lost their position in the Corporation as a staff member.

(Miscellaneous Provisions)

Article 20 In addition to what is prescribed in these regulations, the necessary matters for handling of inventions shall be specified by the President separately after deliberation in the Committee.

Supplementary Provisions

These regulations shall come into force as from April 1, 2004.

Supplementary Provisions

These regulations shall come into force as from April 1, 2007.

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

These regulations shall come into force as from April 1, 2016.

Appended forms Omission