

National University Corporation Nagoya Institute of Technology
Tangibles Derived from Research Results Handling Regulations

Established on October 12, 2005

(Purpose)

Article 1 These regulations are intended to facilitate appropriate control of the tangibles derived from research results, smooth research cooperation with external institutions, as well as research promotion and technology transfer at the National University Corporation Nagoya Institute of Technology (hereinafter “the Corporation”) by stipulating how to handle the tangibles derived from research results at the Corporation.

(Definitions)

Article 2 In these regulations, the term “the staff” shall mean all persons who are engaged in education, research and other duties at the Corporation, including President, Executive Directors, professors, associate professors, assistant professors and research associates.

2. In these regulations, the term “the students” shall mean graduate, undergraduate and research students at Nagoya Institute of Technology (hereinafter referred to as “the Institute”).
3. In these regulations, the term “the tangibles derived from research results” shall mean materials, reagents, samples, prototypes, experiment devices, laboratory animals, chemicals, strains and other tangibles that are created or extracted by the staff and the students, and have academic values or proprietary values except, however, for those separately prescribed, such as those pertaining to papers, lectures and other copyrighted works as well as diffused research results.
4. In these regulations, the term “preparation” shall mean the creation or extraction of tangibles derived from research results.
5. In these regulations, the term “the authors” shall mean those who prepared the tangibles derived from research results as staff or students.
6. In these regulations, the term “provision” shall mean having the tangibles derived from research results used at external institutions with or without compensation except, however, in the cases of request of analysis and deposit of organisms for patent application.

(Attribution)

Article 3 The attribution of the tangibles derived from research results prepared by staff at the Institute shall be vested in the Corporation, unless otherwise provided for.

2. The attribution of the tangibles derived from research results prepared by the students at the Institute shall be vested in the Corporation, unless otherwise provided for. However, this shall not apply to tangibles derived from research results produced by students who are independent of the instructions of the staff or educational research programs of the Institute based on their own ideas.
3. The attribution of the tangibles derived from research results that are included in the results of the collaborative research projects that were carried out by accepting researchers, research expenses, etc., from external institutions, other than the Corporation (hereinafter referred to as “external institutions”) shall be vested in the Corporation, in principle. However, the matter of in whom such attribution is vested can be decided through consultation with the relevant external institutions.

(Control)

Article 4 The staff and the students who prepared the tangibles derived from research results must control them appropriately.

2. Even after the staff and the students have left the Corporation or the Institute, they must not take out the tangibles derived from research results that were prepared while they belonged to the Corporation or the Institute, unless they obtain approval from the Corporation.

(Notification)

Article 5 If the tangibles derived from research results fall under any of the following items, the staff must promptly give notice to the Director of the Organization for Co-Creation Research and Social Contributions (hereinafter “the Director”) by submitting the Notice for Utilization of Tangibles Derived from Research Results (Appended form.)

- (1) The case of provision of tangibles derived from research results to external institutions, regardless of whether or not compensation is received
 - (2) The case in which any added value from a technical standpoint has become obvious
 - (3) Any other case of necessity
2. When providing the tangibles derived from research results to external institutions, the staff must obtain a written approval from the following persons.
 - (1) Those who were involved in the preparation of the relevant tangibles derived from research results
 - (2) If the relevant tangibles derived from research results obviously include intellectual property of a third party, those who are involved in the intellectual property

(Acknowledgement)

Article 6 When receiving the notice prescribed in the preceding Article, the Director must decide whether a provision agreement should be concluded on the tangibles derived from research results pertaining to such notice.

2. When the Director has decided that a provision agreement does not need to be concluded on the tangibles derived from said research results, he/she must accordingly inform the staff promptly.

(Notice to the President)

Article 7 When the Director has made the decision that a provision agreement should be concluded on the tangibles derived from research results pertaining to the notice under the provision of the preceding Article, paragraph 1, he/she must give a notice accordingly to the President.

(Provision Agreement on the Tangibles Derived from Research Results)

Article 8 When providing the tangibles derived from research results to external institutions, regardless of whether or not compensation is received, the Corporation shall conclude a provision agreement on the tangibles derived from research results with the other party.

2. If the tangibles derived from research results to be provided obviously include intellectual property or other rights of the third party, the Corporation shall conclude an appropriate provision agreement on the tangibles derived from research results so as not to infringe on the third party's rights.

(Provision for Academic and Research Development Purposes)

Article 9 When providing the tangibles derived from research results for academic and research development purposes to external institutions, the Corporation can provide the relevant tangibles derived from research results for free after concluding an agreement on gratuitous provision of the tangibles derived from research results with the other party. In this case, the Corporation can collect expenses necessary for the preparation and provision of the tangibles derived from research results pertaining to the relevant provision.

(Provision for the Purposes of Industrial, Profit-making and Other Business Use)

Article 10 When providing the tangibles derived from research results for the purposes of industrial, profit-making and other business use to external institutions and providing the tangibles derived from research results for purposes other than those prescribed in the preceding article to external institutions, the Corporation can provide the relevant tangibles derived from research results for profit, after concluding an agreement on the profit provision of the tangibles derived from research results with the other party.

(Allocation of Revenue)

Article 11 When generating revenue by providing the tangibles derived from research results, the Corporation shall allocate said revenue to the relevant institutions or business.

2. The revenue prescribed in the preceding paragraph shall mean the amount after deducting direct expenses involved in the preparation of the relevant tangibles derived from research results, including material costs and utility costs, from the revenue from the provision of the tangibles derived from research results.
3. The revenue from the provision of the tangibles derived from research results shall be allocated by the Corporation according to the percentage prescribed in the following each item.
 - (1) The institution or business designated by the authors: 50%
 - (2) The Corporation: 50%
4. When the authors do not designate an institution or business of the Institute under item (1) of the preceding paragraph, the percentage shall be allocated to the Corporation.
5. For the provision of paragraph 3, item (1), when the authors are students, the staff who provide instructions to the relevant students, shall designate an institution or business of the Corporation.

(Prohibition of Provision of the Tangibles Derived from Research Results)

Article 12 When the tangibles derived from research results fall under any of the following items, the staff must not provide the relevant tangibles derived from research results to others.

- (1) Anything whose provision was prohibited by the President
- (2) Anything that infringes the laws, regulations of the Corporation or other rules
- (3) Anything that infringes the ethical guidelines provided by the national government or the Corporation
- (4) Anything that was prepared by researchers at external institutions and whose provision is prohibited

(Acceptance of the Tangibles Derived from Research Results from External Institutions)

Article 13 The staff can accept the provision of the tangibles derived from research results from external institutions, for academic and research exchange purposes. In this case, the staff shall

meet the conditions prescribed in the following items and conclude an appropriate provision agreement on the tangibles derived from research results with external institutions.

- (1) Obtaining approval from persons involved in research on the acceptance of provision of the tangibles derived from research results
 - (2) Confirming that the acceptance of provision of the tangibles derived from research results does not infringe the laws and regulations of the Corporation and other rules
2. When the provision of the tangibles derived from research results is accepted, a report shall be made with the provision agreement on the tangibles derived from research results attached and promptly submitted to the President.

(Keeping Confidentiality)

Article 14 Concerning the tangibles derived from research results, the staff and the students must maintain the confidentiality of their contents and matters related to the interests of the Corporation, the staff and the students for a necessary period of time.

2. The provision of the preceding paragraph shall apply to the staff and the students who have lost their status at the Corporation or the Institute.

(Commission of Office Duties)

Article 15 The President can commission all or part of the office duties based on these regulations and other appurtenant office duties to others.

(Miscellaneous Provisions)

Article 16 When any event concerning the tangibles derived from research results that is not stipulated in these regulations arises, the President can take necessary measures for handling such event on each occasion.

Supplementary Provisions

These regulations shall come into force as from October 12, 2005.

Supplementary Provisions

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

Supplementary Provisions

These regulations shall come into force as from September 24, 2008.

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

These Regulations shall come into effect on April 1, 2016.

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

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

Appended Form (related to Article 5)

Notice for the Utilization of Tangibles Derived from Research Results

Date:

To the Director of the Organization for Co-Creation Research and Social Contributions,
Nagoya Institute of Technology

Affiliation

Job Title

Name

I need to utilize the following tangible derived from research results and accordingly give notice under the provision of Article 5 of the Nagoya Institute of Technology Tangibles Derived from Research Results Handling Regulations.

1. Name of the tangible derived from research results
2. Affiliation, job title, and name of supervisor
3. Name of the external institutions
4. Purpose of the utilization (academic, research and development, industrial use, profit-making business, etc.)
5. Method and period of the utilization (Circle any of the following and write the period.)
Method: (1) Provision to external institutions
 (2) Acceptance from external institutions
 (3) Other
Period: - (years and months)
6. Others (consensus of persons concerned, conditions for handling, etc.)