

# Nagoya Institute of Technology Regulations on the Handling of the Collaborative Research

Established on April 1, 2004

(Purpose)

**Article 1** These Regulations provide for matters necessary for handling collaborative research that Nagoya Institute of Technology (hereinafter “the Institute”) implements with external institutions.

(Definitions)

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

- (1) External institutions refer to national institutions, special corporations, authorized corporations, local public authorities, national university corporations, public university corporations, independent administrative agencies, private companies, and their equivalent organizations
- (2) Collaborative Research includes followings:
  - a) Collaborative research that the faculty members in the Institute conduct a research at the Institute, with visiting research fellows from external institutions and receiving research expense from external institutions under common themes.
  - b) Collaborative research that the Institute and external institutions conduct a research at the Institute and/or external institutions under common themes and in which the two parties play different roles. The Institute receives visiting research fellow and expenses from external institutions, necessary for the collaborative research
- (3) “Principal Investigator” refers to a faculty member as defined by Article 2 of the National University Corporation Nagoya Institute of Technology Working Regulations for Employees (enacted April 1, 2004) who is responsible for coordinating the research plan (including the theme, purpose, content and allocation of duties to members) and driving the research forward.
- (4) “Researcher” refers to a person affiliated to the Institute or an external institution who is engaged in collaborative research.
- (5) “Visiting research fellow from external institutions” refers to researchers belonging to external institutions who actually engage in research activities and who are dispatched to the Institute to participate in collaborative research while holding office in their current positions

(Principle of Acceptance of Collaborative Research )

**Article 3** The Institute shall accept collaborative 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 head of the external institutions shall apply for collaborative research to the President using the appended form.

(Determining Accepting Collaborative Research)

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

2. After the determination, the President shall notify the result to an obligating officer (hereinafter “obligating officer”) as stipulated in Article 6, paragraph 1, item 1 of Nagoya Institute of Technology Regulations on Accounting (established 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 collaborative research agreement with the head of the external institutions.

(Research Period)

**Article 7** Research periods shall be determined based on the time needed for the implementation of the relevant collaborative research.

(Research Fee)

**Article 8** The research fee per visiting research fellow from an external institutions shall be based on the Appendix 9 in the Nagoya Institute of Technology Regulations on Tuition Fee and Other Fees (established April 1.2004.)

2. If the research period is extended for certain period over a year from the day of the commencement of the collaborative research, research fee shall be collected for the extended period shall be charged for visiting research fellow from the external institutions

3. The research fee shall not be refundable after the payment thereof.

(Burden of the Expenses required for Collaborative Research)

**Article 9** The Institute shall provide facilities and equipment of the Institute for collaborative research, and shall bear part of the expenses necessary for the maintenance and management of the facilities and equipment.

2. The external institutions shall bear direct costs such as rewards, travel expenses, cost of consumables (hereinafter “direct costs,”) and necessary for management of the Institute (hereinafter “indirect costs.”) Therefore, the external institutions shall bear total of direct costs and indirect costs, other than the Institute bears which is prescribed in the previous paragraph.

3. The amount of the indirect costs shall be more than 30% of direct costs.

4. When it is obvious to conduct a collaborative 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 conditions in the previous paragraph.

(Collection of Research Fee)

**Article 10** When the Institute has concluded an agreement under Article 6, the Institute shall collect the research fee specified in Article 8, paragraph 1 and the direct costs and indirect costs specified in paragraph 2 of the preceding article by the due date specified in the invoice issued by the Institute.

2. In cases where a collaborative research is completed or terminated in accordance with the provisions of Article 13, paragraph 2, the portions of the direct costs left unspent and no longer necessary may be refunded by the request of head of external institutions

(Research Locations)

**Article 11** The principal investigator of the Institute may conduct research in facilities of external institutions, if it is necessary for the implementation of the collaborative research.

2. When conducting research at the facility concerned under the provisions of the preceding paragraph, such research may be treated as a business trip through the prescribed procedures.

(Equipment)

**Article 12** In the collaborative research mentioned in Article 2, item 2 a) and b), equipment newly obtained by the Institute to fulfill research needs shall belong to the Institute.

2. In the collaborative research mentioned in Article 2, item 2 b), equipment newly obtained by external institutions to fulfill research needs shall belong to external institutions.
3. If necessary for the collaborative research, equipment owned by the external institution can be accepted to the Institute with free of charge, by going through prescribed procedures. In this case, the expenses required for loading and unloading the equipment shall be borne the external institution.

(Termination or Extension of Research)

**Article 13** When the principal investigator determines that a collaborative research has to be terminated or a research period has to be extended for natural disasters or other unavoidable circumstances for the implementation of the research, the principal investigator shall promptly propose his/her decision to the President.

2. If, based on the request specified in the preceding paragraph, the President consults with the head of the external institutions and agrees to terminate the collaborative research or extend the research period, after completing the procedures provided for in Article 5, paragraph 1 of the regulations, inform the obligating officer of the decision.
3. The obligating officer shall, based on the notice given under paragraph 2 of the preceding Article, conclude a modified collaborative research agreement with the head of the external institutions.

(Reporting of the Completion of Research)

**Article 14** On completion of the collaborative research, the principal investigator shall make a report on the research achievements.

(Patent Application)

**Article 15** In the event that the collaborative research between the National University Corporation Nagoya Institute of Technology (hereinafter “the Corporation”) and the external institutions, produces an invention (hereinafter a “patent”) governed by Article 2, paragraph 1, item 1 of the National University Corporation Nagoya Institute of Technology Service Invention Regulations (enacted April 1, 2004, hereinafter “the Service Invention Regulations”) the other party must be notified and the handling of the patent must be discussed in mutual consultation.

2. If, as a result of the consultation specified in the previous paragraph, the Corporation and the external institutions, the patent becomes solely owned, the application may be filed independently.
3. If, as a result of the consultations specified in paragraph 1, the patent application is filed jointly, the Corporation and the external institutions shall conclude a joint application contract.
4. The handling of patents arising from collaborative research shall follow the provisions of the following Article through Article 19, the preceding three paragraphs 3 of this Article, and the Service Invention Regulations.

(Exercising of Patent Rights)

**Article 16** With respect to the rights that the Corporation obtained solely owned rights to a patent, or

the patent right obtained based on such solely owned rights, through an invention resulting from the collaborative research (hereinafter “solely owned patent rights”), when the Corporation is notified that external institutions and/or designated party wish to exercise the patent rights exclusively, the Corporation may allow the external institutions or designated party to exercise such rights exclusively for a specified period by mutual consultation.

2. With respect to the rights that the Corporation and the external institution jointly own for an invention resulting from the collaborative research or the patent rights that the Corporation and the external institution have obtained based on such rights (hereinafter “jointly owned patent rights”), when the Corporation is notified that the external institution and/or designated party wish to enforce the patent rights exclusively, the Corporation may allow the external institutions or designated party to exercise such rights exclusively for a specified period by mutual consultation.
3. Regarding the period prescribed in the preceding paragraph, it may be renewed as necessary.

(Licensing to a Third Party)

**Article 17** When the external institutions or a designated party fails to exercise without a valid reason the patent rights solely owned or jointly owned by the Corporation (hereinafter “patent rights succeeded by the Corporation”) after certain period of time which specified in the preceding paragraph 1 and 2, the Corporation get opinions from external institutions and/or designated party, the Corporation may allow external institutions or designated party to exercise such patent rights.

(License Fee)

**Article 18** When the Corporation grants the patent right succeeded by the Corporation in accordance with the provisions of the two preceding articles, a separate license agreement shall be concluded wherein a license fee shall be charged.

(Handling of Other Inventions)

**Article 19** The Inventions prescribed in Article 2, paragraph 1, items 2 to 5 of the Service Invention Regulations resulting from collaborative research shall be dealt with in accordance with the provisions of Articles 15 through to the preceding Article.

(Announcement of Research Achievements)

**Article 20** Research achievements from collaborative research may be announced after consultation with the external institutions regarding release timing and method of announcement and publication.

(Exemptions)

**Article 21** If any of the following items applies to the collaborative research, the external institutions may be partially exempted from these regulations.

(1) When the collaborative research is conducted with national institutions, special corporations, authorized corporations, local public authorities, national university corporations, public university corporations and/or independent administrative corporation

(2) When the President decides after a deliberation in the meeting of the Nagoya Institute of Technology Organization for Co-Creation Research and Social Contributions

(Miscellaneous Provisions)

**Article 22** In addition to what is stipulated in these regulations, necessary matters regarding the handling of collaborative research shall be prescribed separately.

Supplementary Provisions

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

Supplementary Provisions

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

Supplementary Provisions (September 26, 2012. Regulations No. 9)

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

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

These Regulations shall come into effect 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. 18, November 12, 2019)

These Regulations shall come into effect on November 12, 2019.

Supplementary Provision (Regulations No. 36, February 19, 2020)

These Regulations shall come into effect on February 19, 2020.

**APPENDIX**      Omitted