

This is an unofficial translation of the REGULATION FOR EMPLOYEE'S INVENTION MANAGEMENT of Nara Institute of Science and Technology into English. The official text of the Regulation is Japanese.

REGULATION FOR EMPLOYEE'S INVENTION MANAGEMENT
National University Corporation Nara Institute of Science and Technology

April 1, 2004
Regulation No.33

Chapter I General Provisions

(Purpose)

1.This Regulation defines the rules for intellectual property, such as employees' Invention, pertaining to the result of research obtained through the research activities at National University Corporation Nara Institute of Science and Technology ("University"). By defining such rules, this Regulation aims to secure the rights of inventors, establish proper procedures for and management of intellectual property rights, and ultimately facilitates broad contribution of intellectual property of the University in the society as well as promotes the scientific research.

(Definitions)

2.(1) "PATENT RIGHT" in this Regulation means the following.

- ①Patent right set forth under the Patent Law (Law No.121 of 1959).
- ②Utility model right set forth under the Utility Model Law (Law No.123 of 1959).
- ③Design right set forth under the Design Law (Law No.125 of 1959).
- ④Trade mark right set forth under the Trade Mark Law (Law No.127 of 1959).
- ⑤The right to obtain patent set forth under the Patent Law, the right to obtain registration of utility model set forth under the Utility Model Law, the right to obtain registration of design set forth under the Design Law, and the right accrued through application for the trade mark registration set forth under the Trade Mark Law (collectively "Right to obtain a Patent").
- ⑥Rights in foreign countries corresponding to the rights of (1) to (5) above.

(2) "INVENTION" in this Regulation means the following.

- ①Invention set forth under the Patent Law.
- ②Utility model set forth under the Utility Model Law.
- ③Design set forth under the Design Law.
- ④Trade mark set forth under the Trade Mark Law.

(3)“COPYRIGHT” in this Regulation means the copyright set forth under Sections 21 through 28 of the Copyright Law (Law No. 48 of 1970) and the corresponding copyright in foreign countries, applicable to the following works (collectively “Program”).

①Works of program set forth under the Copyright Law, Article 2(1)(xbis).

②Works of data base set forth under the Copyright Law, Article 2(1)(xter).

(4) “MASK WORK RIGHT” in this Regulation means the mask work right set forth under the Law Concerning the Circuit Layout of Semiconductor Integrated Circuits (Law No. 43 of 1985), the right to register the mask work right, and the rights in foreign countries corresponding to the foregoing rights.

(5) “BREEDER’S RIGHT” in this Regulation means the breeder’s right set forth under the Seeds and Seedlings Law (Law No. 83 of 1998), the qualification to obtain registration of breed, and rights in foreign countries corresponding to the foregoing rights.

(6) “RIGHT TO USE TECHNICAL KNOW-HOW” in this Regulation means the right to use such technical information which can be kept confidential and also has a value of property (“Technical Know-How”).

(7) “INTELLECTUALL PROPERTY RIGHT” in this Regulation means the following rights.

①PATENT RIGHT

②COPYRIGHT

③MASK WORK RIGHT

④BREEDER’S RIGHT

⑤RIGHT TO USE TECHNICAL KNOW-HOW

(8) “Intellectual Property” in this Regulation means Invention, Program, Mask Work, Breed, and Technical Know-How.

(9) “Employee’s INVENTION” in this Regulation means INVENTION which by reason of its nature falls within the scope of the business of the University, and an act or acts resulting in were part of the present or past duties of the Employee performed on behalf of the University. In principle, such INVENTION is the Employee’s INVENTION that is made by the Employee of the University in the course of his/her research using fund, facilities, equipment and/or other resources (including human resources) of the University.

(10) “Employee” means professor, associate professor, assistant professor, general staff of the University and other staff being employed by the University, and corporate director of the University such as president of University.

(11) “Student” means the person who is enrolled as the student of the University, and

the person who is neither enrolled as the student nor being Employee but engages in the business of the University such as research and/or education.

(12) “Inventor” means Employee who made Employee’s INVENTION.

Chapter II PATENT RIGHT

(Ownership of INVENTION made by Employee)

3.(1)PATENT RIGHT pertaining to the Employee’s INVENTION is owned by the University, except the PATENT RIGHT pertaining to the Employee’s INVENTION which the University declines to acquire .

(2)Employee shall not apply for, exercise, or assign to a third party the PATENT RIGHT pertaining to Employee’s INVENTION, except the PATENT RIGHT pertaining to the Employee’s INVENTION which the University declines to acquire.

(3) INVENTION made by Employee, which is not the Employee’s INVENTION but which pertains to the business of the University, may be subject to this University of such INVENTION and agrees with the University to assign Right to obtain a Patent to the University concerning such INVENTION.

(Rules for INVENTION made by Student)

4.(1)In case the Student engages in a research (hereafter including a joint research with a private organization) under supervision or direction of the Employee who supervises such research, the INVENTION made by the Student in the course of his/her engagement in such research shall be subject to this Regulation, similarly to the INVENTION made by the Employee, pursuant to an agreement to be entered between the University and the Student concerning the ownership of the INVENTION made by the Student.

(2)The Employee who supervises the research set forth in Section 4(1) above shall endeavor to make the agreement set forth in Section 4(1) above with the Student at the time when the Employee lets the Student engage in such research.

(Intellectual Property Council)

5. (1)The University organizes the Intellectual Property Council (“Council”).

(2)The function of the Council is the following.

①Deliberation on opposition raised against the judgment made pursuant to this Regulation regarding the Intellectual Property Right, such as judgment concerning ownership of the INVENTION made by Employee.

- ② Deliberation on other matters concerning the Intellectual Property.
- (3) The Council is composed of the following members.
 - ① President of University
 - ② Executive Director(s) of University
 - ③ Director of Intellectual Property Division
 - ④ Dean(s) of Graduate School
 - ⑤ Other members acknowledged necessary by the President of University.
- (4) President of University shall be the chairman of the Council.
- (5) The chairman of Council shall call the meeting of Council when necessary.
- (6) When the chairman is unable to function by accident, the Director of Intellectual Property Division shall act on chairman's behalf.
- (7) When the chairman acknowledges necessary, the person(s) other than the Council members may be allowed to attend the Council meeting for hearing of his/her opinion.

(Role of Intellectual Property Division)

6.(1) Intellectual Property Division undertakes staff functions necessary to execute the provisions of this Regulation, including operation of the Council set forth in Section 5 above, function of President of University, function of Director of Intellectual Property Division, and so forth.

(Notification of INVENTION)

- 7.(1) Employee shall notify President of University of the INVENTION made in connection with the research and/or education at the University, using the separately specified notification form.
- (2) The notification set forth in Section 7(1) above shall be made prior to the application of such INVENTION for the patent.
- (3) Employee shall make an independent and own judgment regarding whether the result of his/her research embodies a value of Intellectual property and whether the relevant PATENT RIGHT shall be pursued.
- (4) Intellectual Property Division shall support the judgment made by the Employee under Section 7(3) above.

(Judgment regarding Employee's INVENTION)

- 8.(1) President of University delegates Director of Intellectual Property Division to make the following judgment regarding the INVENTION notified by Employee.
 - ① Whether or not the notified INVENTION is an Employee's INVENTION.

② Whether or not the University receives assignment of Right to obtain a Patent regarding the notified INVENTION.

③ Whether or not the notified INVENTION shall be preserved as the University's INTELLECTUALL PROPERTY RIGHT concerning the Technical Know-How. (In case a judgment is made to make preservation, the Inventor will lose the right to obtain a patent.)

(2) When the judgment is made pursuant to Section 8(1) above, Director of Intellectual Property Division shall provide a notice of such judgment to the Inventor who notified the INVENTION.

(Submission of Deed of Assignment)

9. (1) When Employee has received a University's notice pursuant to Section 8 above, notifying University's judgment that the University intends to receive the assignment of Right to obtain a Patent regarding the INVENTION notified by Employee, the Employee shall promptly submit the separately specified Deed of Assignment to the President of University, as well as the document necessary for the patent application.

(2) In case University provides Employee with a notice of its judgment that it does not intend to receive the assignment of the Right to Obtain Parent regarding the INVENTION reported by Employee, the Right to obtain a Patent regarding such INVENTION shall be considered returned to the Inventor of such INVENTION unless there is a condition specifying otherwise in such notice.

(Confidentiality of Patent Application; Notification relating to Patent Law, Section 30)

10. (1) Concerning the INVENTION notified to the President of University pursuant to Section 7 above, the Employee shall keep confidentiality of the contents of patent application and shall not disclose nor publicize the same, until the patent application is complete.

(2) In case the INVENTION is to lose its novelty for the reasons set forth in Patent Law, Section 30, under such unavoidable situation as submission of a paper describing the INVENTION to the scientific society, the Inventor shall promptly notify Director of Intellectual Property Division of such fact.

(Opposition)

11. (1) In case Employee has dissatisfaction with the notice of judgment received from University pursuant to Section 8, which notice notifies that University does not intend

to receive assignment of Right to obtain a Patent regarding the Opposition reported by Employee, Employee may submit a notice of opposition to President of University using the separately specified opposition form within twenty (20) days from the receipt of such notice from University.

(2) Upon receipt of opposition from Employee, President of University shall draw the final conclusion, through deliberation by the Council, as to whether or not University will receive assignment of Right to obtain a Patent regarding the INVENTION under concern, and notify the conclusion to Employee who raised an opposition.

(3) Conclusion drawn under Section 11(2) above shall be the final and not objectionable.

(Acquisition of PATENT RIGHT; Inventor's Obligation to Cooperate)

12.(1) When Deed of Assignment and the document necessary for patent application are received from the Inventor pursuant to Section 9 above, President of University shall delegate Director of Intellectual Property Division to commence procedures, such as patent application, necessary for acquisition of PATENT RIGHT.

(2) When Intellectual Property Division and/or patent attorney requires Employee to provide his/her opinion, answer to the question or other assistance relating to the patent application of Employee's INVENTION, during the procedures toward acquisition of PATENT RIGHT, Employee shall cooperate in good faith aiming at the acquisition of such right.

(3) When the procedures, such as patent application, set forth in Section 12(1) above necessary for acquisition of PATENT RIGHT are complete, Director of Intellectual Property Division shall notify Employee of it.

(Responsibility for Maintenance, Control and Utilization of PATENT RIGHT)

13.(1) President of University shall delegate Director of Intellectual Property Division to undertake, under own responsibility of Director of Intellectual Property Division, the business for maintenance, control and utilization (including licensing to other parties) of PATENT RIGHT owned by the University.

(2) Terms and conditions for licensing of PATENT RIGHT are set forth in "Terms and Conditions for Licensing" of National University Corporation of Nara Institute of Science and Technology (Provision No. 36 of 2004).

(Compensation)

14.(1) President of the University shall pay compensation to the Inventor with respect to PATENT RIGHT assigned to the University.

(2)The compensation set forth in Section 14(1) above is classified as follows.

①Application compensation to be paid when application is filed for the PATENT RIGHT.

②Licensing compensation to be paid when University gains income from licensing of PATENT RIGHT.

③Assignment compensation to be paid when University gains income from the assignment of PATENT RIGHT.

(3)The amount of compensation is as follows.

①Application compensation: 6,000 yen per one (1) application

②Licensing compensation: Forty (40) % of the income gained by the University

③Assignment compensation: Forty (40) % of the income gained by the University

(4)In case the compensation set forth in Section 14(1)above is payable to the Inventor consisting of multiple persons, the compensation shall be divided evenly and paid to such multiple persons assuming their even contribution to the INVENTION, unless there is an agreement otherwise among those multiple persons.

(5)Judgment concerning the payment of compensation shall be made by Director of Intellectual Property Division.

(6)In case the Inventor has dissatisfaction with University's judgment concerning the payment of compensation, he/she may notify opposition to the President of University within twenty (20) days from the notice of such judgment from the University. Such notice of opposition by the Inventor shall be subject to the same rule as set forth in Section 11 above.

(Applicability to Employee's Retirement)

15. (1) Even when Employee loses status of employment by the University, due to retirement for example, this Regulation shall be applicable to the INVENTION made by such Employee during his/her employment.

(2)The compensation set forth in Section 14 shall be payable to Employee set forth in Section 15(1) above, even after retirement of such Employee.

Chapter III. INTELLECTUALL PROPERTY RIGHT

other than PATENT RIGHT

(COPYRIGHT)

16. (1)When Employee has created a Program as listed below in connection with the research and/or education at the University, he/she shall notify to the President of University using a separately specified notification form.

①A Program to be used outside of University, whether free of charge or at charge.

②A Program of which the value of property has become apparent.

③A Program useful for the implementation of the invention which is applied for the PATENT RIGHT.

④Others, such as a Program, the COPYRIGHT of which is considered necessary to be protected.

(2)Sections 3 through 15 concerning PATENT RIGHT shall be similarly applicable to the COPYRIGHT.

(MASK WORK RIGHT)

17. (1)When Employee has created a mask work for a semiconductor integrated circuit in connection with the research and/or education at the University, he/she shall notify to the President of University using a separately specified notification form.

(2)Sections 3 through 15 concerning PATENT RIGHT shall be similarly applicable to the MASK WORK RIGHT.

(BREEDER'S RIGHT)

18. (1)When Employee has created a breed specified under Seeds and Seedlings Law in connection with the research and/or education at the University, he/she shall notify to the President of University using a separately specified notification form.

(2)Sections 3 through 15 concerning PATENT RIGHT shall be similarly applicable to the BREEDER'S RIGHT.

(RIGHT TO USE TECHNICAL KNOW-HOW)

19. When Employee has created a Technical Know-How in connection with the research and/or education at the University, he/she shall keep it under strict confidentiality and control, and notify to the President of University using a separately specified notification form.

(Miscellaneous)

20. Those terms and conditions not set forth in this Regulation, but may become necessary with respect to Employee's INVENTION, shall be set forth separately.

This Regulation shall become effective as of April 1, 2004.

Supplementary Provision

This Rule shall come into force as of February 22, 2007.

Supplementary Provision

This Rule shall come into force as of April 1, 2007.

Supplementary Provision

This Rule shall come into force as of April 1, 2008.

Supplementary Provision

This Rule shall come into force as of October 1, 2009.

Supplementary Provision

This Rule shall come into force as of April 1, 2010.

Supplementary Provision

This Rule shall come into force as of October 1, 2010.