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This is an unofficial translation of the National Institutes of Natural Sciences, an Inter-University Research Institute Corporation, Intellectual Property Policy dated April 1, 2005. Only the original Japanese text of this policy has legal effect, and this translation is to be used solely as reference material to aid in understanding the original Japanese version.

National Institutes of Natural Sciences,
an Inter-University Research Institute Corporation
Intellectual Property Policy

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This policy shows the fundamental policy and guidelines for the handling of intellectual property as results of research at the National Institute of Natural Sciences, an Inter-University Research Institute Corporation (hereinafter referred to as “NINS”).

1. Basic Approach

NINS consists of a number of inter-university research institutes (hereinafter referred to as “institutes”) conducting advanced research into the field of natural sciences and has a mission and a commitment to create results of research generated by a synergy effect, provide education to students at The Graduate University for Advanced Studies and other universities, and nurture human resources using research in one field as well as interdisciplinary and integrated research. Because the institutes are inter-university research institutes, the institutes have widely opened and shared results of research created by the institutes to the community for the development of academic research and that policy should be basically continued as based on NINS’ mission. At the same time, returning results of research obtained through the use of public research money to society through various means is expected by society and a matter of course for NINS. Therefore, executive officers and employees of NINS should contribute results of research to the development of industries and cultures at home and abroad and in local communities, making full use of the characteristics held by NINS.

Publication of papers are used primarily as a means to return results of research to

society. However, to make use of results of research through technology transfers, etc. in industries, results of research must be properly protected as intellectual property. Alternatively, patent for an invention in the past, when the intellectual property has been owned by the individual in principle, adequate technology transfers to enterprises or efforts toward business use on the basis of the invention could not be provided. For the future, results of NINS' research are secured in the form of intellectual property rights and those results are used at the responsibility and management of the organization. It is necessary to promote the return of results of research to society with the realization of a cycle of intellectual creation.

According to this idea, executive officers and employees of NINS give consent to the institutional ownership of intellectual property as a result of research and shall have the policy of transferring rights to NINS under the prescribed procedure. NINS shall manage, protect, and exploit transferred intellectual property in an integrated fashion and assume responsibility in the organizational scheme of things. In so doing, it goes without saying that NINS shall make arrangements for the smooth handling of joint research and for making good use of results of research for the development of academic research as an inter-university research institute.

This policy shall be for executive officers and employees of NINS. Alternatively, researchers under a contract of employment with NINS and students who are receiving payment for work from NINS on a contract basis, etc. (hereinafter referred to as "contract researchers, etc.") shall be based on the handling of individual contracts.

2. Ownership, succession, and handling of rights to results of research

2.1. Targeted intellectual property

Intellectual property subject to this policy are a patent right, a utility model right, a design right, a copyright, a layout-design exploitation right, and a plant breeder's right which are intellectual properties created from results of research and confidential information including know-how. Alternatively, the handling of a corporeal thing as a result of research, etc. is covered in this policy. However, with the possibility of the business development, etc. of NINS, the handling of a trademark which is a business label shall be specified separately.

2.2. Ownership of patent rights and other rights

Ownership of rights of patent rights and utility model rights (hereinafter referred to as "patent rights, etc.") shall be handled as follows and details regarding procedures shall be specified separately. However, the handling of design rights and plant breeder's rights shall be equivalent to the basic policy for patent rights,

etc.

2.2.1 Handling of ownership of rights

Research at NINS through the use of public research money or funds provided by NINS or an invention or a device (hereinafter referred to as (invention, etc.) resulting from research with the use of facilities managed by NINS shall fall under the category of potential invention, etc. institutionally owned by NINS and NINS shall deem such invention as an employee invention, etc.

Executive officers and employees of NINS shall, if they created an invention, etc. as a result of their research or action, submit an invention notification stating such invention, etc. to the President.

Committees for intellectual property established in each institute where an inventor or a creator of a device (hereinafter referred to as “inventor, etc.”) to which he/she belongs and committees for intellectual property established in NINS, after ascertaining that the invention falls under the category of employee invention, etc., if applicable, shall evaluate the invention and decide whether it should be intended for application procedures to be carried out by NINS. In the case where it is intended for application to be filed by NINS, the inventor shall submit a notification to succeed such invention, etc. to NINS. The decision on whether to file an application for an invention, etc., decided not to be filed an application for by NINS is transferred to the inventor, etc., however, for an invention purported to be an employee invention, etc. the inventor, etc. shall inform NINS with a progress report.

In the case where a contracted researcher, etc. created an invention, etc. in NINS, the handling of the invention, etc. and ownership of the right, etc. shall conform to the condition as required by the contract with NINS. In the case of a joint invention, etc. with executive officers and employees of NINS, ownership shall be handled based on invention, etc. of executive officers and employees of NINS.

2.2.2 Use of rights and incentives

When NINS has succeeded to the right to obtain a patent, NINS shall pay compensation specified separately to the inventor, etc. When receiving an income from the use of the invention, etc. that is institutionally owned by NINS, 40% of such income shall be allocated to the inventor, 30% to the institute to which the inventor belonged at the time of invention, and 30% to the institute to which the inventor belonged at the time of invention and NINS.

2.3. Handling of ownership of results of joint research

When NINS conducts joint research with a private enterprise or other juridical person, NINS shall conclude an appropriate joint research agreement and specify the handling of such results together with the management of confidential information for both parties. Regarding the acquisition of the right to an invention as a result of joint research, ownership ratio based on the degree of contribution to the invention of the inventor of NINS shall be specified and ownership of rights and application based on a single invention shall be decided by committees for intellectual property established in each institute per such ownership. NINS shall ensure a flexible response including transfer of ownership besides joint application with NINS in the sharing of roles between joint applicants so that an invention as a result of joint research can be exploited to the fullest extent.

2.4. Intellectual property rights other than patent rights, etc.

2.4.1 Handling of intellectual property rights

NINS shall not succeed copyrights resulting from academic paper presentations, conference presentations, lectures, and works in their names for results of research by executive officers and employees of NINS. Other works (including academically-valuable database), except in the case of a work for hire, may be succeeded with the consent of the copyright holder by NINS and made available for organizational exploitation. NINS shall consider the characteristics of the work and make a fitting response side by side with the original copyright holder, etc. toward efficient organizational utilization to return the attribution of the work to society.

2.4.2 Handling of layout-design exploitation rights

Layout-design exploitation rights shall conform to the handling of copyrights and details shall be specified separately.

2.4.3 Handling of corporeal things and confidential information

Corporeal things acquired during research shall be institutionally owned by NINS; provided, however, that the transfer, acceptance, operation and maintenance of corporeal things shall be at the institutes based on the delegation of the President. Papers, lectures, and other works, however, shall not be covered. The handling of corporeal things shall be specified separately including the Material Transfer Agreement (MTA).

In consideration of the significance of joint research, etc. with a private enterprise, the management of confidential information shall not only specify

the method of management and operation but also endeavor to improve awareness of the importance of the handling of confidential information for intellectual property through educational activities, etc. of executive officers, employees, etc. and provide effective management and operation.

2.5. Management and exploitation of intellectual property of NINS

With regard to the exploitation of institutionally owned intellectual property by NINS, efforts shall be made for intellectual property to be widely exploited in society in cooperation with a joint applicant, regional or other external technology licensing organization (TLO), etc. through technology transfer activities and new business establishment activities as NINS. Alternatively, if an intellectual property including an institutionally owned invention, etc. by NINS is academically used, a free license shall be operational in view of further promoting academic development.

To be able to run the necessary cost for the accumulation, management, exploitation, etc. of intellectual property at NINS with income from technology transfer, etc. is the future goal, however, for the time being, in consideration of being supported by Management Expense Grants, etc., NINS shall work for the proper recognition of institutionally owned inventions, patent rights, etc. by NINS. Alternatively, NINS shall have a mechanism that can cope with the cost of a negotiation, dispute, etc. from the standpoint of promoting the exploitation of intellectual property.

3. Implementation system of management and operation of intellectual property, etc.

NINS shall run a flexible and operational implementation system to respond efficiently and quickly to the management and operation of intellectual property in consideration of the following reasons.

- (i) As NINS is composed of a number of institutes which have different characteristics, it is of tremendous benefit for each institute to make full use of the characteristics of each research field in the conduct of exploiting effectively by having the function of carrying out an evaluation and forming a judgment of intellectual property on their own.
- (ii) Each institute needs to follow the integrated philosophy of NINS and defining the handling, etc. of the management and exploitation of intellectual property of NINS and establishing functions including the support of a dispute, etc. which is difficult to be addressed by each institute, consultation for the handling of intellectual property and strategic response

shall enable the harmonious allocation of functions as NINS.

(iii) For the time being after the transition to a corporation, it is vital for the allocation of duties including procedure to fit reality.

4. Objections to the handling of intellectual property

If executive officers and employees of NINS has an objection to the handling of their invention based on this intellectual property policy on invention, etc. and intellectual property in which the right was acquired, they may file an objection to the President.