

UNIVERSITY REGULATION CONCERNING EMPLOYMENT DUTY RELATED INVENTION, ETC. OF UNIVERSITY OF AIZU FACULTY MEMBERS, ETC.

(Regulation No. 51, April 1, 2006)

(Most recent revision: Regulation No. 19, July 1, 2023)

Article One

(Objective)

1.1 This regulation - based upon the provisions of Article 49 of the Office Regulations for Personnel of the Public University Corporation, The University of Aizu(Regulation No.36, April 1, 2006) - provides for necessary matters with respect to the treatment of inventions, etc. made by the University of Aizu University President, Vice President, professors, associate professors, assistant professors, research associates, etc. (for the purpose of this regulation, these positions shall hereinafter be collectively referred to as “FACULTY MEMBERS, ETC.”)

Article Two

(Definitions)

2.1 The meaning of the following terms within this regulation shall be as respectively provided below.

- (1) Invention: inventions provided for in Article 2, Paragraph 1 of the Patent Law (Law No.121, 1959).
- (2) Work related invention: inventions made by FACULTY MEMBERS, ETC. and related to their employment.
- (3) Employment duty related invention: work related inventions, the contents of which belong within the range of operations under the jurisdiction of the institution to which the FACULTY MEMBER, ETC. that made the corresponding work related invention belongs or belonged, and moreover, the development process of which belongs to the current or past employment duties of the corresponding FACULTY MEMBER, ETC.
- (4) Inventor: FACULTY MEMBERS, ETC. that have made work related inventions.
- (5) Respective director: the directors of the school, the divisions, the Information Systems and Technology Center, the Center for Cultural Research and Studies, the Center for Language Research, the Research Center for Advanced Information Science and Technology, the University Business Innovation Center,

the Revitalization And Creation Support Center and the Office for Planning , the Aizu Research Center for Space Informatics and Management affiliated with the FACULTY MEMBERS, ETC.

Article Three

(Assumption Of Rights)

3.1 The UNIVERSITY can assume the right to receive a patent or the patent rights with respect to employment duty related inventions corresponding to any of the following (for the purpose of this regulation, these inventions shall hereinafter be referred to as “ASSUMABLE EMPLOYMENT DUTY RELATED INVENTIONS”) and as provided for in this regulation.

- (1) Inventions generated using research funds managed by the University.
- (2) Inventions generated using Research facilities, equipment and apparatus managed by the University.
- (3) Other inventions that the University President recognizes as necessary.

Article Four

(Work Related Invention Report)

4.1 FACULTY MEMBERS, ETC., when they have made a work related invention, must promptly, submit to the University President through the respective director the “Work Related Invention Report and Deed of Transfer” (Form No.1) with the following documents attached:

- (1) A document describing the invention contents.
- (2) A document describing the development of the invention.
- (3) When the invention was made through the cooperation of at least two FACULTY MEMBERS, ETC. or with an individual other than a FACULTY MEMBER, ETC. (for the purpose of this regulation, such inventions shall hereinafter be referred to as "COOPERATIVE INVENTIONS"), a document describing the distribution of interests in the rights concerning the corresponding COOPERATIVE INVENTION and the basis therefor.

4.2 The respective director, upon receipt of the report provided for in Paragraph 4.1 above, must promptly attach the “Opinion Form” (Form No.2) thereto and submit these documents to the University President.

Article Five

(Authorization And Determinations Regarding Reports)

5.1 The University President, upon receipt of the report provided for in Paragraph 4 herein, shall promptly authorize whether the work related invention related to the corresponding report is an assumable employment duty related invention; and when an ASSUMABLE EMPLOYMENT DUTY RELATED INVENTION is authorized, he/she shall determine whether the UNIVERSITY shall assume the right to receive a patent or the patent rights of the corresponding work related invention.

5.2 The University President, when conducting the authorization and determination of Paragraph 5.1 above, must do so by way of consultation with the University Of Aizu Employment Duty Related Invention Deliberation Council.

Article Six

6.1 The University President, with respect to work related inventions not authorized as ASSUMABLE EMPLOYMENT DUTY RELATED INVENTIONS under the provisions of Article 5 above and when the inventor offers to cede the right to receive a patent or the patent rights, shall promptly determine whether the UNIVERSITY shall assume the right to receive a patent or the patent rights with respect to the corresponding work related invention. In such situations, the provisions of Paragraph 5.2 above shall apply correspondingly.

Article Seven

(Obligation To Cede The Right To Receive A Patent Or The Patent Rights)

7.1 The inventor, when the University President has determined that the UNIVERSITY shall assume the right to receive a patent or the patent rights of the work related invention of the corresponding inventor under the provisions of Article 5 and Article 6 above, must cede the corresponding right to receive a patent or the patent rights to the UNIVERSITY.

Article Eight

(Limits On The Ceding Of Rights To Third Parties)

8.1 The inventor - if the University President, under the provisions of Article 5 or Article 6 herein, recognizes that the corresponding work related invention is not an ASSUMABLE EMPLOYMENT DUTY RELATED INVENTION or determines that the UNIVERSITY shall not assume the right to receive a patent or the patent rights of the corresponding employment duty related invention - can thereafter cede the

corresponding right to receive a patent or the patent rights to a third party or establish exclusive operating rights for the purpose of a third party.

Article Nine

(Patent Applications and request for substantive examination)

9.1 The University President, shall promptly conduct a patent application of the work related invention which UNIVERSITY received a patent or the patent rights under the provision of Article 7 herein.

9.2 The inventor - with respect to the work related invention of the report provided for in Paragraph 4 herein and if the University President, under the provisions of Article 5 or 6 herein, recognizes that the corresponding invention is not an ASSUMABLE EMPLOYMENT DUTY RELATED INVENTION or determines that the UNIVERSITY shall not assume the right to receive a patent - must thereafter conduct a patent application. However, when there is a necessity to urgently conduct a patent application, this limitation shall not apply.

9.3 The inventor, when conducting a patent application under the provisions of Paragraph 9.2 above, must promptly submit to the University President through the respective director the Work Related Invention Report with a necessity to conduct a patent application urgently. The provisions of Articles 5 to 8 will apply corresponding to the handling after that point.

9.4 The University President must decide if UNIVERISTY make a request for substantive examination within the time limit. A situation in which the University President decided a request for substantive examination is needed, UNIVERSITY must follow the decision.

9.5 The determination of Paragraph 9.4 above must be made by the meeting of the Employment Duty Related Invention Deliberation Council.

Article Ten

(International Patent Application and request for substantive examination)

10.1 The University President - with respect to work related inventions for which the UNIVERSITY assumed the right to receive a patent or the patent rights under the provisions of Article 7 herein, and when he/she recognizes that obtaining international patent rights is necessary - shall conduct an international patent application.

10.2 The University President must decide if UNIVERSITY need to make a request for substantive examination within the time limit of the application country

after international patent application was applied under the provision of Article 9 herein. A situation in which the University President decided a request for substantive examination is needed, UNIVERSITY must follow the decision. However, this shall not apply to countries do not have the system of request for substantive examination.

10.3 The approval and determination of Paragraphs 10.1 and 10.2 above must be made by the meeting of DELIBERATION COUNCIL.

Article Eleven

(Payment Of Application Expenses, Etc. Borne By The Inventor)

11.1 The UNIVERSITY - in the situation in which it receives the ceding of the right to receive a patent or the patent rights under the provisions of Article 7 and Article 9 herein and when the inventor has previously paid the required expenses of the patent application, etc. - shall pay to the corresponding inventor that amount of the corresponding expenses, in accordance with that inventor's report, recognized by the University President as necessary.

Article Twelve

(Maintenance Management Of Registered Of The Creation Of Patent Rights)

12.1 The maintenance management of registered of the creation of patent rights are determined separately.

Article Thirteen

(Payment Of Registration Compensation)

13.1 The UNIVERSITY - when it receives the ceding of patent rights under the provisions of Article 7 herein or when it obtains patent rights under the provisions of Paragraph 9.1 herein after a patent application has been conducted - shall pay a registration compensation of ¥20,000 (in situations of COOPERATIVE INVENTIONS with individuals other than FACULTY MEMBERS, ETC., the amount shall be the product of ¥20,000 multiplied by the Prefecture's interest distribution) to the corresponding inventor for a single right.

Article Fourteen

(Payment Of Operation Compensation)

14.1 The UNIVERSITY, when it earns income from the application and disposition of the right to receive a patent or the patent rights obtained under the provisions of

Article 7 herein, shall pay operation compensation to the corresponding inventor based upon the income results for the period from January 1 through December 31 each year, after expenses incurred in patent application and maintenance have been subtracted from these income results, in accordance with the distribution policy separately determined by the University President.

14.2 The UNIVERSITY, when the University President recognizes that there are special circumstances, can pay specially calculated operation compensation, notwithstanding the provisions of Paragraph 14.1 above.

Article Fifteen

(Compensation To Cooperative Inventors)

15.1 The registration compensation and operation compensation of Articles 13 and 14 above, when at least two inventors possess the right to receive the corresponding compensation, shall be paid in accordance with their respective interests.

Article Sixteen

(Compensation In The Case Of Retirement Or Death)

16.1 The right to receive payment for expenses under the provisions of Article 11 herein or the right to receive compensation under the provisions of Articles 13 and 14 herein shall continue even after the inventor possessing the corresponding rights retires.

16.2 Upon the death of the inventor possessing the rights of Paragraph 16.1 above, the corresponding rights will be assumed by that inventor's heir.

Article Seventeen

(Notification)

17.1 The University President - upon an authorization or determination under the provisions of Article 5 herein, a determination under the provisions of Article 6 herein, a determination to pay expenses under the provisions of Article 11 herein, or a determination to pay compensation under the provisions of Article 13 or 14 herein - shall promptly notify the corresponding inventor through the respective director by writing of that intention.

Article Eighteen

(Statement Of Disagreement)

18.1 The inventor - when he/she has disagreement with the authorization or determination under the provisions of Article 5 herein, the determination to pay expenses under the provisions of Article 11 herein, or the determination to pay compensation under the provisions of Article 13 or 14 herein - can state such disagreement to the University President through the respective director on the "Statement Of Disagreement Form" (Form No.3) within the 30 day period counted from the day after receiving the notification provided for in Paragraph 17.1 above.

18.2 The University President, upon receipt of the statement of disagreement of Paragraph 18.1 above, shall conduct a determination in response to the corresponding statement of disagreement and shall notify the inventor of the corresponding statement of disagreement of the results of that determination within the 60 day period counted from the day after receiving the corresponding statement of disagreement.

18.3 The determination of Paragraph 18.2 above must be made by the meeting of the Employment Duty Related Invention Deliberation Council.

Article Nineteen

(University Of Aizu Employment Duty Related Invention Deliberation Council)

19.1 The University shall establish the University of Aizu Employment Duty Related Invention Deliberation Council (for the purpose of this regulation, hereinafter referred to as "DELIBERATION COUNCIL") for the purpose of deliberating the following matters:

- (1) Matters concerning the authorization and determination under the provisions of Article 5 (including cases where Article 9 shall be applied mutatis mutandis) herein and the determination under the provisions of Article 6 (including cases where Article 9 shall be applied mutatis mutandis) herein;
- (2) Authorizations concerning a necessity of the international application under the provision of Article 10.1;
- (3) Decisions concerning a necessity of request for substantive examination regarding patent application which was conducted under the determination of Items 19(1) and 19(2) above;
- (4) Matters concerning the determination of the amount of operation compensation of Article 14 herein;
- (5) Matters concerning the determination in response to the statement of disagreement of Paragraph 18.2 above; and
- (6) Other matters that the University President recognizes as necessary.

Article Twenty

(Employment Duty Related Invention Deliberation Council Organization, Etc.)

20.1 The DELIBERATION COUNCIL shall be organized of the following members:

- (1) The Director of the University-Business Innovation Center;
- (2) Some professors selected by the Faculty Assembly;
- (3) Some professors selected by the Graduate Department Councils;
- (4) The Director General of the Administrative Office; and
- (5) Individuals for whom inclusion as members is recognized as being necessary by the President.

20.2 The term of office of DELIBERATION COUNCIL members shall be two years; these members can be reappointed. However, the term of office of those individuals becoming members as the result of a vacancy shall be the remainder of the vacated term.

20.3 The positions of Council Chairperson and Council Vice Chairperson shall be established within the DELIBERATION COUNCIL; the University President shall serve as Council Chairperson, and the position of Council Vice Chairperson shall be determined by the mutual election of the council members.

20.4 The Council Chairperson shall direct council affairs, convoke the DELIBERATION COUNCIL, and serve as the chair thereof.

20.5 The Council Vice Chairperson shall assist the Council Chairperson, and should the Council Chairperson be unable to fulfill his/her duties, the Council Vice Chairperson shall fulfill these duties on the Council Chairperson's behalf.

20.6 The DELIBERATION COUNCIL, when recognized as necessary for the purpose of deliberation, may request the attendance by an inventor, other FACULTY MEMBER, ETC., and individual possessing specialized knowledge and solicit that individual's opinion.

Article Twenty-One

(Protecting Confidentiality)

21.1 The inventor, members of the DELIBERATION COUNCIL, and other related individuals must protect secrets with respect to the contents of the invention and matters concerning the inventor's and the UNIVERSITY's interests until the publication before examination of the application of the corresponding invention.

Article Twenty-Two

(Corresponding Application To Ideas And Design Conceptions, Cultivation Of Species And Trademark Application)

22.1 The provisions of this regulation shall apply correspondingly with respect to the ideas (ideas provided for in Article 2, Paragraph 1 of the Law On Utility Models (Law No.123, 1959)), design concepts (design concepts provided for in Article 2, Paragraph 1 of the Design Law (Law No.125, 1959)) of and cultivation of species (cultivation of species provided for in Article 7, Paragraph 1 of the Agriculture Law On Seeds And Seedlings (Law No.115, 1947)) of FACULTY MEMBERS.

22.2 The provisions of this regulation shall apply correspondingly with respect to procedures of the cases that there was a notification about the trademark application from faculty member, etc.

Article Twenty-Three

(Supplemental Provisions)

23.1 Necessary matters concerning the enforcement of this regulation shall be separately decided by the University President.

ADDITIONAL PROVISIONS

This regulation shall be enforced as of April 1, 2006.

ADDITIONAL PROVISIONS

This regulation shall be enforced as of May 22, 2008.

ADDITIONAL PROVISIONS

This regulation shall be enforced as of April 26, 2017.

ADDITIONAL PROVISIONS

This regulation shall be enforced as of April 1, 2019.

ADDITIONAL PROVISIONS

This regulation shall be enforced as of August 19, 2020.

ADDITIONAL PROVISIONS

This regulation shall be enforced as of July 1, 2023.