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This is an unofficial translation of Rules No. 121 of the National Institutes of Natural Sciences, an Inter-University Research Institute Corporation, Rules for the Handling of Academic Consultation dated April 25, 2019. Only the original Japanese text of these rules 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,  
Rules for the Handling of Academic Consultation

April 25, 2019

NINS Rules No. 121

(Purpose)

Article 1 These rules are to provide for the handling of academic consultation at the National Institutes of Natural Sciences, an Inter-University Research Institute Corporation (hereinafter referred to as “NINS”).

(Definitions)

Article 2 As used in these rules, the term "academic consultation" means the entrustment from external organizations such as the private sector (hereinafter referred to as "private organizations, etc."), and the provision of guidance and advice based on education, research and technical expertise of the employees of NINS, thereby supporting the business or activities of private organizations, etc., and the expenses required for this are borne by the entrustor.

2. As used in these rules, the term “institute” means an inter-university research institute prescribed in Paragraph 1, Article 2 of the National Institutes of Natural Sciences, an Inter-University Research Institute Corporation, General Rules for Organization and Operation (General Rules No. 1 of 2004), a research facility under the direct control of NINS prescribed in Paragraph 1, Article 2-2, and the Okazaki Research Facilities prescribed in Item (i), Article 50.

3. As used in these rules, the term "director general" means a head of the institute set forth in the preceding paragraph.
4. As used in these rules, the term "intellectual property" means intellectual property defined in the National Institutes of Natural Sciences, an Inter-University Research Institute Corporation, Intellectual Property Policy (established on April 1, 2004; hereinafter referred to as the "Intellectual Property Policy").
5. As used in these rules, the term "intellectual property rights" refer to an intellectual property right specified in the preceding paragraph, including patent rights, utility model rights, design rights, breeder's rights, circuit layout utilization rights, programs and database copyrights, rights to use know-how, ownership of tangible results, and other intellectual property rights stipulated by laws and regulations in Japan and overseas, or rights related to legally protected interests.
6. As used in these rules, the term "consultant" means an employee of NINS who is in charge of academic consultation.

(Principle of acceptance)

Article 3 Academic consultation is recognized as being the same as or closely related to the duties of a consultant, in principle and only when it is recognized that there is no hindrance to the operation of NINS, it shall be accepted.

(Conditions for acceptance)

Article 4 When accepting academic consultation, the following conditions must be attached.

- (i) Academic consultation may not be unilaterally suspended by the entrustor.
  - (ii) In the event that the academic consultation is suspended or the period is extended due to unavoidable reasons, NINS shall not be held responsible.
  - (iii) The consultation fee for academic consultation must be paid by the prescribed date.
2. In addition to what is provided in the preceding paragraph, it is possible to add conditions deemed necessary for accepting academic consultation.

(Application for academic consultation)

Article 5 A person who intends to apply for academic consultation (hereinafter referred to as "entrustor") must submit an application and acceptance form in a prescribed format to the director general to which the consultant belongs.

(Decision on acceptance, etc.)

Article 6 The acceptance of academic consultation is decided by the director general.

2. The director general who has decided to accept the applicant pursuant to the provisions of the preceding paragraph will conclude an academic consultation contract with the institute by

sending the application and acceptance form to the entrustor.

3. The director general shall execute the procedures necessary for the conclusion of the amended contract and other changes to academic consultation with the entrustor when it becomes necessary to suspend or change the period of academic consultation, change the cost of academic consultation, or make important changes to the content of academic consultation, in accordance with an agreement with the entrustor.
4. When the director general concludes a contract pursuant to the provisions of the preceding two paragraphs, he/she shall report to that effect to the president.

(Payment of consultation fee)

Article 7 When conducting academic consultation, NINS may bill for an amount determined in consideration of direct expenses such as rewards, travel expenses, consumables expenses, utility expenses, personnel expenses, etc. (hereinafter referred to as "direct expenses, etc.") and other costs that are required in addition to direct costs in connection with the performance of the work (hereinafter referred to as "indirect costs, etc.") to the entrustor.

2. The direct cost stipulated in the preceding paragraph shall be the minimum amount calculated at 20,000 yen per hour (excluding consumption tax and local consumption tax), and shall be the amount determined after consultation between the entrustor and director general; provided however, that this does not apply if the president approves, or if necessary for the industry-academia-government collaboration membership system stipulated in the National Institutes of Natural Sciences, an Inter-University Research Institute Corporation, Rules Concerning Industry-Academia-Government Collaboration Membership System (Rules No. 120 of 2019).
3. In addition to providing facilities and equipment for academic consultation, NINS may bear the ordinary expenses, etc. necessary for the maintenance and management of said facilities and equipment.
4. NINS may bear part of the direct costs within the budget.
5. The amount of indirect expenses, etc. shall be the amount equivalent to 10% of the direct expenses as standard.

(Accounting and reporting of expenses, etc.)

Article 8 The income and expenses required for academic consultation must be all accounted through the accounting of NINS.

2. The director general shall report to the president on the status of academic consultation and related accounting when requested by the president from time to time.

(Suspension of academic consultation, etc.)

Article 9 When the director general recognizes that there is a natural disaster or other

unavoidable reason, he/she may suspend the academic consultation or decide to extend the period.

2. In addition to what is provided in the preceding paragraph, the director general may suspend the academic consultation after consultation with the entrustor when the content of the academic consultation is determined to correspond to joint research stipulated in the Inter-University Research Institute Corporation National Institutes of Natural Sciences Rules for the Handling of Joint Research (Rules No. 20 of 2004) or commissioned research stipulated in Article 2, Paragraph 1 of the Inter-University Research Institute Corporation National Institutes of Natural Sciences Funded Research Handling Rules (Rules No. 21 of 2004).
3. When the director general suspends the academic consultation or decides to extend the period pursuant to the provisions of the preceding two paragraphs, he/she shall report to that effect to the entrustor and president.

(Assignment or establishment of exclusive license, etc.)

Article 10 Of the intellectual property rights arising as a result of academic consultation, the right to receive a patent or the patent right that belongs to NINS may be established to be transferred or licensed exclusively to the entrustor, or to a person designated by the entrustor after consultation between NINS and the entrustor.

(Priority enforcement of intellectual property rights)

Article 11 When there is a request from the entrustor or a person designated by the entrustor to preferentially implement the intellectual property rights (excluding copyrights and know-how) that belong to NINS for the intellectual property resulting from academic consultation, NINS may, upon consultation with the entrustor, set a period for the preferential implementation of the intellectual property right and implement this.

(Licensing of implementation to a third party)

Article 12 If the entrustor or a person designated by the entrustor does not implement the intellectual property rights belonging to NINS for a certain period of time from the date of completion of the academic consultation, or the preferential implementation period stipulated in the preceding article, a person other than the entrustor and person designated by the entrustor may be granted to implement the intellectual property right.

(License fee)

Article 13 Pursuant to the provisions of the preceding two articles, when licensing the intellectual property rights concerned, the license fee specified separately in the license agreement shall be collected.

2. When an exclusive license, etc. is established for the intellectual property rights shared by

NINS and the entrustor, the license fee separately specified in the license agreement shall be collected.

(Publication of result)

Article 14 The director general shall, if necessary, determine the timing and method of publicizing the result of academic consultation in consultation with the entrustor.

(Participation and cooperation of a collaborator)

Article 15 If a consultant finds it necessary to obtain the participation or cooperation of a person other than the consultant in carrying out academic consultation, after obtaining the consent of the entrustor, the consultant may have the person other than the consultant participate or cooperate in academic consultation as a collaborator.

(Handling of intellectual property)

Article 16 In addition to what is stipulated in Articles 10 to 13, the handling of intellectual property resulting from academic consultation shall be governed by the Intellectual Property Policy.

(Maintenance of confidentiality)

Article 17 Persons who have received or obtained technical and business information from the entrustor when conducting academic consultation must give due consideration to maintaining the confidentiality of all such information.

(Miscellaneous Provision)

Article 18 In addition to what is stipulated in these rules, necessary matters regarding the handling of academic consultation shall be specified separately.

#### Supplementary Provision

These rules shall come into effect as of June 1, 2019.