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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

Partial Revision on April 1, 2004

Partial Revision on April 1, 2005

Partial Revision on April 1, 2015

Partial Revision on April 1, 2018

Partial Revision on April 25, 2019

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

1. Basic approach

NINS is comprised 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 research results 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 research results 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 research results 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 must endeavor to contribute research results 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 research results to society. However, to make use of research results through technology transfers, etc. in industries, research results must be properly protected as intellectual property. Alternatively, patent for an invention in the past, when the intellectual property has been attributed to an 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 research results to society with the realization of a cycle of intellectual creation.

According to this approach, executive officers and employees of NINS shall give consent to the attribution of intellectual property to NINS as research results and shall have the policy of transferring rights to NINS under the prescribed procedure. NINS shall manage, protect, and use transferred intellectual property in an integrated fashion and assume responsibility in the organizational scheme of things. In doing so, it goes without saying that NINS shall make arrangements for the smooth handling of joint research and for making good use of research results 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. Attribution, succession, and handling of rights to research results

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 research results and confidential information including know-how. Alternatively, the handling of a tangible object as research results, 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 Attribution of patent rights and other rights

Attribution 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 breeder's rights shall be equivalent to the basic policy for patent rights, etc., and will be stipulated separately.

(1) Handling of attribution 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 attributed to 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, after ascertaining that the invention falls under the category of employee invention, etc., if applicable, shall evaluate the invention and make a decision as to 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, etc. shall submit a notification to succeed such invention, etc. to NINS. For an invention, etc. that NINS has decided not to apply for, it is up to the inventor, etc. to decide whether to apply for the application, but for an invention, etc. that is determined to be an employee invention, the inventor, etc. will notify NINS of subsequent progress reports.

In the case where a contract researcher, etc. created an invention, etc. in NINS, the handling of the invention, etc. and attribution of the right, etc. shall comply with 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 in an equivalent manner as an invention, etc. of executive officers and employees of NINS.

(2) Use of rights and incentives

When NINS has succeeded to the right to the grant of a patent, NINS shall pay compensation specified separately to the inventor, etc. When earning an income from the use of the invention, etc. that is attributed to 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 Attribution and handling of results of joint research

When NINS conducts joint research with the private sector 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 attribution of rights and application in an equivalent manner as a single invention shall be decided by a committee 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 used to the fullest extent.

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

(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 research results 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 use in the organization. NINS shall take appropriate measures in cooperation with the original copyright owner, etc., in order to use the characteristics of the work in a systematic manner that is effective for giving back to society.

(2) Handling of layout design license

For a layout design license, the details and shall be specified separately in accordance with the handling of copyright.

(3) Handling of tangible objects

Tangible objects acquired during research shall be attributed to NINS; provided, however, that the transfer, acceptance, operation and maintenance of tangible objects shall be at the institute based on the delegation of the President. However, papers, lectures, and other works, however, shall not be covered. The handling of tangible objects shall be specified separately including the Material Transfer Agreement (MTA).

2.5 Management and use of intellectual property of NINS

When using intellectual property attributed to NINS, efforts shall be made for intellectual property to be widely used 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 invention, etc. attributed to 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, use, 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 inventions, patent rights, etc. attributed to NINS. Alternatively, NINS shall have a mechanism that can cope with the cost of a negotiation, dispute, etc. in view of promoting the use of intellectual property.

3. Licensing policy

3.1 Basic approach for licensing activities

The following main policies regarding the licensing activities of NINS have been established to promote the appropriate and smooth transfer of technology to industry regarding an invention, etc. and other intellectual property rights resulting from research conducted at NINS using public research funds or funds provided by NINS, or research conducted using facilities managed by NINS.

- (1) Promote licensing activities in collaboration with joint applicants and TLOs, etc. so that intellectual property rights such as an invention, etc. attributed to NINS are used to maximize social utility.
- (2) Regarding intellectual property rights such as an invention, etc. to be licensed, emphasis should be placed on the possibility of practical application and commercialization in society, and the possibility of early realization thereof. However, when a licensee publishes research results using intellectual property rights such as licensed inventions, it is expected that it will be stated that technology owned by NINS was used.
- (3) Give sufficient consideration to ensure that it is not used for purposes that violate public policy.
- (4) Give due consideration to prevent third parties from suffering inappropriate damage due to licensing (give due consideration not to be complicit in so-called patent trolling).
- (5) Take into account the social trust and compliance status of the licensee.
- (6) Give sufficient consideration to ensure that research activities are not hindered by licensing activities.
- (7) When granting licenses to a private institute, etc., strive to obtain appropriate license fees in principle. However, if an exclusive license is requested by a private institute, etc., it will be difficult to commercialize it unless an exclusive license is granted, so consider this and make conditions that allow for a wide range of licenses for research use by universities, etc.

3.2 Research licensing policy

Regarding an invention, etc. and other intellectual property rights resulting from research conducted at NINS using public research funds or funds provided by NINS, or research conducted using facilities managed by NINS among the licensing activities conducted by NINS, when other Japanese universities, inter-university research institutes, college of technology,

national institutes conducting research and development, public testing and research institutes, special corporations and independent administrative institutes in Japan conducting research and development (hereinafter referred to as "universities, etc.") request the implementation of an invention, etc. and other intellectual property rights owned solely by NINS for non-profit research purposes, considering the nature of NINS as an inter-university research institute corporation, we will respond based on the following ideas.

(1) Grant of research license

When a non-exclusive license to an invention or other intellectual property right is requested by another university, etc. for non-commercial research (hereinafter referred to as a "research license"), NINS shall grant a non-exclusive license on a royalty-free basis, provided that the license is used for non-commercial research and that it is not sublicensed to a third party in principle upon request. In this case, NINS shall endeavor to ensure that the granting of research license is carried out in a simple and expeditious manner.

However, when research is conducted with a private institute, etc. at a university, etc. to which NINS has granted a research license, it is not permitted for the private institute, etc. that is the counterparty of the university to carry out or use the intellectual property rights owned by NINS without permission.

(2) Provision of tangible objects

With regard to the provision of tangible objects to universities, etc., related to the licensing of intellectual property rights held solely by NINS, if the executive officers and employees of NINS that produced or manage the tangible objects deem it possible to the extent that it does not interfere with education and research, they shall endeavor to provide them smoothly and may provide them free of charge, excluding actual expenses. However, when providing tangible objects, a separate contract regarding the provision shall be concluded.

(3) Handling of work-related invention that is attributed to an individual

In the case of an invention that has been certified as a work-related invention as a result of the invention notification processing procedure at NINS but has not been succeeded by NINS, it is expected that the rights of NINS shall be handled with due consideration in the case of an executive officer or employee of NINS who files a patent application in the name of an individual or transfers the right to receive his or her own patent to a third party.

(4) Compliance and management of research license granted by other universities, etc.

In the event that NINS receives a research license from another university, etc., NINS shall recognize that the subject of the research license is non-commercial research, and shall endeavor to properly manage the research license so that the person conducting research under the research license complies with the conditions of the research license.

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

NINS shall run a flexible and operational implementation system to efficiently and promptly respond 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 use 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.

5. Confidentiality obligation of executive officers, employees, contract researchers, etc.

- (1) Responsibilities of executive officers, employees, contract researchers, etc.

Executive officers, employees, contract researchers, etc. of NINS are responsible for faithfully complying with confidentiality obligation related to intellectual property.

- (2) Confidentiality in joint research, commissioned research, etc.

In view of the fact that the management of confidential information is extremely important for joint research, commissioned research, etc. based on contracts with third parties outside NINS, methods for managing and operating confidential information shall be established.

- (3) Awareness-raising activities, etc.

NINS shall endeavor to raise awareness of the importance of handling confidential information related to intellectual property through awareness-raising activities, etc. among executive officers, employees, contract researchers, etc., and shall effectively manage and operate it.

6. 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.