

Regulations Pertaining to Inventions at the University of Osaka

Note: The document below is an English translation of the University Work Regulations, originally composed in Japanese. The English version of the Work Regulations has been provided merely as a reference for international researchers and employees. Therefore, it should not be considered an official employment contract. Please note that any and all official employment contracts are concluded solely on the basis of the Japanese version of the Work Regulations.

(Purpose)

Article 1: The purpose of these regulations shall be to define basic matters pertaining to the handling of the intellectual property rights created by Employees of the University of Osaka (hereinafter referred to as "The University") and thereby making contributions to society by utilizing results of academic researches and to promote development of academic researches.

(Principle of Application)

Article 2: This regulation shall be applied as required to comply with the mission, principle and intellectual property policy of The University.

(Definitions)

Article 3: The terms used herein shall comply with the definitions detailed hereunder.

- (1) Invention: Inventions provided in Item 1, Article 2 of the Patent Law (Law No. 121 of 1959), ideas provided in Item 1, Article 2 of the Utility Model Law (No. 123 of 1959), designs provided in Item 1, Article 2 of the Design Law (Law No. 125 of 1959) and cultivation of variety provided in Item 2, Article 2 of the Agricultural Seed and Seedlings Law (Law No. 83 of 1998)
- (2) Rights to obtain a patent: Rights to obtain a patent, and to acquire registration of utility model, design and variety, and the right to respond to the said rights in overseas
- (3) Patent: Patent, utility model right, design right, cultivator's right, and right to respond to the said rights in overseas
- (4) Computer program work: Computer program work provided in No. 10-2, Item 1, Article 2 of the Copyright Law (Law No. 48 of 1970), database work provided in No. 10-3, and circuit design of semiconductor integrated circuits provided in Item 2, Article 2 of the Law Concerning the Circuit Layout of Semiconductor Integrated Circuits (Law No. 43 of 1985)
- (5) Employees: President, trustee, professor, associate professor, associate professor (lecturer), assistant professor, assistant, other full-time and part-time employees, and other persons employed by The University, provided that they conclude their contracts concerning the rights relevant to intellectual property they may create
- (6) Department: Faculties, Schools, Research Institutes, University Hospitals, the University of Osaka Dental Hospital, Joint-Use Facilities, National Joint-Use Facilities and other organizations equivalent to the foregoing.
- (7) In-house invention: Invention and others relevant to occasion, which Employee created at The University or public expense or facility that the Employee can use in the course of work
- (8) Intellectual property: Invention, idea, design, plant variety, database work, computer program work, circuit design of semiconductor integrated circuits and know-how
- (9) Intellectual property right: Patent, utility model right, design right, cultivator's right, copyright of database work, copyright of computer program work, right to use circuit design, right relevant to know-how, and right to respond to the said rights in overseas

(Attribution of Right to Obtain a Patent)

Article 4: The right to obtain a patent relevant to in-house invention shall, in principle, be succeeded by and attributed to The University.

(Notification of In-house invention)

Article 5: When any result of research of an Employee carried out in the course of work fulfills the condition of an invention, said Employee shall notify the Vice Director of Co-Creation Bureau designated by the Director of Co-Creation Bureau (Hereinafter referred to as "the Vice Director of Co-Creation Bureau") by notifying his/her immediate manager.

2. The notification in the foregoing Paragraph shall be done prior to announcement at academic conference etc.

3. When the invention is created by more than two Employees, a representative shall submit the notification through the Employee's department.
4. When an Employee and individual who do not belong to the University cooperatively created the invention etc., the representative of the University shall make the notification through the department of which the representative belongs.

(Sending Notification)

Article 6: The Department manager, upon receiving notification under Paragraph 1 of Article 5, shall immediately send the notification to the Vice Director of Co-Creation Bureau.

(Determination for Succession etc. of Right to Obtain a Patent)

Article 7: When the Vice Director of Co-Creation Bureau receives the notification stipulated in the foregoing Article, he/she shall immediately determine whether the invention is in-house invention or not, and if it is, determine whether the University will succeed the right to obtain a patent of the invention.

2. When the Vice Director of Co-Creation Bureau makes the decision in the foregoing Paragraph, he/she shall immediately inform the Employee who submitted the notification through the department manager.
3. When an Employee and individual who do not belong to the University cooperatively created the invention etc., the Vice Director of Co-Creation Bureau shall determine whether the University shall succeed the right to obtain a patent of the Employee's dividend of the invention.
4. When needed, the Vice Director of Co-Creation Bureau shall report decided matters at the Council of Deans and Directors.

Article 8: When an invention notified stipulated in Paragraph 1, Article 5 is an in-house invention, and it is determined as proper that the University assumes the invention based on the evaluations from the view of novelty, progressivity, merchantability, and academic impact, the University may attribute the right to obtain a patent pertaining to the relevant invention to the University.

2. The University shall consider the contract on joint research or funded research with any other organization than the University of Osaka if any and estimate cost before determination stated in the foregoing Paragraph.

(Objection)

Article 9: When an Employee who has submitted the notification has an objection to the decision made under Paragraph 1, Article 7, the Employee may objection to the decision by submitting an designated form to the President through Employee's department manager within 30 days from the day he/she received the decision.

2. The President, upon receiving the notice of objection stipulated in the foregoing Paragraph, shall decide whether the decision pertaining to the objection shall be changed or not at the Co-Creation Bureau meeting, and notify the individual through his/her department manager.
3. No objection shall be made to the decision stipulated in the foregoing Paragraph.

(Succession of Right to Obtain a Patent to the University)

Article 10: If the University determined to succeed the right to obtain a patent according to the provision of Item 1 of Article 7 or Item 2 of foregoing article, the right to obtain a patent shall be attributed and succeeded to the University from Employees.

(Handling of Inventions which is not succeeded by the University)

Article 11: In cases where it is determined that the right to obtain a patent shall not be succeeded by the University, it shall be attributed to the Employee who created the invention.

(Application Relevant to Patent)

Article 12: In cases where it is determined that the right to obtain a patent is succeeded by the University, the Vice Director of Co-Creation Bureau shall immediately direct the patent application to the Office for Industry-University Co-creation Bureau.

(Computer Program Work or Know-How)

Article 13: In cases where the computer program work or know-how is created as a result of official research by

Employee at The University or public expense or facility that the Employee can use in the course of work, the right relevant to the computer program work or know-how shall be basically attributed to The University.

(Notification of Computer Program Work or Know-How)

Article 14: In cases where the computer program work or know-how created as a result of official research by Employee at The University or public expense or facility that the Employee can use in the course of work fulfills any of the following conditions, the Employee shall immediately notify the Vice Director of Co-Creation Bureau through Employee's department manager by submitting the designated form.

- (1) The relevant computer program work or know-how is required to be transferred to other organizations, etc. outside of The University or to be granted permission of the use for achieving profits as a goal at other organizations, etc. outside The University.
- (2) Employee notifies The University of the invention pertaining to the relevant computer program work or know-how.

Article 15: The provisions in Items 2 through 4 of Article 5 and Articles 6 through 11 shall correspondingly apply to the computer program work or know-how, and the provision in Article 12 shall correspondingly apply to the circuit design of semiconductor integrated circuits.

(Compensation Payment Etc.)

Article 16: When The University acquires income by managing or dealing with the intellectual property rights or patent rights created by an Employee and succeeded by The University, The University shall pay compensation and return the income to the said Employee and the faculty to which the Employee belongs.

2. With regard to compensation, The University shall pay one-third of the income subtracted by all actual expenses including application and maintenance costs to the said Employee as performance compensation and shall return one-sixth to the faculty to which the Employee belongs.
3. In cases where the invention is created by two or more Employees, the compensation shall be distributed proportionally according to the degree of contribution to the invention.
4. In cases where an Employee who created the intellectual property is transferred to other university or institute etc. or retires, the provision in the foregoing Item 3 shall apply mutatis mutandis with regard to the compensation and return; provided however, that this shall not apply in cases where there are special circumstances, such as the whereabouts of the Employee who is entitled to receive compensation are unable to confirmed due to the retirement.

(Obligation of Confidentiality)

Article 17: Employee who created the intellectual property and any person who is involved with handling the right of the intellectual property shall maintain secrecy about the relevant intellectual property during the necessary period.

(Management or Disposition of Intellectual Property Right)

Article 18: With regard to the intellectual property right or right to obtain a patent succeeded by the University, the Vice Director of Co-Creation Bureau shall make a decision and manage or dispose based on the agreement.

(Request)

Article 19: With regard to the intellectual property right or right to obtain a patent etc. succeeded by The University, in cases where Employee has a request about its application or management or disposition by The University, the Employee may offer the request to the Vice Director of Co-Creation Bureau by submitting the designated form through Employee's department manager.

(Handling Right of Intellectual Property Created by Student)

Article 20: In cases where the intellectual property is created by the student of The University as a result of research at The University or public expense or facility, the right pertaining to the intellectual property shall be handled as follows:

- (1) When an employment contract on the relevant research between the student and The University is concluded, The University may succeed the right pertaining to the relevant intellectual property as provided in this regulation.

- (2) When the employment contract mentioned in the foregoing item is not concluded, The University may succeed the right pertaining to the relevant intellectual property if the contract between the student and The University is concluded.

Article 21: In cases where The University succeeds the right pertaining to the relevant intellectual property, this regulation shall correspondingly apply to handling of the intellectual property and position of the student, who created.

(Miscellaneous Provisions)

Article 22: Except for the provisions in this regulation, the requirements for implementing this regulation shall be separately stipulated.

Supplementary Provision

1. The foregoing regulations shall be implemented from 1 April 2004.
2. The University of Osaka Regulations Pertaining to Inventions (established on 20 March 1979) shall be abolished.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2005.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2007.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2008.

Supplementary Provision

The foregoing amendments shall be implemented from 1 June 2009.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2010.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2011.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2012.

Supplementary Provision

1. The foregoing amendments shall be implemented from 1 April 2014
2. With regard to the compensation pertaining to in-house invention, etc. defined in No. 1 and 3, Item 2, Article 18 of this document prior to its amendment and notified prior to the implementation of said amendments, the provisions before the amendment of this document shall apply to the payment of compensation.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2015.

Supplementary Provision

The foregoing amendments shall be implemented from 23 January 2017.

Supplementary Provision

The foregoing amendments shall be implemented from 24 April 2017 and applied from 1 April 2017.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2018.

Supplementary Provision

The foregoing amendments shall be implemented from 26 August 2019.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2020.

Supplementary Provisions

(Date of Implementation)

1. The foregoing amendments shall be implemented from 1 November 2020.

(Temporal Measures applicable to return of the Compensation)

3. The return of the Compensation, for the intellectual property right or right to obtain a patent etc. succeeded by The University prior to its amendment, shall remain subject to the prior regulations notwithstanding the amended provisions of item 1 and 2, Article 16.

Supplementary Provision

The foregoing amendments shall be implemented from 1 April 2023.