

Osaka University Regulations Pertaining to Inventions

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 official employment contracts have been 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 of Employees employed by Osaka University (hereinafter referred to as "The University") thereby making contributions both to society based on the results of academic research result and to promotion of the development of academic research.

(Principle of Application)

Article 2: This regulation shall be applied as required to comply with the mission, ideal 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) Right to be patented: Rights to be patented, and to acquire registration of utility model, design and variety, and the right to respond to the said rights overseas

(3) Patent: Patent, utility model right, design right, cultivator's right, and right to respond to the said rights 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, Osaka University Dental Hospital, Joint-Use Facilities, National Joint-Use Facilities and other organizations equivalent to the foregoing.

(7) Service 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

(Invention Committee)

Article 4: An Invention Committee (hereunder referred to as "The Committee") shall be established in The University based on the separately stipulated rules.

(Office for University-Industry Collaboration)

Article 5: An Office for University-Industry Collaboration shall be established in The University based on the separately stipulated rules.

(Attribution of Right to be Patented)

Article 6: The right to be patented relevant to service inventions shall, in principle, be assumed by and attributed to The University.

(Notification of Service Invention)

Article 7: In cases where any result of research that Employee carried out in the course of work fulfills the condition of invention, said Employee shall notify The President by submitting the designated form through the manager of Employee's department.

2. The notification mentioned in the foregoing item shall be performed prior to announcement at academic conference, etc.
3. In cases where the invention is created by more than two Employees, a representative shall submit the notification through Employee's department.
4. In cases where the invention is created by Employee(s) and any other person(s) not belonging to Employee, a representative who works at The University shall submit the notification through Employee's department.

(Sending Notification)

Article 8: In cases where a department manager receives a notification under Item 1 of Article 7, the department manager shall immediately send the notification to The President.

(Determination whether Right to be Patented is Assumed)

Article 9: In cases where The President receives the notification under the foregoing article, The President shall immediately determine whether the relevant invention is service invention or not, then if it is, determine whether The University will assume the right to be patented relevant to such invention.

2. In cases where The President determines as stated in the foregoing item, The President shall immediately inform the Employee who submitted the notification to that effect through the department manager.
3. In cases where the invention is created by Employee(s) and any other person(s) not belonging to Employee, The President shall determine whether The University will assume the right to be patented with regard to the Employee's dividend of such invention.
4. The president shall hold The Committee to report the result of determination accordingly.

Article 10: In cases where an invention notified under Item 1, Article 7 is service 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 be patented 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 Osaka University if any and estimate cost before determination stated in the foregoing item.

(Objection)

Article 11: In cases where Employee has an objection to the determination under Item 1, Article 9 for the notification by the Employee, the Employee may dispute said determination by submitting the designated form to The President through Employee's department manager within 10 days from the day when the determination is received.

2. In cases where The President receives the notice of dispute under the foregoing item, The President shall determine whether the determination relevant to the objection is to be changed or not based on the results of deliberations by The Committee and notify the Employee who disputed the result through the department manager within 20 days from the day when the department manager accepts the notice of dispute.
3. The Committee may hear the opinions of the Office for University-Industry Collaboration during deliberations stated in the foregoing item if accepted as necessary by the chairperson.
4. No person shall dispute the determination under Item 2.

(Assumption of Right to be Patented by The University)

Article 12: In cases where it is determined that The University shall assume the right to be patented under Item 1, Article 9 or Item 2 of Article 11, the right to be patented shall be assumed in succession to Employee by The University and attributed to The University.

(Invention Not Assumed by The University)

Article 13: In cases where it is determined that the right to be patented shall not be assumed by The University, it shall be attributed to the Employee who created the invention.

(Application Relevant to Patent)

Article 14: In cases where it is determined that the right to be patented is assumed by The University, The President shall immediately direct the patent application to the Office for University-Industry Collaboration.

(Computer Program Work or Know-How)

Article 15: 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 16: 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 President through Employee's department manager by submitting the designated form.

- (1) The relevant computer program work or know-how is required to be announced or transferred outside of The University.
- (2) Employee notifies The University of the invention pertaining to the relevant computer program work or know-how.

Article 17: The provisions in Items 2 through 4 of Article 7 and Articles 8 through 13 shall correspondingly apply to the computer program work or know-how, and the provision in Article 14 shall correspondingly apply to the circuit design of semiconductor integrated circuits.

(Compensation Payment)

Article 18: If any of the following conditions applies to the right pertaining to any intellectual property created by an Employee, The University shall pay compensation to the relevant Employee.

- (1) The University succeeds the right to be patented, etc.
 - (2) If The University or Technology Licensing Organization (hereinafter referred to as the "TLO") acquires income from managing or disposing the intellectual property right or right to be patented, etc. that are succeeded by The University.
2. The amount of compensation to be paid when any of the conditions stated in the foregoing item is fulfilled shall be as defined in the following numbers.
- (1) When The University succeeds the right to be patented, etc., The University shall pay 10,000 yen per invention as succession compensation.
 - (2) When The University acquires income from managing or disposing the intellectual property right or right to be patented, etc. that is succeeded by The University, The University shall pay one third of the income subtracted by all actual expense including application, maintenance and operation cost to the relevant Employee as performance compensation and shall pay one sixth to the laboratory of the Employee.
 - (3) In the case when a part of the right to be patented, etc. that is succeeded by The University is transferred to the TLO, and when the TLO acquires income from invention, etc. jointly applied by The University and the TLO, The University shall be paid two thirds of the income subtracted by all actual expense including application, maintenance and operation cost, and The University shall pay one half of such amount to relevant Employee(s) as performance compensation and shall pay one fourth to the laboratory of the Employee(s).
 - (4) 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.
3. In cases where an Employee who created the intellectual property is transferred to another department or retires, the provision in the foregoing two Items shall correspondingly apply with regard to compensation.

(Obligation of Confidentiality)

Article 19: 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 20: With regard to the intellectual property right or right to be patented assumed by The University, The President shall make a decision and manage or dispose based on the agreement.

(Request)

Article 21: With regard to the intellectual property right or right to be patented assumed 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 President by submitting the designated form through Employee's department manager.

2. In cases where The President receives the request form under the foregoing item, The President shall provide the appropriate direction for the director of Office for University-Industry Collaboration.

(Handling Right of Intellectual Property Created by Student)

Article 22: 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 23: 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 24: 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 1st April 2004.

2. The Osaka University Regulations Pertaining to Inventions (established on 20th March 1979) shall be abolished.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2005.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2007.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2008.

Supplementary Provision

The foregoing amendments shall be implemented from 1st June 2009.

Supplementary Provision

1. The foregoing amendments shall be implemented from 1st April 2010.

2. Notwithstanding the preceding item, the provision before the amendment shall apply to the payment of

compensation pertaining to inventions notified prior to the implementation of the foregoing amendments.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2011.

Supplementary Provision

The foregoing amendments shall be implemented from 1st April 2012.