

Regulations on Service Inventions of University of Electro-Communications Employees

April 1, 2004

Amended

April 1, 2007

April 1, 2009

February 26, 2014

Chapter 1: General Provisions

Article 1. Summary

These regulations prescribe the handling of service inventions, etc. in the University of Electro-Communications (hereinafter, “the University”) based on the provisions of Article 28 of the Employment Regulations of the University of Electro-Communications (hereinafter, “Employment Regulations”).

Article 2. Objectives

These regulations, which apply to the handling of service inventions, etc. by professors, associate professors, lecturers, assistant professors, research associates, and other employees working in the University, or persons in an employment relationship with the University, who are or were engaged in research and development, etc. in the University (hereinafter, “employees, etc.”), have the objectives, based on the Intellectual Property Policies of the University of Electro-Communications (hereinafter, “Intellectual Property Policies”), of encouraging service inventions, etc. by employees, etc., guaranteeing their rights as inventors, and promoting reasonable administration of the management and exercising of patent rights obtained for those service inventions.

Article 3. Definitions of Terms

As used in these regulations, the terms listed below are defined as follows.

- (1) “Invention, etc.” shall mean the inventions, ideas, and creations defined in the Patent Act (Act No. 125 of 1959) Article 2, the Utility Model Act (Act No. 123 of 1959) Article 2, and the Design Act (Act No. 126 of 1959) Article 2.
- (2) “Inventor” shall mean the employee, etc. making an invention, etc.
- (3) “Service invention” shall mean an invention, etc. made by an employee, etc. when the acts leading up to that invention, etc. were part of the present or past duties of the employee, etc. in the University.
- (4) “Right to obtain a patent, etc.” shall mean the right to obtain a patent, the right to register a utility model, or the right to register a design.
- (5) “Patent rights, etc.” shall mean patent rights, utility model rights, or design rights.

Article 4. Handling of Inventions, etc.

The succession by the University of rights involving service inventions shall be as decided by the Intellectual Property Office of the Center for Industrial and Governmental Relations

(hereinafter, “Intellectual Property Office”) in accordance with the Intellectual Property Policies of the University.

Article 5. Succession of Rights

1. The University shall succeed the rights to patents, etc. involving service inventions by employees, etc. regardless of whether the invention was made inside or outside the University. However, this shall not apply in cases where the University deems that succession of the rights is not necessary.
2. In case employees, etc. create service inventions jointly with individual researchers or researchers in an organization outside the University, the succession of the portion of that invention performed by the employees, etc. shall be as per the provision of the preceding clause.

Chapter 2: Registration and Application

Article 6. Registration

In case employees, etc. make an invention related to their current or past duties, they shall promptly register this with the University on the registration form prescribed separately.

Article 7. Determination, Decision and Notification

1. When registration is made as per the provisions of the preceding article, the Intellectual Property Office shall determine whether the registered invention is a service invention or not.
2. In case the Intellectual Property Office determines that it is a service invention, it shall decide whether or not the University should succeed the right to obtain a patent, etc. for the invention, etc.
3. The University shall make written notification to the inventor of the results of the determination and decision in clauses 1 and 2, in a format prescribed separately.

Article 8. Obligation to Transfer the Right to Obtain a Patent, etc.

In case it is decided as per the provisions of the preceding article that the University is to succeed the right to obtain a patent, etc., the inventor shall transfer that right to the University, and shall submit to the University written evidence of that transfer.

Article 9. Application

The University, upon succession of the right to obtain a patent, etc. as per the provision of Article 7 Clause 2, shall promptly make application for a patent, etc.

Article 10. Limits on Application and Transfer of Rights by the Inventor

The inventor of an invention shall not apply for a patent, etc. on that invention or transfer to a third part the right to obtain a patent, etc. except in the following cases.

- (1) When the invention is determined not to be a service invention as per the provision of Article 7 Clause 1.
- (2) When the invention is determined to be a service invention but the University decides not to succeed the right to obtain a patent, etc. as per the provision of Article 7 Clause 2.

Article 11. Cooperation in Patent Application

The inventor of a service invention shall cooperate with the University in patent application for that invention and in related examinations, trials, and litigations.

Article 12. Objection to a Determination or Decision

1. In case the inventor objects to the determination or decision made as per the provisions of Article 7, an objection may be filed with the University President within two weeks from receipt of notification.
2. When an objection is filed, the University President shall solicit the views of the Intellectual Property Office and decide whether to accept or reject the objection.

Chapter 3: Exercising of Patent Rights

Article 13. Licensing

1. In case a person wishes to exercise a patent right, etc., the University shall ask that person to submit a request in writing.
2. Upon receiving a written request for exercise of patent right as per the preceding clause, the University shall study in the Intellectual Property Office setting of licensing conditions or the suitability of licensing the patent rights and shall decide whether or not to set licensing conditions or license the patent rights.

Chapter 4: Compensation for Inventions

Article 14. Compensation to the Inventor

1. In case the University succeeds from the inventor the right to obtain a patent as per the provisions of Article 7, the University shall pay compensation to the inventor.
2. In case there are multiple inventors eligible to receive the compensation in the preceding clause, the compensation shall be divided among each of the inventors according to their contribution.
3. The handling of compensation to inventors for their invention shall be prescribed separately.

Chapter 5: Miscellaneous Provisions

Article 15. Joint Inventions with Other Institutions, etc.

1. In the case of inventions made jointly by employees, etc. and persons affiliated with another institution, etc. in research conducted jointly by the University and that institution (hereinafter, "joint inventions"), the University shall be able to share with the institution the right to obtain a patent, etc. or the patent rights to that invention.
2. When the University makes joint application with another institution for a joint invention made with that institution as per the preceding clause, the parties shall conclude a joint patent application agreement separately in advance.

Article 16. Confidentiality Obligation

Employees, etc. shall maintain confidentiality of the contents of inventions, etc. for the necessary time period, except in cases where the contents are made public by agreement between the

University and employees, etc. or become public through no fault of the University or employees, etc.

Article 17. Treatment after Retirement

Even if employees, etc. are no longer employed in the University, the handling of the invention, etc. in case the invention, etc. is a service invention shall be governed by these regulations.

Article 18. Handling of Foreign Patent Application

These regulations shall also apply to applications for foreign patents.

Article 19. Miscellaneous Provisions

In addition to the matters prescribed in these regulations, details concerning the handling of service inventions shall be prescribed separately.

Supplementary Provision

These regulations are effective as of April 1, 2004.

Supplementary Provision

These regulations are effective as of April 1, 2007.

Supplementary Provision

These regulations are effective as of April 1, 2009.

Supplementary Provision

These regulations are effective as of February 26, 2014 and are applicable from February 1, 2014.