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## Public University Corporation Nagoya City University Invention Treatment Code

Public University Corporation Nagoya City University Invention Treatment Code (2006 Public University Corporation Nagoya City University Notice No.114) shall be replaced in its entirety with the followings.

### Title

Chapter 1 General Provisions (Articles 1 to 3)

Chapter 2 Nagoya City University Invention Committee (Articles 4 and 5)

Chapter 3 Proceedings (Articles 6 to 22)

Chapter 4 Miscellaneous Provisions (Articles 23 to 25)

Supplementary Provisions

### Chapter 1 General Provisions

#### (Purpose)

Article 1 This Code provides for matters related to the handling of inventions made by officers (full time officers only) and employees (hereinafter collectively referred to as “Employees”) working for Public University Corporation Nagoya City University (hereinafter referred to as “Corporation”) in connection with their work, and matters related to Nagoya City University Invention Committee.

#### (Definitions)

Article 2 In this Code, the following terms shall have the meanings provided hereunder.

- (1) Employee Invention: Invention which is within the scope of Corporation’s business and within the field of the Department which the Employees who made the invention belong(ed) to, and which is related to the current or past work of such Employees
- (2) Business Invention: Invention which is within the scope of Corporation’s business but is not an Employee Invention
- (3) Inventor: Employees who made Employee Invention or Business Invention
- (4) Department: Graduate School, Nagoya City University Hospital, Administration Office and Audit Office

- (5) Department Head: Head of the Department which Employees belong to
- (6) Belong(s) to Institution: the situation in which Corporation has succeeded the right to obtain a patent or the patent right (hereinafter collectively referred to as “Patent Rights”) from the Inventor

(Partly amended 2015 Notice No.52)

(Succession of rights)

Article 3 Corporation can succeed Patent Rights regarding Employee Invention in accordance with this Code.

## Chapter 2 Nagoya City University Invention Committee

(Duty of the Committee)

Article 4 The Invention Committee provided for in Article 6 of Public University Corporation Nagoya City University Initiative for Research and Industry-Academia-Government Collaboration Code (2020 Public University Corporation Nagoya City University Notice No.34) (hereinafter referred to as the “Committee”) shall handle the following matters.

- (1) Deciding whether an invention is Employee Invention, whether it Belongs to Institution, whether to make patent applications, percentage of the rights regarding the invention;
- (2) Evaluating and deciding whether to make request for patent examination;
- (3) Evaluating patents during the period such patent is maintained and controlled;
- (4) Deciding whether a patent which Inventor applied to assign to Corporation shall Belong to Institution;
- (5) Resolving disputes in connection with its decisions;
- (6) Deciding policies on technology transfer of patents which Belong to Institution;
- (7) Selecting outside specialists and outside specialized institutions;
- (8) Returning to Inventor Patent Rights which was decided that Corporation will not maintain;
- (9) Other matters which Committee thinks necessary

(Partly amended 2018 Notice No.77, 2019 Notice No.62, 2020 Notice No.34)

(Composition, etc. of the Committee)

Article 5 The Committee shall be composed of the following members.

- (1) Trustee (Intellectual Property Use Cooperation)
- (2) Trustee (Research, Industry-Academia-Government Innovation )
- (3) One or more teachers nominated by Chairman
- (4) Assistant Manager of Administration Office
- (5) Head of Science Division of Administration Office
- (6) Outside specialists and members of outside specialized institutions selected by Committee

2 The Committee shall have the Chief, and the person provided in item (1) of the preceding Paragraph shall be the Chief.

3 The Chief shall convene and chair Committee meetings.

4 When the Chief is not available, the member who was appointed by the Chief in advance shall act in place of the Chief.

5 Committee meetings cannot be held unless majority of the members are present.

6 Agendas of Committee meetings shall be decided by majority of the members present. In case of tied vote, the Chief shall make decisions.

7 Committee can, when it thinks necessary, request the Inventor, persons who have knowledge and/or experience in invention, patents and protection and utilization of intellectual properties, and other related persons to attend the Committee meeting and express their opinions.

8 General affairs of the Committee shall be handled by Science Division of Administration Office.

(Partly amended 2018 Notice No.40, 2020 Notice No.81)

### Chapter 3 Proceedings

(Notification of Invention)

Article 6 When Employees have made Employee Invention or Business Invention, they shall promptly submit Notification of Invention (Form 1) to the Chairman through Department Head, attaching the following documents.

- (1) Document explaining in detail the situation of conventional technology, its issues, etc.
- (2) Document explaining in detail contents of the invention
- (3) Document explaining in detail examples of embodiment of the invention

2 When Department Head has received the notification under the preceding Paragraph, the Department Head shall submit to Chairman Report regarding Notification of Invention (Form 2) together with the Notification of Invention and the attached documents.

(Examination and decision regarding the Notification of Invention)

Article 7 The Chairman shall, when there are submission of documents under Paragraph 2 of the preceding Article, examine and determine whether the invention is Employee Invention which can be succeeded by Corporation.

2 The Chairman shall, when making examination and determination under the preceding Paragraph, listen to the opinion of the Committee provided in Article 4.

(Invention other than Employee Invention which can be succeeded)

Article 8 The Chairman shall, when Application for Assignment (Form 3) is submitted by Inventor regarding an invention which was determined under Paragraph 1 of the preceding Article as not being Employee Invention which can be succeeded by Corporation, decide whether Corporation will succeed the right to obtain a patent for such invention.

2 Paragraph 2 of the preceding Article shall be applied mutatis mutandis when Chairman makes decision under the preceding Paragraph.

(Notice)

Article 9 The Chairman shall, when he has made decisions under the preceding two Articles, promptly notify such fact to the Inventor.

(Obligation to assign the right to obtain a patent)

Article 10 Inventor shall, when Chairman has decided under Articles 7 or 8 that Corporation shall succeed the right to obtain a patent, assign such right to Corporation by executing Assignment Deed (Form 4).

(Application for patent)

Article 11 When Committee decides to make patent application regarding the right to obtain a patent which Corporation has succeeded under the preceding Article, the Chairman shall make

application for patent promptly.

2 Inventor cannot make application for patent until after the Chairman has decided that the invention is not Employee Invention which can be succeeded by Corporation or that Corporation will not succeed the right to obtain a patent under Articles 7 or 8. Provided, however, that if there is a need to make application for patent urgently, Inventor can make application for patent after filing Notification of Invention under Article 6, Paragraph 1.

3 When Inventor has made application for patent under the proviso of the preceding Paragraph, the Inventor has to submit Notification of Filing Patent Individually (Form 5) to the Chairman through Department Head, attaching copies of document related to such patent application. In this case, procedures provided in Article 6, Paragraph 2 and Article 7 shall be conducted promptly.

(Evaluation at the time of requesting patent examination)

Article 12 The Chairman shall, at the time of making request for patent examination, which needs to be made within three (3) years from filing of patent application under Paragraph 1 of the preceding Article, conduct evaluation on the patent.

2 The Chairman shall listen to the opinion of the Committee when conducting evaluation under the preceding Paragraph.

3 The Committee shall, when requested to state its opinion under the preceding Paragraph, listen to the opinion of the Inventor in advance and consider it when forming the Committee's opinion.

4 The Chairman shall decide whether Corporation will maintain the right to obtain a patent based on the evaluation under Paragraph 1, and if Corporation will maintain it, go forward with the proceeding for requesting patent examination.

(Partly amended 2018 Notice No.77)

(Evaluation of patents while it is maintained)

Article 13 The Chairman shall, periodically conduct evaluation on patents which Corporation maintains and controls.

2 When conducting evaluation under the preceding Paragraph, Paragraphs 2 to 4 of the preceding Article shall be applied mutatis mutandis. In this case, "the proceeding for requesting patent examination" in Paragraph 4 of the preceding Article shall be read as "the proceeding for paying patent registration fees".

(Partly amended 2018 Notice No.77)

(Return to Inventor)

Article 13-2 When Chairman has decided that Corporation will not maintain certain Patent Rights, he can assign such right to the Inventor.

(Restriction on assignment to third parties, etc.)

Article 14 Inventor cannot assign or license (whether exclusive or non-exclusive) Patent Rights to third parties until the Chairman has decided that the invention is not Employee Invention which can be succeeded by Corporation or that Corporation will not succeed the right to obtain a patent under Articles 7 or 8 or such Patent Rights have been assigned to Inventor under Article 13-2.

(Filing objections)

Article 14-2 If Inventor who received notice under Article 9 has objection to the decision of the Chairman, Inventor can file objection to the Chairman within fourteen (14) days counting from the day on which the Inventor received the notice.

2 When objection is filed under the preceding Paragraph, the Chairman shall decide whether the objection is grounded or not after listening to the opinion of the Committee.

(Compensation for application)

Article 15 The Chairman shall, when Corporation has made patent application under Article 11, Paragraph 1 or when Inventor has made patent application and then assigned the right to obtain a patent to Corporation under Article 10, pay compensation for patent application to the Inventor.

(Compensation for registration)

Article 16 The Chairman shall, when Corporation has obtained patent registration, pay compensation for patent registration to the Inventor.

(Compensation for working)

Article 17 The Chairman shall, when Corporation has received earnings from operation or disposal of the Patent Rights which Corporation has obtained, divide the compensation for working among the Inventor, the Department which he belongs to and the Corporation.

(The amount and ratio of compensation)

Article 17-2 The amounts of compensation under Articles 15 and 16 and the ratio of dividing the compensation under the preceding Article shall be as provided in the Appendix.

(Compensation to co-Inventors)

Article 18 When there are more than one Inventors who have the right to receive compensation

under Articles 15 to 17, compensation under Articles 15 to 17 shall be divided by the Inventors in accordance with the percentage of their rights in the invention.

(Compensation after Inventor has left Corporation or has passed away)

Article 19 The right of the Inventor to receive compensation shall not disappear by the fact that Inventor has left Corporation or has died.

2 If the Inventor who has the right under the preceding Paragraph dies, such right shall be succeeded by his heirs.

(Reimbursement of application costs, etc. borne by Inventor)

Article 20 The Chairman shall, when Corporation succeeded the right to obtain a patent under Article 10 and Inventor had already paid application costs and other related expenses, reimburse such costs and expenses to Inventor upon request from the Inventor.

(Confidentiality)

Article 21 Inventor, members of the Committee and other related persons shall keep confidentiality of contents of the invention and other matters related to the invention which affect interests of Inventor or Corporation until patent application for such invention is publicized. Provided, however, that such obligation is not applicable when Corporation and Inventor have agreed to publicize the invention or the invention has become public without any causes attributable to Corporation or Inventor.

(Applying for foreign patents)

Article 22 The Chairman shall, when he determines that it is necessary to obtain foreign patents on invention for which Corporation has succeeded the right to obtain a patent under Article 10 considering recommendation from the Chief of the Committee based on resolution of the Committee, make application for foreign patents. Articles 12 and 13 shall be applied mutatis mutandis to foreign applications.

#### Chapter 4 Miscellaneous Provisions

(Matters regarding assignment from outside research institutions, etc.)

Article 23 When there is an offer for assignment from outside research institutions, etc. or Employees regarding Patent Rights which the outside research institution, etc. has succeed from Employees or which Employees have obtained from the outside research institutions, etc., in a situation where Employees have left such outside research institutions, etc. and joined Corporation,

Chairman shall receive assignment of such Patent Rights if he determines that it is necessary considering recommendation from the Chief of the Committee based on resolution of the Committee.

2 Articles 7 through the preceding Article shall be applied mutatis mutandis to Patent Rights which was assigned to Corporation under the preceding Paragraph.

(Matters regarding devices, etc.)

Article 24 Articles 2 through the previous Article shall be applied mutatis mutandis to device which will be subject of utility model rights, design or its creation which will be subject of design rights, and variety or its breeding which will be subject of protection under Plant Variety Protection and Seed Act. Provided, however, that compensation for registration provided in Articles 16 and 17-2 shall not be paid to devices which will be subject of utility model rights.

2 Matters necessary for the implementation of the matters in the preceding Paragraph shall be set separately by the Chairman.

(Auxiliary Provision)

Article 25 Matters necessary for the implementation of this Code shall be set separately by the Chairman.

#### Supplementary Provisions

- 1 This Code shall take effect from April 1, 2014 (the "Effective Date").
- 2 This Code shall be applied mutatis mutandis to visiting professors, graduate students, students, researchers, etc. who have contract with the University regarding invention that is a result of research at the University.

(Partly amended 2014 Notice No. 98)

- 3 When there is an offer for assigning to Corporation Patent Rights which teachers or employees have obtained on or before March 31, 2006, the proceedings in this Code shall be applied mutatis mutandis.

(This Paragraph added 2014 Notice No. 98)

Supplementary Provisions (2014 Public University Corporation Nagoya City University Notice No. 98)

This Code shall take effect from the date it is promulgated.

Supplementary Provisions (2015 Public University Corporation Nagoya City University Notice No. 52)

This Code shall take effect from April 1, 2015.

Supplementary Provisions (2018 Public University Corporation Nagoya City University Notice No. 40)

This Code shall take effect from April 1, 2018.

Supplementary Provisions (2018 Public University Corporation Nagoya City University Notice No. 77)

This Code shall take effect from the date it is promulgated.

Supplementary Provisions (2019 (H31) Public University Corporation Nagoya City University Notice No. 63)

This Code shall take effect from April 1, 2019.

Supplementary Provisions (2019 (R1) Public University Corporation Nagoya City University Notice No. 14)

1 This Code shall take effect from July 1, 2019.

2 At the time of promulgation of this code, a form prepared in the form prior to the amendment may be amended and used for the time being, notwithstanding the provisions of the amendment.

Supplementary Provisions (2020 Public University Corporation Nagoya City University Notice No. 34)

1 This Code shall take effect from April 1, 2020.

2 At the time of enforcement of this code, the matters to be discussed before the revision shall be deemed to be the matters to be discussed under the revised rules.

Supplementary Provisions (2020 Public University Corporation Nagoya City University Notice No. 81)

This Code shall take effect from the day of promulgation, and apply from April 1, 2020

Appendix

Compensation for Application	Compensation for Registration	Compensation for Working
5,000 Yen	20,000 Yen	The earnings during January 1 and December 31 (if any) which Corporation received from operation or disposal of Patent Rights it has obtained shall be distributed as 40% to Inventor, 25% to the Department, 35% to the Corporation. Provided, however, that all costs and expenses borne by Corporation for applying for, obtaining and maintaining Japanese patent and foreign patents based on the same invention shall be deducted before the distribution.

Form 1 (Regarding Article 6)

Year      Month      Date

To Public University Corporation Nagoya City University  
Chairman

(Representative) Inventor  
Department • Title  
Name

Seal

### Notification of Invention

I made the following invention, etc. and hereby notify the same pursuant to Article 6, Paragraph 1 of Public University Corporation Nagoya City University Invention Treatment Code.

Name of the invention, etc.						
Contents of the invention		As described in the attached sheet				
Situation of the invention (check the applicable stage)		Theory completed (need demonstration experiment)		Theory completed (No need for demonstration experiment)		
		Experiment going on		Experiment completed		
		Others ( )				
Opinion towards utilization of the invention		The company doing joint research / joint application is planning to work the invention		Planning to start business to work the invention		
		Planning to develop to joint research / contracted research, etc.		Others ( )		
Relation ship with Third Party Outside Univer Sity	Form of Research	This is not joint research / contracted research				
		This is joint research / contracted research (Research title )				
	Situation regarding contract	There is contract	Signed date	Year	Month	Date
		There is no Contract				Preparing contract
					Planning to sign contract	
Joint ownership of rights	There is an agreement to jointly own the intellectual property rights which arose from the research					
	There is no agreement to jointly own the intellectual property rights which arose from the research					

	Joint application	Will make joint application with the third party				
		Will not make joint application with the third party				
	Name of the third party					
Plans and situations regarding presentation at academic conference		Have not made presentation yet		Planning to make presentation		Have already made presentation
		Where you made presentation ( ) Date of the presentation ( ) Date when the invention became public (presentation at academic conference or otherwise) ( )				
Obligation to report outside the University		Necessary based on contract ( <input type="checkbox"/> AMED <input type="checkbox"/> Others ( ))				
		Not necessary				

(Partly amended 2018 Notice No.40)

Facility, equipment, supplies, etc. of University used for the invention, etc.		Graduate School of _____, _____ Laboratory for the field of _____, (Facility • Equipment • Supplies)			
		Facilities for joint research / joint use (Facility • Equipment • Supplies)			
		Other Facilities ( _____ )			
Research expenses used for the invention, etc.		Research expenses of teachers		Special Research Grant for Aid	
		Academic incentive donation		Funds for joint research / contract research	
		Research funds from the country, etc. ( _____ )		Others ( _____ )	
Relationship between conventional technology and the invention		I Basic Patent			
		II Improvement Patent Improvement of own invention • third party's invention			
		III Have not researched yet			
Literature on conventional technology		I Non-patent documents (research paper, report, etc.)			
		II Prior patent documents			
Inventor's opinion regarding the rights		Belongs to Institution (assign Inventor's rights to the University)			
		Belongs to Individual			
		Opinion regarding rights of Inventors outside University			
Percentage of Inventor / Right Holder	Classification	Name and Department of Inventors	Percentage	Right holder (Applicant)	Percentage
	Persons who assign rights to University (Assignor)	Seal	%	Nagoya City University	%
		Seal	%		
		Seal	%		
		Total	100%		
	Persons who do not assign rights to University (Non-Assignor)				%
					%
					%
				Total	100%
		Confirming seal of the head of the field (for medical sciences or pharmaceutical sciences) _____ Seal			
Contribution of joint researcher to the invention					

<<Translation for reference>>

Opinion regarding foreign application		I desire foreign application		I don't desire foreign application
Other special notes				

Contact information of the person filing the notification	Department	Name	E-mail address	Phone
Contact information of joint applicant	Department	Name	E-mail address	Phone

Form 2 (Regarding Article 6)

Year      Month      Date

To Public University Corporation Nagoya City University  
Chairman

(Department Head)

Department

Title

Name

Seal

## Report regarding Notification of Invention

I hereby report as followings regarding the invention indicated below pursuant to Article 6, Paragraph 2 of Public University Corporation Nagoya City University Invention Treatment Code.

Name of the Invention	
Inventor	

## 1 Contribution of University to the invention

Please check the applicable items from (1) to (5) below. The University will use this when determining whether the invention is Employee Invention.

- (1) Used research expenses managed by the University (check the applicable box)
- Research funds from the country, etc. ( )
  - Research expenses of teachers
  - Academic incentive donation
  - Funds for joint research / contract research
  - Others ( )
- (2) Used facilities, equipment, supplies, etc. of the University
- (3) Made invention, etc. as work for the University (check the applicable box)
- Within the scope of the research area which the Inventor engages (engaged) in the University
  - Arose from research under joint research / contract research, etc. which the University has accepted
  - Others ( )
- (4) Items (1) to (3) do not apply.
- (5) I cannot judge whether items (1) to (4) apply.

## 2 Other special notes

Note: Size of papers should be A4 of Japan Industrial Standard.

Form 3

## Application for Assignment

Year      Month      Date

To    Public University Corporation Nagoya City University  
Chairman

(Inventor)

Address

Title

Name

Seal

I wish to assign the right to obtain a patent for the following invention to Public University Corporation Nagoya City University pursuant to Article 8 of Public University Corporation Nagoya City University Invention Treatment Code, and hereby make application for assignment attaching relevant documents.

1    Name of the invention

2    Date of the application

3    Patent Application number

Note:    Size of papers should be A4 of Japan Industrial Standard.

Form 4

## Assignment Deed

Year      Month      Date

To    Public University Corporation Nagoya City University  
Chairman

(Inventor)

Address

Name

Seal

I hereby assign the right to obtain a patent for the following invention to Public University Corporation Nagoya City University pursuant to Article 10 of Public University Corporation Nagoya City University Invention Treatment Code.

1    Name of the invention

2    Date of the application

3    Patent Application number

Note:    Size of papers should be A4 of Japan Industrial Standard.

