

# Intellectual Property Policies of the University of Electro-Communications

Established on November 19, 2013

Last revised on April 25, 2012

University of Electro-Communications policies on intellectual property (hereinafter, “intellectual property policies”) are defined here for implementing and promoting measures concerning the creation, etc. of intellectual property in the University of Electro-Communications (hereinafter, “the University”).

## I. Basic Approach

### 1. Applicability

These intellectual property policies are applicable to the following persons.

- (1) Those professors, associate professors, lecturers, assistant professors and other employees, 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.”)
- (2) Those persons who have contracted with the University in some way regarding research activities, research output, or inventions, etc. (students, postdoctoral scholars, researchers, etc.)

### 2. The mission, responsibility, and guiding principles of the University of Electro-Communications

The University of Electro-Communications has for many years carried out leading-edge education and research “for the purpose of helping to advance civilization through development of the human resources responsible for the future of humankind and through scientific research by conducting education and research on science and technology in information, communication, and various related fields.” (Code of the School Article 1) With the arrival of the advanced information society, in what is called an IT revolution, society has increasingly high expectations for education and research in communications, the main focus of the University.

The mission and responsibility borne by the University is to meet such expectations by playing a leadership role in education and research in comprehensive communications science and technology fields, and thereby contributes to the development of an “advanced communications society.” To give substance to such a mission, the

University seeks to make the campus itself an “advanced communications society” in which practical education and research are carried out, thereby deepening diverse connections to society in the areas of education and research, and in this way creating a borderless place of knowledge.

3. The mission and responsibility of the University to contribute to society, and its approach to development and use of research results

(1) Mission and responsibility on the social contribution front

The mission and responsibility of the University on the social contribution front can be summarized in the following three points.

- (a) Promoting ties and cooperation with society in research activities, and putting the University’s research results to use in society.
- (b) Promoting two-way ties with society, and communicating the University’s education activities to society.
- (c) Through ties and cooperation with society, enhancing the education and research functions of the University.

(2) Approach to development and use of research results, and importance of intellectual property to the University

The main missions of a university are (1) developing and obtaining top-class human resources who will power advances not only in Japan but also in the world, (2) passing down intellectual property to create new knowledge for the future, (3) contributing actively to the advance of society and creation of culture, and (4) making use of intellectual property to play major and broad roles in international cooperation and on various other fronts.

Traditionally the results of university research have been made known to the world at large, mainly in the form of academic papers, playing an important role in new knowledge creation.

However, depending on the kind of research being carried out and the field, there are many examples of research results becoming public domain facts due to their having been made public as academic papers, and being used domestically and globally, even though the proper protection and leveraging of such research results in a university as intellectual property rights could have made the country more globally competitive, contributing to the advance of society and to international cooperation.

As a national university corporation, much of the research at the University is paid for by the public in the form of taxes. Protecting the intellectual property resulting from this research and using it to raise the level of technology in Japan can therefore be seen as an important mission of the University.

At the same time, in the case of research in the field of software, which is within the scope of the University's research efforts, in consideration of the thinking that such results should be made open and widely used in society, when it is deemed best to make software open, its use in the information society will be encouraged. Such policies must be implemented with due caution.

(3) The relation of education and research in the University to intellectual property creation

The third mission of a university is to contribute to society from a long-term perspective through education and research, and to work with society in directly returning to society the results of its research for their utilization.

For a science and technology university like ours, in particular, industry has high expectations for the research and technology being carried out, and is strongly expected to contribute to society by developing human resources and by taking the lead in protecting and developing research results.

In academic research in a university, it is necessary to respect the autonomy of researchers and to emphasize fundamental research from a long-term perspective. At the same time, however, the expectations of industry will be met by responding to demands from all parts of society for use of research results and cooperation. Moreover, listening to the demands of society in such ways can be seen as a way of deepening the contents of education and stimulating academic research, which should increase the synergy between education and research.

Accordingly, while emphasizing fundamental research, the University strives to protect and make effective use of the original results obtained from academic research as intellectual property, whether fundamental or applied. In addition, since knowledge creation in a university comes from free and open discussions in various places in the school, recognizing the ideas and know-how arising from these

discussions to be important intellectual property of the University, and protecting this property, are important for raising the quality of education and research in the University.

In such ways, active efforts are made to fulfill the third mission of the university, contribution to society.

4. Mission and responsibility of employees, etc. on the social contribution front  
Each of the individual employees, etc. of the University must have an adequate understanding of society's demands for social contributions, the third mission of the university above, must endeavor to protect the results of research activities as intellectual property, and must be actively aware that the development and use of this property is their own personal issue.

At the same time, tying up and cooperating with industry so as to have research results utilized by industry brings the risk of "conflict of commitment," whereby the main mission of the university to provide education and research is sacrificed, or "conflict of interest" between the education and research duties of the university and the chance to obtain economic or other benefits from the outside. The university must therefore indicate guidelines in these areas in advance, and each of the employees, etc. is obligated to observe these.

In the case of joint research with industry, the involved employees, etc. and students have the obligation to pay due attention to faithful execution of contracts, including nondisclosure agreements.

5. Establishment of an Intellectual Property Office

An Intellectual Property Office is established for the main purpose of promptly and effectively managing, developing, and utilizing the intellectual property resulting from research in the University.

The Intellectual Property Office is an internal organization of the University Center for Industrial and Governmental Relations. The Center for Industrial and Governmental Relations itself was established for the purpose of carrying out contributions to society in borderless collaboration between the University and related organizations, thereby fulfilling the third mission of a university.

The Intellectual Property Office, in addition to managing, developing, and utilizing intellectual property in the University, shall be responsible for matters specific to intellectual property such as drawing up intellectual property policies and rules for handling of research results, while making use of human resources with specialized knowledge and collaborating with TLOs and other such organizations.

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## II. Handling of Research Results and Ownership/Transfer of Rights

### 1. Inventions (including ideas for inventions, etc.)

#### (1) Approach to ownership of an invention

For the sake of the advancement of academic research and effective use of intellectual property, etc., the inventions created in the University shall in principle belong to the University, shall be centrally managed in the Intellectual Property Office, and shall be utilized through TLOs, etc. In the case of inventions by instructors not having an employment contract with the University, or by students, etc., if the right to obtain a patent is succeeded by the University at the wishes of the inventor, a transfer agreement shall be concluded between the inventor and the University.

#### (2) Registration of invention

When an invention derives from a service invention or research results, or in connection with a contract concerning an invention, etc., before announcing it in an academic paper or academic society presentation, etc., the inventor shall register the invention with the Intellectual Property Office.

#### (3) Assessment/determination of an invention, etc. by evaluation committee

The University has established an evaluation committee for assessment and determination of inventions and other intellectual property related to the University. The evaluation committee is established in the Intellectual Property Office, and consists of intellectual property experts, patent attorneys, TLO officers and other persons commissioned by the Intellectual Property Office.

#### (4) Procedures for assessment and succession of inventions

When as a result of assessment by the evaluation committee it is determined that an invention should be succeeded by the University, the Intellectual Property Office shall

file a patent application and a TLO, etc. shall look for a technology transfer recipient. When it is decided not to have the invention succeeded by the University, the invention shall belong to the inventor.

(5) Handling of patents, etc. (including the right to obtain a patent) succeeded by the University

Marketing of the patents succeeded by the University shall be carried out by TLOs, etc. in collaboration with the Intellectual Property Office.

When a patent, etc. is succeeded by the University and later the evaluation committee decides not to maintain the patent, etc., if the inventor so wishes, ownership can be returned to the inventor at no charge.

(6) Compensation, etc. to inventors

When the University applies for a patent on a succeeded invention, etc., as well as when the University receives royalty revenue or technology transfer revenue, compensation shall be paid to the inventor as prescribed in the Detailed Regulations on Compensation for Inventions of the University of Electro-Communications.

2. Designs

Each of the provisions of “1. Inventions (including ideas, etc.)” shall apply mutatis mutandis to the handling of designs created in the University.

3. Copyrighted works

(1) In the case of works created by employees engaged in duties of the University on the initiative of the University (excluding software program and database works), the author of those works made public by the University under its own name shall be the University.

(2) The author of software program and database works created by employees engaged in duties of the University on the initiative of the University shall be the University. The author of software program and database works resulting from research, however, shall be the person creating that work.

(3) When a software program or database work was created in research conducted with financial support from the University or using facilities and equipment managed by the University, and that software program or database work is to be transferred to, lent to, or licensed for use by a third party for a fee (including for free in the case of a work created in joint research or commissioned research), the author shall register

that work with the Intellectual Property Office.

- (4) The provisions of “1. Inventions (including ideas, etc.)” (5) and (6) shall apply mutatis mutandis to the handling of works registered with the Intellectual Property Office as per the preceding item (3).

#### 4. Circuit designs

- (1) The author of circuit designs created by employees engaged in duties of the University shall be the University. The author of a circuit design resulting from research, however, shall be the person creating that circuit design.
- (2) When a circuit design was created in research conducted with financial support from the University or using facilities and equipment managed by the University, and the creator himself or herself deems it preferable that the circuit design be under management of the University, the creator of that circuit design shall register the design with the Intellectual Property Office.
- (3) The provisions of “1. Inventions (including ideas, etc.)” (3) to (6) shall apply mutatis mutandis to the handling of circuit designs registered with the Intellectual Property Office as per the preceding item (2).

#### 5. Research and development output as tangible objects

- (1) “Research and development output as tangible objects” (hereinafter “tangible research output” shall mean the items listed below, examples being materials, samples (microorganisms, new materials, soil, rock, new plant types), prototypes, and models.
- (a) Objects created or obtained from R&D to indicate that the purpose of the R&D has been accomplished
- (b) Objects created or obtained from R&D and used to obtain the objects described in (a)
- (c) Objects created or obtained as a derivative when creating or obtaining the objects described in (a) or (b)
- (d) Media recording or describing the objects described in (a) to (c)
- (2) Ownership of tangible research output obtained from research conducted with financial support from the University or using facilities and equipment managed by the University, and all rights and legal positions in such tangible research output, shall belong to the University unless otherwise prescribed.
- (3) The handling of tangible research output shall be prescribed separately.

## 6. Technical information and know-how

Regarding technical information and know-how in the possession of employees, etc., awareness shall be raised of the possibility for protection as intellectual property and of the need for maintaining confidentiality. Regarding technical information and know-how relating to industry-academia-government collaboration, the University shall manage these in cooperation with employees, etc.

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## III. Promoting Management and Utilization of Intellectual Property

### 1. Responsibility of the University toward practical implementation of research results

To contribute to the success of Japan's intellectual property program in the role of the University as part of the knowledge creation cycle, an important responsibility of the University is to choose and succeed intellectual property with potential for having a major impact on society from among all intellectual property created in the University, to obtain the rights to it and quickly transfer the technology to industry.

### 2. Reward to inventors for implementation of intellectual property

In addition to paying compensation to inventors, etc. when intellectual property is implemented, measures shall be taken to reflect this in their performance assessment.

### 3. Use of intellectual property for academic purposes

In principle, the use of patents and other rights for academic purposes shall be free. In the case, however, of ideas and know-how made clear in various kinds of study meetings or presentation sessions held in the school, measures shall be taken to prevent these from being divulged outside the school by those in attendance, etc.

When a university or other outside research institution wishes to use tangible research output, technical information, or know-how for academic purposes and makes such a request, these shall be provided for fee or for free upon conclusion of a nondisclosure agreement, MTA or other agreement with that research institution.

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## IV. Approach to Ownership of Rights and Licensing in Joint Research and



## Commissioned Research

1. The right to obtain patents on inventions arising from joint research with corporations, etc. shall in principle belong to the affiliated organization of the inventor. In the case of patents, etc. obtained independently by the University, the initial right of negotiation for transfer of rights, granting of license, etc., shall be assigned to the corporation. In the case of joint patents, etc., provided the corporation does not exercise exclusive right, in principle they can implement the patents freely. Each case, however, shall be handled flexibly in consideration of the purpose of the research and the particular situation.
2. The right to obtain patents on inventions arising from research commissioned by corporations, etc. shall in principle belong to the University. For such patents, etc., the initial right of negotiation for transfer of rights and granting of license, etc., shall be assigned to the corporation. Each case, however, shall be handled flexibly in consideration of the purpose of the research and the particular situation.
3. Matters relating to the handling of rights to intellectual property other than inventions that arising from joint research with corporations, etc. and research commissioned by corporations, etc. shall be prescribed in individual agreements.

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## V. Confidentiality Obligation of University Personnel and Students, etc.

1. Employees, etc. shall not leak to others the secrets they were able to learn in their duties.
2. Employees, etc. and students, etc. shall be made aware of the nondisclosure obligations, etc. demanded of the University as an organization in the case of industry-academia-government collaboration.
3. When forming industry-academia-government alliances, the parties to the alliance shall be asked to understand and make considerations for the special nature of a university and academia, and to ensure that the University's employees, etc. have the opportunity to present the results of research while preserving the minimum necessary obligation to confidentiality. The protection of confidentiality shall be supported by the Intellectual Property Office as needed.

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## VI. Management of Intellectual Property, etc., and the Organizational Structure and

## Responsibilities for Implementing and Promoting Industry-Academia-Government Collaboration

For the efficient implementation and promotion of industry-academia-government collaboration, the Center for Industrial and Governmental Relations, the Intellectual Property Office, and TLO shall cooperate in creating an independent organizational structure able to provide unified industry-academia-government collaboration services from the perspective of industry. The specific measures for this purpose shall be prescribed separately as “Arrangements Concerning the Handling of Intellectual Property, etc.”

The Intellectual Property Office, in each process of intellectual property handling from acquisition to management and utilization, shall bear the responsibility, in collaboration with the University TLO, to manage intellectual property while utilizing it to maximum benefit.

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## VII. Procedures for Raising Objections, etc. Concerning the Handling of Intellectual Property, etc.

In case a person to whom these intellectual property policies apply is dissatisfied with the University’s handling of that person’s own invention or intellectual property for which the rights were obtained by the University, that person shall be able to file an objection with the University President.

Of the objections to handling of intellectual property, etc., matters concerning certification of service inventions and their succession by the University shall be prescribed in Regulations on Service Inventions, while the same regulations shall apply *mutatis mutandis* to the other matters.