

# UNIVERSITY REGULATION ON THE TREATMENT OF UNIVERSITY OF AIZU COOPERATIVE RESEARCH

## Article One

(Objective)

1.1 This regulation provides for necessary matters concerning the treatment, etc. of cooperative research at the University of Aizu (for the purpose of this regulation, hereinafter referred to as "UNIVERSITY").

## Article Two

(Definitions)

2.1 The meaning of the following terms within this regulation shall be as respectively provided below.

(1) Cooperative research: research cooperatively conducted by a researcher of the UNIVERSITY and a private external institution (for the purpose of this regulation, hereinafter referred to as "PRIVATE INSTITUTION, ETC.") which falls under the following.

a. research - for which an individual presently engaged in research operations at a "PRIVATE INSTITUTION, ETC." and dispatched to the UNIVERSITY as part of his/her employment (for the purpose of this regulation, this individual shall be hereinafter referred to as "PRIVATE, ETC. COOPERATIVE RESEARCHER") and research expenses, etc. are accepted - conducted cooperatively under a common research task by a UNIVERSITY faculty member and the corresponding PRIVATE, ETC. COOPERATIVE RESEARCHER.

b. research - for which a PRIVATE, ETC. COOPERATIVE RESEARCHER and research expenses, etc., or research expenses only are accepted by the UNIVERSITY - conducted both at the UNIVERSITY and a PRIVATE INSTITUTION, ETC..

(2) Respective director: the Directors of the academic departments, the Information Systems and Technology Center, the University Industry Collaboration Center, the RESEARCH CENTERS, ETC. (as defined in the University Regulation

Concerning the Internal Administrative Organization and Other Aspects of the of the University of Aizu, Article 2, Paragraph 1), the Software Engineering Center, and the Office for Planning and Management affiliated with the individual primarily responsible for the UNIVERSITY cooperative research.

### **Article Three**

(Principle of Acceptance)

3.1 Cooperative research can be accepted if such research is significant in terms of UNIVERSITY education and research; it is recognized that there is no fear of such research causing interference with UNIVERSITY education and research; and moreover, such research is limited to the extent that superior research results can be expected.

### **Article Four**

(Required Expenses for Cooperative Research)

4.1 The UNIVERSITY, along with supplying UNIVERSITY equipment and facilities for use in cooperative research, shall bear the required operating expenses for the maintenance and management of the corresponding facilities and equipment.

4.2 PRIVATE INSTITUTIONS ETC. shall bear the direct expense of fees, travel expenses, supplies, durable goods, etc. specially necessary for use at the UNIVERSITY for the purpose of accomplishing cooperative research (for the purpose of this regulation, hereinafter referred to as "DIRECT EXPENSES"), and the indirect expenses (10% of DIRECT EXPENSES as a standard) and the expenses, etc. necessary for use at the PRIVATE INSTITUTIONS, ETC. for the purpose of accomplishing cooperative research.

4.3 Notwithstanding the provisions of Paragraph 4.2 above, the UNIVERSITY, from the perspective that it properly shares necessary expenses for the accomplishment of cooperative research and corresponding to necessity, can bear that portion of DIRECT EXPENSES within the limits of the budget.

## **Article Five**

(The Treatment, etc. of Cooperative Research Equipment, Etc.)

5.1 Equipment necessary for research and newly obtained by the UNIVERSITY with expenses required for cooperative research shall be included in those items owned by the UNIVERSITY.

5.2 In situations necessary for the accomplishment of cooperative research, equipment owned by PRIVATE INSTITUTIONS, ETC. can be transported to the UNIVERSITY. However, in situations in which the transporting of the corresponding equipment to the UNIVERSITY would be difficult, research can be performed to the extent necessary for such research at the facilities in which the corresponding equipment is located.

## **Article Six**

(Application for Cooperative Research)

6.1 PRIVATE INSTITUTIONS, ETC. applying for cooperative research shall submit the "Cooperative Research Application Form" (Form No.1; for the purpose of this regulation, hereinafter referred to as "APPLICATION FORM") to the University President.

## **Article Seven**

(Cooperative Research Acceptance Decisions)

7.1 When an APPLICATION FORM has been submitted, the University President shall decide, following deliberation by the University of Aizu cooperative Research, etc. Acceptance Deliberation Committee (for the purpose of this regulation, hereinafter referred to as "COMMITTEE"), on the acceptance of the corresponding research.

## **Article Eight**

(Acceptance Decision Notification, Etc.)

8.1 The University President, when having decided on the acceptance of cooperative research, shall notify the person who made the application for the

relevant cooperative research (with the "Cooperative Research Approved Notification Form" (Form No.3).

8.2 The University President, after conducting the notification provided for in Paragraph 8.1, Item 1 herein, must promptly execute a contract using the "Cooperative Research Contract Form" (Form No.4).

8.3 The University President, after executing a cooperative research contract, shall promptly notify the individual primarily responsible for the cooperative research.

### **Article Nine**

(Cancellation and Extension of Research)

9.1 The individual primarily responsible for cooperative research, when the necessity to cancel or extend the period of cooperative research exists, shall promptly report to the University President through the respective director.

9.2 The University President, upon receiving the report provided for in Paragraph 9.1 above, shall solicit the opinion of the COMMITTEE, and after conferring with the corresponding PRIVATE INSTITUTION, ETC., can decide to cancel or extend the period of the corresponding cooperative research.

9.3 The University President, in situations in which he/she has decided to cancel or extend the period of cooperative research under the provisions of Paragraph 9.2 above, shall notify the corresponding PRIVATE INSTITUTION, ETC. using the "Cooperative Research Cancellation - Extension Notification Form" (Form No.5).

### **Article Ten**

(Research Completion Report)

10.1 The individual primarily responsible for cooperative research, when the corresponding cooperative research has been completed, shall report to the University President through the respective director using the "Cooperative Research Completion Report Form." (Form No.6)

### **Article Eleven**

(Assumption of Patent Rights, Etc.)

11.1 The Prefecture, under the provisions of the University Regulation Concerning Employment Duty Related Inventions, Etc. of University of Aizu Faculty Members, Etc. (for the purpose of this regulation, hereinafter referred to as "EMPLOYMENT DUTY RELATED INVENTION REGULATION"), can assume the right to receive a patent or patent rights (for the purpose of this regulation, these rights shall hereinafter be collectively referred to as "PATENT RIGHTS, ETC.") concerning inventions existing as the result of cooperative research.

11.2 In the situation provided for in Paragraph 11.1 above, cooperative research shall be regarded as the "research conducted, and for such research, special research expenses were received from the Prefecture" provided for in Article 3, Paragraph 1, Item 1 of the EMPLOYMENT DUTY RELATED INVENTION REGULATION.

**Article Twelve**

(Patent Application, Etc.)

12.1 The University President or the director of the PRIVATE INSTITUTION, ETC. - in a situation in which the individual primarily responsible for cooperative research or the PRIVATE, ETC. COOPERATIVE RESEARCHER independently creates an invention as a result of cooperative research and when a patent application for the invention is to be conducted - shall initially obtain an agreement from the other with respect to the invention independently created.

12.2 The University President and the director of the PRIVATE INSTITUTION, ETC. - in situations in which the individual primarily responsible for cooperative research and the PRIVATE, ETC. COOPERATIVE RESEARCHER cooperatively create an invention as a result of cooperative research and when a patent application is to be conducted - shall, upon executing an cooperative application contract providing interests, etc., conduct a cooperative application. However, in situations in which the right to receive a patent is assumed from the director of the PRIVATE INSTITUTION, ETC., the University President shall individually conduct the application.

12.3 The University President, in situations in which the cooperative application contract provided for in Paragraph 12.2 above is executed, shall solicit the opinion of the University of Aizu Employment Duty Related Invention Deliberation Council with respect to the proposed interests of the scheduled mutual agreement with the PRIVATE INSTITUTION, ETC.

### **Article Thirteen**

#### **(Patent Rights Operation)**

13.1 The University President can allow - within the period beginning on the day of completion of the cooperative research and not exceeding ten years after the time of application and limited to the PRIVATE INSTITUTION, ETC. or the entity designated by the PRIVATE INSTITUTION, ETC. - the prioritized operation of the PATENT RIGHTS, ETC. assumed by the Prefecture for inventions existing as a result of cooperative research (for the purpose of this regulation, hereinafter referred to as "PATENT RIGHTS, ETC. ASSUMED BY THE PREFECTURE"). However, this period can be renewed.

13.2 The University President can allow - within the period beginning on the day of completion of the cooperative research and not exceeding ten years after the time of application and limited to the entity designated by the PRIVATE INSTITUTION, ETC. - the prioritized operation of the PATENT RIGHTS, ETC. commonly owned by the Government of Fukushima Prefecture and the PRIVATE INSTITUTION, ETC. for inventions existing as a result of cooperative research (for the purpose of this regulation, hereinafter referred to as "COMMONLY OWNED PATENT RIGHTS, ETC."). However, this period can be renewed.

13.3 The University President - within the period of prioritized operation of PATENTS RIGHTS, ETC. ASSUMED BY THE PREFECTURE or COMMONLY OWNED PATENT RIGHTS, ETC. by the PRIVATE INSTITUTION, ETC. or the entity designated by the PRIVATE INSTITUTION, ETC. - can permit the operation of the corresponding PATENT RIGHTS, ETC. by an entity other than the PRIVATE INSTITUTION, ETC. or the entity designated by the PRIVATE INSTITUTION, ETC. when the PATENT RIGHTS, ETC., without proper reason, are not being operated

following the second year of this period or when the University President recognizes that allowing the prioritized operation of the corresponding PATENT RIGHTS, ETC. would be an extraordinary loss to public benefit.

13.4 When the Prefecture permits the operation of PATENTS RIGHTS, ETC. ASSUMED BY THE PREFECTURE or COMMONLY OWNED PATENT RIGHTS, ETC. under the provisions of Paragraphs 13.1 through 13.3 above, a separately determined operation fee shall be collected.

#### **Article Fourteen**

(Corresponding Application to Utility Model Rights, Etc.)

14.1 The provisions of Articles 11 through 13 shall apply correspondingly to the utility model rights, the design rights, and the right to receive these rights existing as a result of cooperative research.

14.2 The treatment of copyrights concerning the databases and the programs created under cooperative research shall be determined in accordance with the University Treatment of Databases, Etc. Created by University of Aizu Faculty Members, Etc.

#### **Article Fifteen**

(Public Announcement of Research Results)

15.1 The University President, in situations in which he/she recognizes doing so as necessary, shall confer with the PRIVATE INSTITUTION, ETC. with respect to the time, method, etc. of the public announcement of the research results of cooperative research.

#### **Article Sixteen**

(Supplemental Provisions)

16.1 Other than provided for by this regulation, necessary details concerning the treatment of cooperative research shall be decided separately.

### **ADDITIONAL PROVISIONS**

This regulation shall be enforced as of April 1, 2006.

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This regulation shall be enforced as of April 2, 2007, and shall be applicable from April 1, 2007.

**ADDITIONAL PROVISIONS**

This regulation shall be enforced as of April 1, 2015.