

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

(Regulation No.59, April 1, 2006)

## **Article One**

(Objective)

1.1 This regulation provides for necessary matters concerning the treatment, etc. of commissioned 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) Commissioned research: research performed for which commission is received from an external source and for which the commissioning entity bears the required expenses of thereof.
- (2) Directors: The directors of the academic divisions, centers, and Office for Planning and Management with which the individual primarily responsible for the commissioned research is affiliated.

## **Article Three**

(Acceptance Criteria)

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

3.2 Expenses required for commissioned research shall include direct expenses which are particularly essential for accomplishing the commissioned research provided for in Paragraph 1 of Article Two above and overheads (10% of direct expenses as a standard).

## **Article Four**

(Acceptance Conditions)

4.1 In situations in which commissioned research is accepted, each of the following conditions shall apply.

- (1) The commissioning entity cannot unilaterally cancel the commissioned research.
- (2) In situations in which industrial property rights, etc. (patent rights, utility model rights, design rights, trademark rights, and the right to receive these rights) exist as a result of commissioned research, the commissioning entity cannot be permitted use of these rights without compensation and cannot cede these rights. However, in

accordance with the provisions provided for in Article 6 of the Research Exchange Promotion Law (Law No.57 enacted as of May 20, 1986), the patent rights or utility model rights related to the result of commissioned research and owned by the Government of Fukushima Prefecture can be transferred to the commissioning entity at the entity's request within the limit not exceeding a half of the portion owned by the Government of Fukushima Prefecture.

- (3) Equipment obtained with expenses required for commissioned research cannot be returned.
- (4) In situations necessary for the accomplishment of cooperative research, equipment owned by the PRIVATE INSTITUTION, ETC. can be transported from the PRIVATE INSTITUTION, ETC. to the UNIVERSITY. However, in situations in which the transporting of the corresponding equipment would be difficult, research can be performed to the extent necessary for such research at the facilities in which the corresponding equipment is located.
- (5) The UNIVERSITY shall not bear responsibility in situations in which commissioned research is canceled or the period thereof is extended for unavoidable reasons.
- (6) The commissioning entity shall pay the expenses required for commissioned research prior to the commencement of the corresponding research.
- (7) In principle, paid expenses required for commissioned research cannot be returned.
- (8) Other conditions recognized by the University President as necessary.

### **Article Five**

(Application, Etc. For Commissioned Research)

5.1 Entities preparing to commission the UNIVERSITY for commissioned research shall submit the "Commissioned Research Application Form" (Form No.1; for the purpose of this regulation, hereinafter referred to as "APPLICATION FORM") to the respective director.

5.2 The respective director, upon receipt of the APPLICATION FORM, must promptly attach the "Opinion Form" (Form No.2) thereto and submit these documents to the University President.

### **Article Six**

(Commissioned Research Acceptance Decisions)

6.1 When there has been an application for commissioned research, 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 the "COMMITTEE"), on the acceptance of the corresponding research.

## **Article Seven**

(Acceptance Decision Notification, Etc.)

7.1 The University President, when having decided on the acceptance of commissioned research, shall notify each of the following:

- (1) The commissioned research applicant (with the "Commissioned Research Acceptance Decision Notification Form" (Form No.3):
- (2) The individual primarily responsible for the commissioned research (through the respective director); and
- (3) The Organization President of the University Of Aizu Organization For The Advancement Of Scientific Research (for the purpose of this regulation, hereinafter referred to as "ADVANCEMENT ORGANIZATION").

7.2 The University President, after conducting the notification provided for in Paragraph 7.1, Item 1 herein, must promptly execute a contract using the "Commissioned Research Contract Form" (Form No.4).

7.3 The University President, after executing a commissioned research contract, shall promptly notify the individual primarily responsible for the commissioned research through the respective director.

7.4 The individual primarily responsible for commissioned research, after research has commenced, shall promptly submit the "Commissioned Research Operation Planning Form" (Form No.5) to the University President through the respective director.

## **Article Eight**

(Cancellation And Extension Of Research)

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

8.2 The University President, upon receiving the report provided for in Paragraph 8.1 above, shall solicit the opinion of the COMMITTEE, and in situations which he/she recognizes as unavoidable, can decide to cancel or extend the period of the corresponding commissioned research.

8.3 The University President, in situations in which he/she has decided to cancel or extend the period of commissioned research under the provisions of Paragraph 8.2 above, shall notify the commissioning entity using the "Commissioned Research Cancellation - Extension Notification Form" (Form No.6).

## **Article Nine**

(Research Completion Report)

9.1 The individual primarily responsible for commissioned research, when the corresponding commissioned research has been completed, shall report to the University President through the respective director using the "Commissioned Research Completion Report Form" (Form No.7).

9.2 The University President shall conduct the reporting to the commissioning entity of the progress, completion, etc. of the commissioned research.

### **Article Ten**

(Assumption Of Patent Rights, Etc.)

10.1 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 commissioned research.

10.2 In the situation provided for in Paragraph 10.1 above, commissioned 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.

10.3 With respect to the operation of PATENT RIGHTS, ETC. assumed by the Prefecture, the provisions of Article 13, Paragraphs 1, 3, and 4 of the University Regulation On The Treatment Of University Of Aizu Cooperative Research (for the purpose of this regulation, hereinafter referred to as "COOPERATIVE RESEARCH REGULATION") shall apply correspondingly. In this situation, the term "PRIVATE INSTITUTION, ETC." in Article 13, Paragraphs 1 and 3 of the COOPERATIVE RESEARCH REGULATION shall be changed to read as "commissioned research commissioning entity."

### **Article Eleven**

(Corresponding Application To Utility Model Rights, Etc.)

11.1 The provisions of Article 10 shall apply correspondingly to the utility model rights, the design rights, the trademark rights, and the right to receive these rights existing as a result of commissioned research.

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

## **Article Twelve**

(Acceptance Of Special Cases)

12.1 When the commissioning entity is a nation - state or government related organization or is a local public or corresponding organization, notwithstanding this regulation, commissioned research can be accepted based upon the general plan, etc. of the corresponding organization, etc.

## **Article Thirteen**

(Supplemental Provisions)

13.1 Other than provided for by this regulation, necessary details concerning the acceptance, etc. of commissioned research shall be decided by the University President.

### **ADDITIONAL PROVISIONS**

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

### **ADDITIONAL PROVISIONS**

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

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This regulation shall be effective as of December 20, 2017.