

Translation

University of Tokyo Intellectual Property Policy

February 17, 2004

Revised September 30, 2004

1. Objectives

The University of Tokyo has acknowledged the roles entrusted to it by the people of Japan, as “university to the world”, to contribute to Japanese society and to serve the “global public interest”. In order to fulfill these roles, the University has pursued universal human truths that transcend differences of nationality, ethnicity, and language, and has worked towards achieving world peace, human welfare, the harmonious coexistence of humanity with nature, the creation of safe environments, balanced, sustainable development in each region of the world, the advancement of science and technology, and the critical preservation and creation of culture, through its educational and research activities.

However, at the start of the 21st century, changes in society present new challenges for the University.. In welcoming the advent of a society in which knowledge holds decisive meaning in every field, collaborations with external knowledge-creating entities gain a greater significance to the University’s education and research. From this perspective, the University is held increasingly accountable to open itself to the world and meet society’s demands, while maintaining its autonomy and independence. In other words, the University must intensify its efforts to promote bilateral interactions with society, by actively seeking to return the benefits of its research to the community and at the same time seeking to initiate and conduct research that address society’s needs. Given these realities, being aware of the responsibilities to protect intellectual property generated as a result of its research and to ensure their value to society, and having the clear need for systems to fulfill these responsibilities, the University of Tokyo hereby makes an open declaration to establish policies on handling its intellectual property.

2. Basic concepts

The greatest mission of a university is to conduct education and research for succeeding generations. At the same time, there is a responsibility to return to

society, without delay, the benefits of any results generated by this education and research. These reciprocal interactions with society are of the same importance as education and research.

To facilitate such mutual interactions with society, it is essential to establish and smoothly implement mechanisms to protect, manage, and utilize intellectual property, thereby fostering lively research and allowing the benefits to be returned to the public. This Policy is established to protect and promote the effective use of intellectual property relating to knowledge created at the University of Tokyo.

All the faculty members of the University of Tokyo and those holding equivalent positions are responsible for reporting in accordance with this Policy, and for all matters related to this Policy.

3. Ownership and transfer of intellectual property

When handling intellectual property created at the University, it is important to consider diverse matters such as contributing to the international public in the context of increasing globalization, and strengthening Japanese international competitiveness as well as that of the University of Tokyo itself. Giving due consideration to these diverse goals, members of the University are obligated to pursue the most effective means of applying intellectual property derived from their work to the greatest possible public benefit.

When an intellectually created result is considered worthy of protection as intellectual property, it is appropriate to promote its dissemination, use it for public benefit, and establish systems that allow revenue from its application to be invested in new research and development.

Both faculty members and the institution itself have an obligation to return to the public the benefits of intellectual property derived from publicly-funded work at the University of Tokyo. In principle, the University believes that ensuring the most appropriate means of management and implementation of such intellectual property requires ownership by the University.

Based on this framework, the University of Tokyo will establish a system for the management and use of intellectual property derived from its intramural activities

and for the resolution of disputes involving such intellectual property. This system will be established to protect the rights and reputations of the members who create intellectual property, eliminate obstacles against education and research such as the administration of rights and clerical implementation, and contribute to society through the use of intellectual property, resulting in the appropriate return of technology transfer revenue and thereby providing incentive to the creators of intellectual property and thus further enabling the promotion of research efforts as new sources of social benefit.

4. Handling of intellectual property

(1) Intellectual property subject to institutional management and use

Intellectual property can be roughly divided into two groups: intellectually created products, and marks for trade. The basic policy described herein applies to intellectual products derived from research conducted by University faculty members, while marks for trade are outside its scope. Intellectual property rights include patent rights, utility model rights, design rights, copyright, circuit layout exploitation rights, plant breeders' rights (as set forth in the Seedling Law), as well as rights involving know-how and materials developed by research activities. The University of Tokyo must have clear policies regarding these intellectual property rights. However, as the approaches to handling these different types of intellectual property rights vary, it would be difficult to use a single method. For this reason, the University will establish means of managing and using intellectual property specific to each individual category.

(2) Basic policies regarding the institutional management and use of patent and similar rights

The basic policies of the University of Tokyo for handling patent rights and utility model rights are set forth in the following. Design rights and plant breeders' rights will be handled similarly, with details to be separately decided.

i) Submitting work-related inventions

Inventions and utility models (collectively, "Inventions") derived from research conducted using public or university funds, or those conducted at the University facilities, are considered potential objects

of ownership by the University of Tokyo, and are viewed by the University of Tokyo as work-related inventions.

When any person subject to the policies in this document makes an Invention, that person must promptly report to the respective department. The Intellectual Property Office in each department will make timely judgments regarding whether a reported Invention qualifies as a work-related invention. A submission adjudged by a departmental Intellectual Property Office to be a work-related invention will be promptly forwarded to the Office of University Corporate Relations, the Office of Intellectual Property, University of Tokyo.

ii) Judgments regarding institutional ownership

The Office of University Corporate Relations, the Office of Intellectual Property, University of Tokyo will make timely decisions regarding whether to assign to the University ownership of work-related inventions forwarded from departmental Intellectual Property Offices. The above decisions depend upon commercial utility, novelty, non-obviousness, public benefit, revenue potential, costs for registration and the other aspects of intellectual property rights. To ensure objectivity, surveys and other similar work will be outsourced, and a system will be developed to confirm opinions used in the decision-making process. However, final decisions regarding University ownership will be made by the Office of University Corporate Relations, the Office of Intellectual Property, University of Tokyo.

The inventor is responsible for handling all cases adjudged not to be assigned to the University. In such cases, if the inventor decides to pursue the acquisition of intellectual property rights and use the Invention privately, a report of such activities must be submitted to the Office of University Corporate Relations, the Office of Intellectual Property, University of Tokyo.

iii) Ownership, management, and use of joint research results

It is expected that a considerable amount of intellectual property at the

University will relate to Inventions resulting from joint research with private corporations and other entities. In such cases, an appropriate joint research agreement should be signed, and filings for intellectual property rights should be made jointly. Such cases require a flexible managing system to aid in determining the shares of intellectual property rights ownership in accordance with the degrees of contribution by respective joint researchers, the appropriate sharing of filing costs considering the manner of use, and other related matters. Furthermore, flexible means of assigning shares of ownership are needed to appropriately divide roles among joint applicants of intellectual property rights and to effectively use Inventions. Negotiations and binding contracts are indispensable to this process.

The University of Tokyo will establish a flexible system to accommodate such cases and their working processes, including outsourcing. In order to execute an appropriate joint research agreement, the University of Tokyo will confirm the priority of exploitation rights by the joint researchers upon such execution, and will execute a joint application agreement and license agreement when the benefits of the joint research are generated. At the same time, the University will make efforts to inform private joint researchers that the University will not use the results on its own and that it has the mission to return the benefits to the community without delay, and will make efforts to execute a proper joint application and license agreement to accommodate this mission.

iv) Promoting the use of University-owned Inventions

The University will make active efforts with joint applicants and external Technology Licensing Organizations (TLOs) to broadly utilize its intellectual property. The manner of using intellectual property held by the University is based on due consideration of the support of the University by national public funds and the corresponding obligation of accountability for its activities. Thus, costs for managing and using University-owned Inventions, such as those relating to the acquisition of intellectual property rights, transfer of rights, and resolution of disputes, should ultimately be recovered from technology transfer revenues. For this purpose, continuous, appropriate

evaluation of University-owned Inventions will be required.

Furthermore, as a means of returning intellectually created results to the community, the University of Tokyo will positively utilize new enterprises founded by Inventions. In order to support such new enterprises, the University will cooperate with technology transfer organizations.

v) Incentives for inventors

Revenue from the technology transfer of intellectual property from University-owned Inventions will be divided among individual inventors, laboratories, departments, and the University, based on an appropriate fixed ratio after deducting costs for the acquisition or transfer of intellectual property rights. Costs for the resolution of disputes will be handled separately.

vi) Academic use of University-owned Inventions

The University will properly handle the purely academic use of Inventions it owns, including granting permission to use such Inventions free of charge, giving due consideration to the main objective of University knowledge-creation activities, which is to promote continuous advances in research and development.

5. Basic policy for intellectual property rights other than patent rights

With regard to intellectual property rights other than patent rights, such as copyright, circuit layout exploitation rights, rights relating to know-how, and rights relating to materials developed during research, those benefits will be returned to the community by separate rules in details which provide the lines between those managed and used by the University and those managed and used by the individual faculty member, giving due consideration to the specific characteristics of the respective intellectual property rights.

6. Enforcement of the management and exploitation of intellectual property rights

The Office of University Corporate Relations, the Office of Intellectual Property, University of Tokyo will manage and use intellectual property rights in cooperation with departmental intellectual property offices, external TLOs, and consultants on

promoting industry-academic collaborations. In the course of these activities, the University will consult with inventors and keep them apprised as appropriate, establish rules for procedures to be followed by inventors, and make efforts to ensure the speed and efficiency of all processes involved.