

# The University of Tokyo Rules for the Treatment of Tangible Deliverables

(Revised Version, Scheduled for Enactment on April 1, 2005)

(September 30, 2004, University of Tokyo Rules No. 237)

## CHAPTER 1 PURPOSE

### 1. Purpose

The purpose of the University of Tokyo Rules for the Treatment of Tangible Deliverables (these “**Rules**”) is to strive for the appropriate management of Tangible Deliverables (as defined in Article 2) and for smooth cooperation in research between the University of Tokyo (the “**University**”) and external institutions in addition to the promotion of University research by providing for the treatment of Tangible Deliverables (as defined in Article 2) produced by Faculty Members (as defined in Article 2) of the University in the course of any activities of the University.

### 2. Definitions

2.1. In these Rules, the following terms shall have the meanings set out below.

- (1) “**Faculty Member(s)**” means any of the following persons:
  - (A) officers, full-time faculty members, contract-based faculty members, reemployed faculty members, contract-based part-time staff, and contract-based part-time faculty members of the University;
  - (B) other personnel who have entered into agreements with the University relating to handling Tangible Deliverables.
- (2) “**Other Researchers**” means personnel, other than Faculty Members, who are taken on by the University for the purposes of teaching, training, and researching.
- (3) “**Tangible Deliverables**” means tangible products of research of scientific or technical value that are created, extracted or acquired either by Faculty Members in the course of services, affairs or any activities of the University or by Other Researchers in the course of their research activities in accordance with instructions from Faculty Members. However, it excludes theses, presentations, and other copyrightable works.
- (4) “**Produce**” means to create, extract, or acquire Tangible Deliverables
- (5) “**Provide**” or “**Provision**” means to assign or lend, or the assignment or lending of, Tangible Deliverables for consideration or without fee for the purpose of allowing them to be used at an external institution. However, these terms exclude providing, or the provision of, Tangible Deliverables for the purpose of requesting an analysis of them and the depositing, or the depositing of, organisms for the purpose of applying for a patent.
- (6) “**Department Head**” means the head of the Education and Research Department provided for in the University of Tokyo Organization Rules (2004, Rules No. 1), the University of Tokyo Library System, any of the University-wide Centers, the University of Tokyo Hospital, or any other head of an organizational unit designated by the president of the University.

2.2 Under these rules, if Tangible Deliverables can propagate or reproduce, then the progeny and propagations of such Tangible Deliverables shall also be considered Tangible Deliverables.

### **3. Vesting of Rights**

Unless expressly provided to the contrary, any title, right, interest and ownership in and to Tangible Deliverables and all other rights and legal statuses with respect to the Tangible Deliverables belong solely to the University. If Tangible Deliverables are altered in part, the rights of the University as the rights holder of the original Tangible Deliverables extend to those altered Tangible Deliverables.

## **CHAPTER 2 NOTIFICATIONS AND ADMINISTRATION**

### **4. Administration**

If Faculty Members Produce Tangible Deliverables, they shall administer them appropriately.

### **5. Notifications**

If any of the following events arise, Faculty Members shall promptly notify the department they belong to of the concerned Tangible Deliverables in accordance with the details of the enforcement rules:

- (1) Faculty Members are to Provide Tangible Deliverables to someone;
- (2) Faculty Members receive a request from an external institution for Provision of Tangible Deliverables; and
- (3) Faculty Members are prepared to Provide Tangible Deliverables for consideration; or any other event provided for in the details of the enforcement rules.

### **6. Determinations**

If a department receives a notification as provided for in Article 5, it shall examine the subject of the notification and process it in accordance with Articles 9 and 10.

### **7. Department Administration**

Departments shall appropriately manage Tangible Deliverables that are provided in accordance with Article 11. The same applies to tangible deliverables from third parties that are provided under Article 13.

### **8. Agreements for Providing Tangible Deliverables**

8.1. If the University is to Provide Tangible Deliverables to any third parties, it shall enter into an agreement for Providing Tangible Deliverables. The template for said agreement shall be provided in the details of the enforcement rules.

8.2. If it is clear that a third party's intellectual property rights are included in Tangible Deliverables to be Provided, the University shall enter into an appropriate agreement for Providing Tangible Deliverables so as not to infringe those rights of that third party.

8.3. The University may delegate administrative matters for the agreement provided for in Articles 8.1 and 8.2 to a person who has been delegated to handle administrative matters for agreements by the president of the University under Article 16.2 of the University of Tokyo Accounting Rules (2004, Rules No. 8).

### **9. Providing Tangible Deliverables for the Development of Learning and Research**

If the University is to Provide Tangible Deliverables for the purpose of developing learning and research, it may do so at no charge after first entering into an agreement relating to the Provision of Tangible Deliverables with the recipient of the Tangible Deliverables. When it does so, the University may collect from the recipient reimbursement for any expenses incurred in the Production and Provision of the concerned Tangible Deliverables.

### **10. Providing Tangible Deliverables for Use by Industry or in Profit-Seeking Business**

If the University is to Provide Tangible Deliverables for the purpose of industrial exploitation or profit-seeking business, or for a purpose other than the purposes set out in Article 9, it may do so for consideration after first entering into an agreement relating to the Provision of Tangible Deliverables for consideration with the recipient of the Tangible Deliverables.

### **11. Decision on Provision**

The president of the University may delegate decisions on Providing Tangible Deliverables provided for in Articles 10 and 11 to the Department Head.

## **CHAPTER 3 DISTRIBUTION OF REVENUE**

### **12. Distribution of Revenue**

When the University receives revenue as a result of Providing Tangible Deliverables, after deducting any expenses incurred in Production and Provision, it may distribute 70% of the total revenue to the department which received the notice from the Faculty Members under Article 5.

## **CHAPTER 4 THIRD PARTY TANGIBLE DELIVERABLES**

### **13. Third Party Tangible Deliverables**

13.1. If the University is to be Provided tangible deliverables that are a third party's results, the University shall enter into an appropriate agreement for the Provision of those tangible deliverables.

13.2. The president of the University may delegate decisions on accepting the tangible deliverables provided for under Article 13.1 to the Department Head.

## **CHAPTER 5 MISCELLANEOUS PROVISIONS**

### **14. Confidentiality**

14.1. For the necessary period, Faculty Members shall keep confidential the details of Tangible Deliverables and matters related to the interests of the University or the Faculty Members.

14.2. Article 14.1 applies to Faculty Members who have retired from the University.

### **15. Delegation of Duties**

If the University is to Provide Tangible Deliverables, or is to receive tangible deliverables from a third party, it may delegate those activities to a third party, such as a technology licensing organization.

### **16. Amendment or Abolition of Rules**

Amendment or abolition of these Rules shall be conducted through the deliberation of the Research and Education Council.

## **SUPPLEMENTARY PROVISION**

These Rules are effective as of September 30, 2004.

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