

# Regulation for Handling of Research Materials at NAIST

April 1, 2004  
Regulation No.35

## Article 1. Purpose

The purpose of this Regulation is to provide for particulars with respect to the handling of research materials associated with research achievements generated during research and education at Nara Institute of Science and Technology (hereinafter referred to as “NAIST”), in addition to those particulars provided for in the Regulation for Handling of Research Achievements at Nara Institute of Science and Technology (Regulation No.34 of 2004; hereinafter referred to as the “Research Achievements Handling Regulation”) and thereby to properly manage research materials and promote smooth cooperation in research with outside institutions, including private companies and other private institutions and overseas institutions (hereinafter referred to as “an external institution or external institutions”), thus contributing to the promotion of research at NAIST.

## Article 2. Definitions

1. For the purposes of this Regulation, “staff members” shall mean professors, assistant professors, research associates, general staff members, and staff who are in employment relationships with NAIST, as well as the President and other corporate officers of NAIST.
2. For the purposes of this Regulation, “research materials” shall mean reagents, materials, experimental animals, plants, cell strains, bacteria strains, genes, chemical substances, prototypes, experimental apparatus, and other items produced by staff members, which can be used for research and educational purposes and that are tangible and have added value from a technical viewpoint; provided, however, that those articles specified separately as commercially available research achievements are excluded.
3. For the purposes of this Regulation, “produce” shall mean to create or extract research materials.
4. For the purposes of this Regulation, “producer” shall mean a member of staff who has produced research materials.
5. For the purposes of this Regulation, “provide” shall mean to allow an external institution to use research materials on payment of a fee or free of charge; provided, however, that to deposit a living organism with someone for analysis or patent

application is excluded.

### Article 3. Ownership of Research Materials

Research materials that staff members have acquired in the course of their duties in research and education at NAIST shall, as a general rule, belong to NAIST.

### Article 4. Management of Research Materials

When staff members have produced research materials, they shall manage them appropriately in accordance with the Regulation for the Handling of Research Achievements at Nara Institute of Science and Technology (Regulation No.34 of 2004; hereinafter referred to as the “Research Achievements Handling Regulation”).

### Article 5. Notification of Research Materials

If any of the following circumstances pertains to a research material, a producer shall promptly notify the President to this effect.

- (1) the producer provides a research material;
- (2) it becomes evident that value has been added to the research material from a technical viewpoint; or
- (3) other circumstances that require notification.

### Article 6. Verifying Eligibility for a Research Materials Transfer Agreement

When the President has received notification under the preceding Article, the President shall verify whether or not the research material concerning which the said notification has been given is eligible for a research materials transfer agreement (hereinafter referred to as the “MTA”).

### Article 7. Research Materials Transfer Agreement

1. If the President has verified that the said research material under the preceding Article is eligible for a MTA and permits its providing, in principle the President shall conclude a MTA with the recipient.
2. The President shall entrust the Director of the Intellectual Property Division with the task of executing the agreement and other tasks incidental to concluding the agreement.
3. Research materials shall, in principle, be provided to for-profit organization including private companies at a reasonable cost, and free of charge to academic research institutions.

4. For the handling of research materials that are to be provided free of charge to academic research institutions as specified in the preceding Section shall apply pursuant to the provisions of the Regulation for Handling of Licensing Transactions at Nara Institute of Science and Technology (Regulation No.36 of 2004).

5. Notwithstanding the provisions of Section 3, when a research material is provided, the cost of production of the research material (including shipping costs; hereinafter referred to as “cost of the production of materials”) shall be included in the compensation or collected separately from the compensation (including cases where the research material is provided free of charge).

#### Article 8. Entrusting the Producer with Concluding a Research Materials Transfer Agreement

1. If a research material produced by a member of staff is provided to an academic research institution free of charge and the cost of the production of material is not to be collected, notwithstanding the provisions of Article 5, Article 6 and Section 1 of the preceding Article, notification of the President and verification of eligibility before concluding a MTA may be omitted, and the producer of the said research material shall be entrusted with concluding a MTA with the said academic research institution. In this case, however, after the agreement has been concluded, the producer shall submit a duplicate copy of the agreement to the Director of the Intellectual Property Division.

2. If a research material produced by a member of staff is provided to an external institution (excluding academic research institutions) free of charge and the cost of the production of material is not to be collected, notwithstanding the provisions of Section 1 of the preceding Article, the President shall entrust the Director of the Intellectual Property Division with concluding a MTA with the said external institution.

#### Article 9. Obligation of Confidentiality

The staff shall observe confidentiality with regard to research materials in accordance with the Research Achievements Handling Regulation.

#### Article 10. Grant for Encouragement of Providing Research Materials

1. When NAIST has earned revenue by providing a research material, NAIST shall award the producer of the said research material 40% of the revenue it has earned from providing the said research material as an incentive salary for providing research materials (hereinafter referred to as the “research materials grant”). However, if the cost of the production of material is included in the said revenue, the cost of the

production of material shall be deducted from the said revenue in calculating the research materials grant.

2. The cost of the production of material shall be allocated to the chair with which the producer is affiliated.

3. The provisions of Sections 5, 6 and 7 of Article 18 of the Regulation for Employee's Inventions at the Nara Institute of Science and Technology (Regulation No.33 of 2004; hereinafter referred to as the "Employee's Inventions Handling Regulation") shall apply correspondingly to the awarding of the research materials grant pursuant to the provisions of the preceding Section. In this case, "an compensation" shall read "the research materials grant" and "the creator" shall read "the producer."

#### Article 11. Notice of Opposition

1. If the producer has any objection to decision under Article 6 and the awarding of a research materials grant under the preceding Article, the producer may file a protest with the President.

2. The Employee's Inventions Handling Regulation shall apply correspondingly to the procedure for filing a protest specified in the preceding Section.

#### Article 12. Notification When Receiving Research Materials from an External Institution

A person intending to conclude an agreement on receiving research materials produced by an external institution shall notify the President to this effect in accordance with the provisions of Article 12 of the Research Achievements Handling Regulation.

#### Article 13. Concluding an Agreement on Receiving Research Materials

When the President has been notified under the preceding Article, the President shall conclude a MTA with the provider.

#### Article 14. Entrusting a Member of the Staff with Concluding a MTA

1. If a research material is received free of charge from an academic research institution under a MTA and the cost of the production of materials are not collected, notwithstanding the provisions of the preceding Article 12, notification of the President before concluding a MTA may be omitted, and a member of the staff who is provided with the said research material shall be entrusted with concluding a MTA with the said academic research institution. In this case, however, after the agreement has been concluded, the member of the staff shall submit a duplicate copy of the agreement to the

Director of the Intellectual Property Division.

2. If a research material is received free of charge from an external institution (excluding academic research institutions) and the cost of the production of material is not collected, notwithstanding the provisions of the preceding Article, the President shall entrust the Director of the Intellectual Property Division with concluding a MTA with the said external institution.

#### Article 15. Entrusting Tasks

The President may entrust the Director of the Intellectual Property Division or someone else with all or some tasks under this Regulation and tasks incidental thereto.

#### Article 16. Forms

The forms required for notification and providing of research materials shall be prescribed separately.

#### Article 17. Miscellaneous Provisions

Particulars necessary in regard to handling of research materials, in addition to those provided for herein, shall be provided for separately.

#### *Supplementary Provision*

*This Regulation shall come into force as of April 1, 2004.*

#### *Supplementary Provision*

*This Regulation shall come into force as of February 22, 2007.*

#### *Supplementary Provision*

*This Regulation shall come into force as of July 26, 2007.*

#### *Supplementary Provision*

*This Regulation shall come into force as of October 1, 2009.*

#### *Supplementary Provision*

*This Regulation shall come into force as of October 1, 2010.*

#### *Supplementary Provision*

*This Regulation shall come into force as of April 1, 2011.*

