

Based on the increasing need to strengthen Japan's international competitiveness, and to realize a vital economic society based on the creation of new intellectual assets and the added value that comes from utilizing them, Japan is committed to the concentrated, planned promotion of creation, protection and utilization of intellectual property.

Against this background, at Kyushu University, we believe our third mission, after education and research, is to make a proactive contribution to society, and as part of this, we endeavor to ensure that the results obtained by our faculty members and others through education and research is fed back into society. In order to achieve this, we take a unified approach to the management and use of our intellectual property via the [Open Innovation Platform \(hereinafter referred to as "OIP"\)](#) as well as Material Management Center.

### Definition of Intellectual Property

\* Inventions, etc.

- Inventions, defined as “ the highly advanced creation of technical ideas utilizing the laws of nature ” (Patents Act Article 2(1))
- Devices, defined as “ the creation of technical ideas utilizing the laws of nature ” (Utility Model Act, Article 2(1))
- Design, defined as “ the shape, patterns or colors, or any combination thereof, of an article, which creates an aesthetic impression through the eyes ” (Design Act, Article 2(1))
- Trademarks, defined as “ any character(s), figure(s), sign(s) or three-dimensional shape(s), or any combination thereof, or any combination thereof with colors ” (Trademark Act, Article 2(1))
- Semiconductor integrated circuits, defined as “ a product having transistors or other circuitry elements inseparably formed on the surface of a semiconductor material or an insulating material, or within a semiconductor material, and designed to perform electronic circuitry functions ” (Act on the Circuit Layout of a Semiconductor Integrated Circuits, Article 2(1))
- Varieties (new varieties) of plant, defined as “ a plant grouping which can be distinguished from any other plant grouping by the expressions of at least one of the important characteristics (hereinafter referred to as ""the expressions of the characteristics"") and which can be propagated while maintaining all its expressions of characteristics without change ” (Plant Variety and Seed Act, Article 2(1))

Intellectual property of this type (hereinafter referred to as “ inventions, etc. ” ) is submitted to the relevant authority, and where it is considered to meet designated requirements\*, the rights to exclusively use the property for a fixed period may be awarded in the form of a patent, utility model right, right of design, or trademark (all of these are referred to as “ industrial property rights ” ), or circuit layout usage right or breeder's right. These rights are awarded to the applicant. At Kyushu University, we are strategic in our approach to acquiring the rights to intellectual property,

which allows us to utilize the results of research done at the University in industrial settings.

- \*The main conditions for a patent are (1) Novelty (should not be publicly known or in use at time of application), (2) Inventiveness (should not be a concept easily thought of by others in the industry) and (3) Availability for industrial use (should not be something merely for use in academic or experimental settings, but something that can be developed for use in industry).

\*Copyright

Works including theses, lectures, music, pictures, prints, sculptures, architecture, maps, artistic diagrams, technical drawings, models, films, photographs, programs, databases etc., defined as “ a production in which thoughts or sentiments are expressed in a creative way and which falls within the literary, scientific, artistic or musical domain ” (Copyright Act, Article (2)1), do not require the same type of application as industrial property rights, etc. Rather, the copyright of such items belongs to the author/creator from the point at which they are created, as shown in the table below. The author/creator ’ s moral rights to the work continue for as long as he/she is alive, and property rights continue for 70 years after his/her death.

Furthermore, any person communicating a work, such as a performer, record producer, broadcaster, cable broadcaster, etc., is provided with rights known as “ rights related to copyright. ”

Staff will have the opportunity to refer to copyrighted works by others in the course of their educational and research activities. At such times, it is important to ensure that no breach of copyright occurs.

Copyright does not extend, however, to cases where correct procedure is followed (where sources are clarified, etc.), or to quoting from published copyright works within reasonable limits (the inclusion of a part of a copyrighted work by another within one ’ s own copyrighted work, for the purpose of introduction, reference, criticism or other objective). This and other principles are defined in Articles 30-50 of the Copyright Act, which limit the application of copyright.

Moral rights of authorship	Right to publish	The right to decide whether or not an unpublished work should be published
	Right to divulge names	The right to decide whether to publish the author ’ s name alongside the work, and if so, in what

		format the name should be used
	Right to maintenance of identity	The right to refuse any change to the contents or title of the work without the author ' s permission
Property rights as copyright	Right to reproduce	The right to tangibly reproduce the work through printing, photography, copying, recording or filming
	Right to perform or show	The right to perform or show the work publicly
	Right to show film	The right to publicly show a film
	Right to publicly distribute	The right to distribute the work publicly, or to pass on a publicly distributed work
	Right to recite	The right to publicly communicate the work orally
	Right to display	The right to publicly display works or art, unpublished original photographs or other works
	Right to distribute	The right to publicly supply the copyright of a film, through handing over or loaning a copy of said film
	Right to assign	The right to publicly supply an original or copied version of a work, other than a film

Right to copy	The right to publicly supply a work other than a film through copying
Right to translate/adapt	The right to translate, edit, change, dramatize, film or in other ways adapt the work
Right to the use of secondary copyright	The right to use secondary copyright such as that of translations or adaptations

\* Tangible results

The University defines tangible results as tangible objects that satisfy all of the following four conditions, and promotes their strategic use as a form of intellectual property:

- 1.An item created or acquired by this University's staff, etc. as a result of research activities at this University;
- 2.An item with academic value, proprietary value, or value equivalent thereto;
- 3.An item that is not copyrighted material; and
- 4.An item that is subject to particular constraints (requiring the conclusion of an MTA, etc.)

Examples of tangible results include compounds, plants, human samples, animals, algae, microorganisms, genes, proteins, antibodies, and other items (such as databases and devices).

#### University procedures

\*Registration

Staff members must immediately register with the **OIP** (Material Management Center, in the case of tangible results and breeder's rights) using the prescribed method and formats, if they are subject to any of the situations described below. In particular, since one condition of issuing patents for inventions is “novelty” (at the time of application the invention must be neither known nor used publicly), and if multiple patent applications are made on an identical invention, the patent is awarded only to the first application made (first-come first-served model), registration needs to be done as quickly as possible, and sufficient time left between the application before the invention is presented at conferences, or referred to in papers, etc.

- Inventions, etc.

Situations in which a member of the University staff considers they have invented something in the course of their work.

- Copyright works

Situations in which the University is the copyright holder of a work (hereinafter referred to as an “ institutional work ” ), or a member of staff creates a database or program to which any of the following apply, during the course of his/her work:

- 1.The member of staff wishes for permission to use the work outside of the University context
- 2.The member of staff receives a request for permission to use the work outside of the University context
- 3.The member of staff is involved in a project related to intellectual property belonging to the University

- Tangible results

- 1.If you wish to supply a tangible result that you manage outside the University
- 2.If you are prepared to supply a tangible result that you manage
- 3.If you wish to receive a tangible result (including cases in which you are bringing in a tangible result when moving to this University from outside the University.)
- 4.If a tangible result that has already been registered has disappeared
- 5.If the staff member, etc. who registered (1)-(3) ceases to have an employment relationship with the University due to personnel changes or resignation, etc.

\*If any of the items 1-5 above is applicable, please carry out registration/application procedures at the Material Management Center website ( <https://mmc-u.jp/en/> )

- Breeder's rights

- If you have created a new variety of plant  
\*Please notify the Material Management Center by email ( [mta\\_mmc.kyushu-u.ac.jp](mailto:mta_mmc.kyushu-u.ac.jp) )  
Replace     with @ in email addresses.

\*Review

Following application for registration as described above, OIP reviews the application at the Intellectual Property Appraisal Committee, which meets once a week as a general rule, and makes a decision on the following matters:

- Inventions, etc.

Whether or not to assume the right, etc. to obtain a patent that is attributed to the staff member who created the invention, etc. and make an application for patent rights in which the University is named as the applicant

- Copyright works

In the case of databases or programs that do not constitute work for hire, whether or not to assume the copyright from the staff member who is the author and take over the management and use of the material in question in the name of the University

- Note: It takes about two months from registration to patent inventions so it is important that you register any research results that may constitute an invention with OIP as early as possible, before publishing it in papers, on the Internet or at academic conferences. In general, inventions that are published within 60 days from the registration of inventions, cannot be filed for patent with the budget of OIP.

\* Management/Utilization

The management and utilization of intellectual property at the University is carried out by OIP, in the case of inventions, etc. and copyrighted material, and by the Material Management Center, in the case of tangible results and breeder's rights.

\* Allocation of revenue from licensing, etc.

- Inventions, etc. and copyrighted material

If the University receives income through the licensing of intellectual property belonging to the University, 37.5% will be distributed to the creator of the intellectual property. If there was more than one creator of the property, the distribution will be done proportionally according to equity.

- Tangible results

In the event that this University earns revenue from the transfer, etc. of tangible results outside the University, necessary expenditure (costs arising from the creation of the tangible result, etc.) shall be deducted from said revenue and be returned to the person who bore said expenditure, in the form of an expenditure budget. If there is any residual revenue, 80% shall be allocated to the laboratory of the representative creator/acquirer of the tangible result, while 20% shall be allocated to the Material Management Center, both in the form of an expenditure budget.

### Want to know more

- Rules on the Handling of Intellectual Property <https://www.kyushu-u.ac.jp/ja/university/information/rule/rulebook/pdf/228/1/2004kisoku093.pdf> • Guidelines Concerning Review Meeting of Intellectual Property [https://airimaq.kyushu-u.ac.jp/ja/teacher/limited\\_campus/pdf/chizaihyoukakaigi\\_jissiyoukou.pdf](https://airimaq.kyushu-u.ac.jp/ja/teacher/limited_campus/pdf/chizaihyoukakaigi_jissiyoukou.pdf) • Administrative Instructions Regarding the Rules on the Handling of Intellectual Property <https://www.kyushu-u.ac.jp/ja/university/information/rule/rulebook/pdf/229/1/2015saisoku001.pdf> • Administrative Instructions Regarding the Rules on the Handling of Copyright Works <https://www.kyushu-u.ac.jp/ja/university/information/rule/rulebook/pdf/230/1/2015saisoku002.pdf> • Rules on the Handling of Tangible Results <https://www.kyushu-u.ac.jp/ja/university/information/rule/rulebook/pdf/231/1/2015kitei017.pdf>
- Administrative Instructions Regarding the Rules on the Handling of Tangible Results <https://www.kyushu-u.ac.jp/ja/university/information/rule/rulebook/pdf/232/1/2015saisoku003.pdf> • OIP website <https://airimaq.kyushu-u.ac.jp/en/index.php> • Website of the Material Management Center <https://mmc-u.jp/en/>
- Website of the Japan Patent Office (regarding industrial property rights) <https://www.jpo.go.jp/system/patent/gaiyo/seidogaiyo/chizai01.html> • Website of the Software Information Center (regarding layout-design exploitation rights) <https://www.softic.or.jp/ic/> • Website for the registration of plant varieties (regarding breeder ' s rights) <https://www.hinshu2.maff.go.jp/> • Website of the Agency for Cultural Affairs (regarding copyright) <https://www.bunka.go.jp/seisaku/chosakuken/> • Website of the national government ' s Intellectual Property Strategy Headquarters <https://www.kantei.go.jp/jp/singi/titeki2/>

## Contact

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