

DEALING WITH INVENTIONS, COPYRIGHTS

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What Is Intellectual Property?

Patents (Patent Law)
20 years from application / invention

Utility Model Rights
(Utility Model Act)
conception (small inventions) / 10 years from app.

Breeder's Rights
(Plant Variety Protection and Seed Act)
new types of plants / 25 years from registration

Trademarks (Trademark Law)
Credit to embodying the trademark /
10 years from registration (renewal)

Design Rights
(Design Law)
design and of items / 20 years from registration

Copyrights
(Copyright Law)
artistic creation / 50 Years from date of death

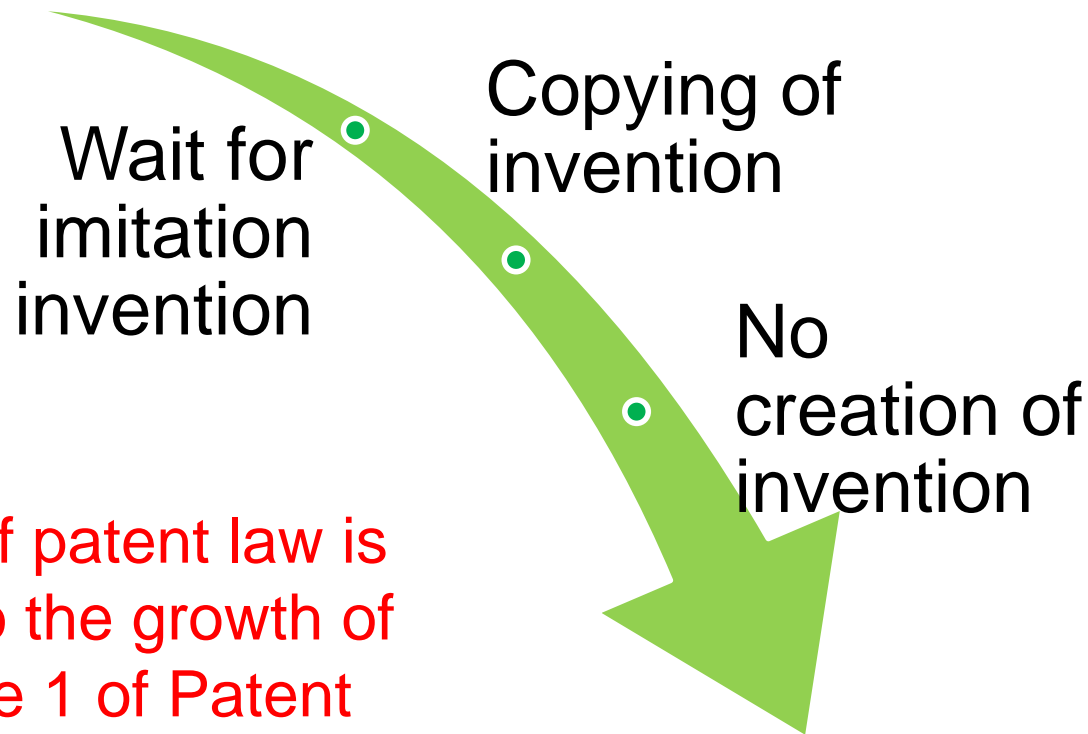
Trade Secrets, etc.
(Unfair Competition Prevention Act)

- : Absolute monopoly rights (rights where ignorance is no excuse)
- : Relative monopoly rights (rights that do not allow copying)

What are IP rights?

When patent rights are not protected

Creation of invention



The purpose of patent law is to contribute to the growth of industry (Article 1 of Patent Law)

No new products, stalled economic growth

Doctoral Theses and Patents

- What are inventions?

Inventions is **advanced** technological ideas that use **natural laws**. (Article 2, Paragraph 2 of the Patent Law)

- Doctoral program

A researcher independently conducts research in an area of specialty. Developing abundant academic knowledge that forms the basis of a required **advanced research ability**, which is needed to perform other specialized work (Graduate School Establishment Standards Article 4 Paragraph 1)

**Advanced Research Often Leads to the
Creation of Inventions**

Working With Inventions: Main Requirements

■ Confirm inventor

Inventors are not those who assist with experiments; they are **those who find an idea and create the embodiment of that idea.**

■ What to do with inventors from other institutions

When inventors are conducting research in collaboration with those from other institutions (including the inventor of the other institutions), there must be coordination with these other institutions.

Dealing With Inventions: Main Requirements

- When PhD is an adult graduate student or a university employs a PhD
This is reported to the supervisor, and it is confirmed whether an invention is within the **purview of company work duties** → **confirm to company rule**, within the scope of the project for which the PhD is **employed** → **employee's invention**, or **part of research for the Doctoral program** → **individual invention**.
- It should be kept in mind that, when desiring to file a patent after graduation, attribution for the **patent at the time of completion** goes to the applicant, not to the organization to which the applicant currently belongs.

Dealing With Inventions: Objective Requirements

■ Disclosure of invention

Disclosing through theses (academic, publications) or SNS, **becomes material in determining patentability**, and sometimes inventions are not patented. Confirm and coordinate the disclosure timing. In addition, when applying for a patent is being considered, it must be kept in mind that related theses can help determine patentability.

■ Patentability

Compared with prior art, inventions require novelty and inventiveness.

Consult IP/Legal department for university procedures

Copyrights: What Are They?

- What are copyrights? (Article 2 Paragraph 1 of the Copyright Law Article)
Works that creatively express ideas or emotions, belonging to the realm of literature, **science**, fine arts, or music
- Exemplification(Copyright Law, Article 10, Paragraph 1).
This includes works of fiction, screenplays, **theses**, **plays**, other words, music, dance, wordless plays, paintings, prints, sculptures, other artworks, **architecture**, **maps or drawings of an academic nature**; **diagrams**, **models or other forms of figures**, movies, **photographs**, or programs.

Copyrights (an explanation)

- When copyrights arise
Materials are copyrighted at the time of their creation, and no procedures (such as applications) are required to obtain them.
- The nature of copyrights
Moral right of an author + Intellectual property rights

Copyrights (Copyrights infringement)

- Copyrights infringement occur when copyrighted material is used, i.e., when copyrighted materials **rely on already existing copyrighted materials*** and are **similar to already existing copyrighted materials**.
- For example, if I read someone else's thesis and modify it slightly to make my own, my thesis would be similar to one that already exists, and I would be infringing on a copyright.

* Basing something on something else, or making something similar to something else.

Copyrights (Quotes)

- Quotes are not references (Copyright Law Article 32 Paragraph 1)

Published copyrighted works may be quoted from and used in other works. In that case, quotes must conform to fair practices, and be kept within proper bounds if they are used in the media, critiques, and research.

Copyrights (Quotes)

- Issues to watch out for when quoting:
 - (1) It is necessary to attribute quotes from the copyrighted works of others.
 - (2) One's own copyrighted works and the quoted portions of others must be clearly differentiated by the use of quotation marks or another method.
 - (3) The hierarchical relationship between one's own copyrighted works and the quoted works of others must be clear (one's own copyrighted work must be the primary work).
 - (4) Sources must be clearly identified.

[For Reference]

How Tokyo University of Marine Science and Technology Handles Inventions

- Inventions and copyrights officially created by TUMSAT faculty (professors and associate professors) **fundamentally belong to the university.**
- Based on the attribution to the university, applications will be under the name of the university after a determination to file an application has been made.
→ **The willful application and transfer of work(IP, fungus, virus, clay, food, analysis data to a third party is a violation of regulations.**

For questions regarding IP, contact me at
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Thanks for listening!