



DEALING WITH INVENTIONS AND COPYRIGHTS

Office of Liaison and Cooperative Research
Intellectual Property, Legal Division
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What Is Intellectual Property?

Patents (Patent Law)
20 years from invention/application

Utility Model Rights
(Utility Model Act)
devices (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)
Trust embodied in a trademark /
10 years from registration (renewal)

Design Rights
(Design Law)
designs of articles/
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)

How TUMSAT Handles Inventions

(Regulations for Employee Inventions Refer to Exhibit, <https://shokuin.kaiyodai.ac.jp/kisoku/0178.htm>)

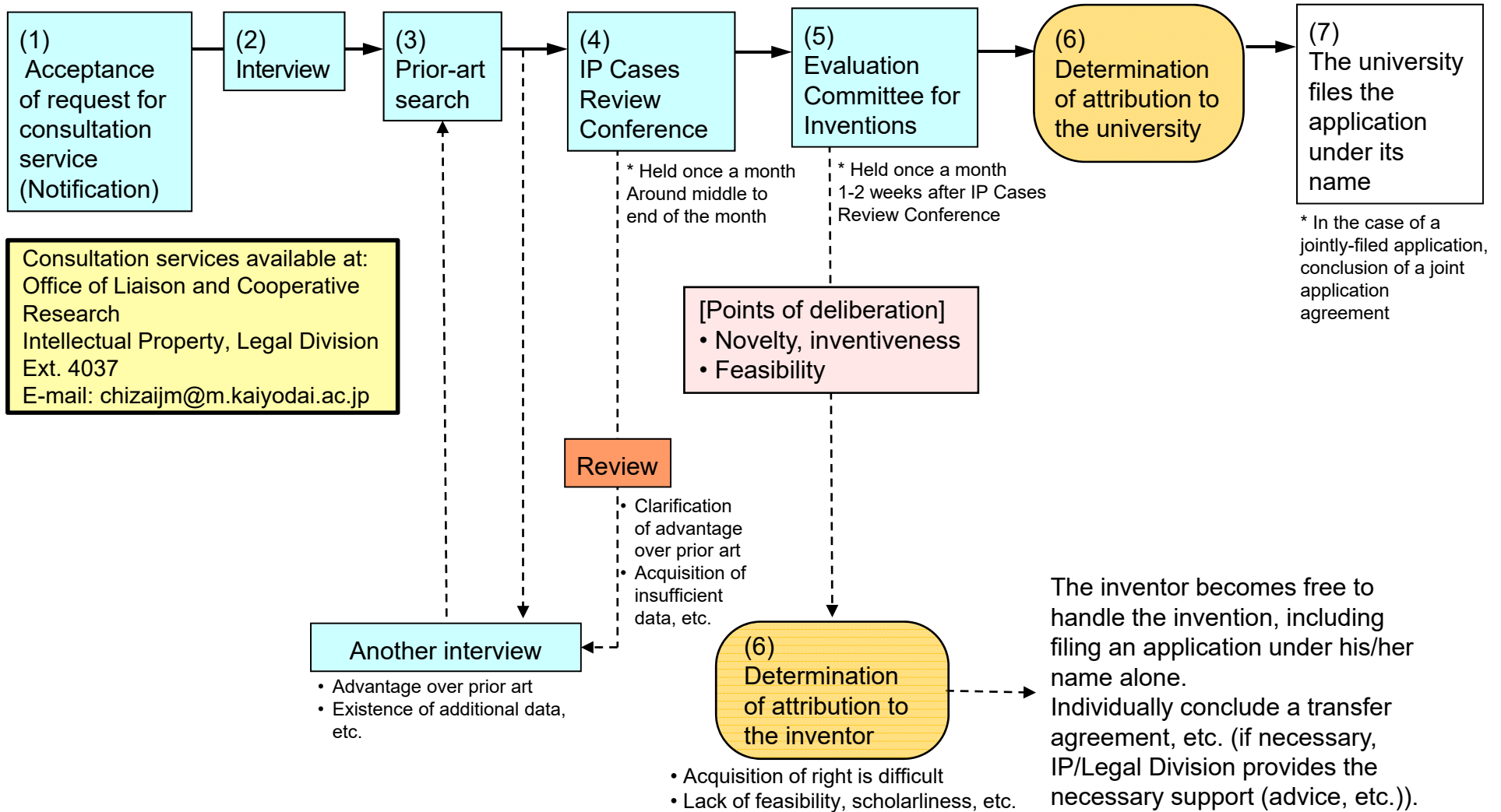
- When inventions and copyrights are officially created by TUMSAT faculty (professors and associate professors), the faculty notifies the university thereof, pursuant to the Regulations for Employee Inventions, and the university determines whether such inventions and copyrights belong to the university.
- If the university determines that the inventions and copyrights belong to the university, applications will be filed under the name of the university.

(Procedural flow: Refer to the next page)

The “**willful application**” or “**transfer of work** (fungus, virus, soil, food, analysis data, etc.), without prior approval, to a third party” is a violation of regulations.

(Regulations for Handling of Research Results Refer to Exhibit, https://shokuin.kaiyodai.ac.jp/kisoku/22_033.htm)

Procedural Flow It takes at least 2 months from consultation to determination of the attribution of the invention/copyright.



Working With Inventions

(When an invention is created ...)

- Confirm inventor
Inventors are not those who assist with experiments; they are **those who find an idea and create the embodiment of that idea.**
- Notify the university of the invention and request for consultation service
Upon creating an invention, the representative inventor of the university must promptly submit a notification to that effect.
- What to do with inventors from other institutions
When inventions are created jointly with researchers from other institutions, coordination with these other institutions is required.

Dealing With Inventions

- Where the inventor desires to file an application for patent after changing his/her organization, note that the applicable rules are those of the inventor's organization **at the time of completion of the invention**, instead of the current organization to which the inventor belongs.
- When the inventor is an adult graduate student studying for PhD or is a PhD student employed by the university, confirm the following points.
 - Within the **purview of company work duties**?
 - Company employee's invention (**Conform to company rule**)
 - **Within the scope** of the project for which the PhD student is **employed**?
 - University employee's invention (**Conform to the university's Regulations for Employee Inventions**)
 - Part of research **for the Doctoral program**?
 - **Individual invention**

If you have questions, contact IP, Legal Division.

Dealing With Inventions

- Determination of patentability (acquisition of right)
Inventions require **novelty and inventiveness** when compared with prior art. Upon receipt of a request for consultation service, the IP, Legal Division conducts interviews and surveys.
- Disclosure of invention (lack of novelty)
Disclosure of the content of the invention through a research paper (or academic meetings, publications) or SNS **may lead to the inability to obtain a patent** for the invention. Thus, confirmation and coordination of the timing of disclosure are required.
In addition, note that related papers that were presented earlier may affect the determination of patentability as well.

Copyrights (An explanation)

■ What are they?

They protect the author's right, etc. with the purpose of contributing to the “cultural development”.

■ Occurrence and period of copyright

Copyright **arises automatically** when the work is created.

There is no need to file an application or take other procedures. The copyright lasts for 50 years after the author's death.

Copyrights (Copyright and Author's Moral Right)

■ Rights of authors

Author's moral right:

Protection of the author's **moral interests**

Right held only by the author. Extinguished upon the author's death.

Copyright:

Protection of **material interests**, which may be assigned or inherited partially or entirely.

Copyrights (What Are Copyrighted Materials?)

■ What are copyrighted materials?

Works that creatively express ideas or emotions, belonging to the realm of literature, science, fine arts, or music

Exemplification:

This includes works of fiction, screenplays, **papers**, **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**.

Source: Copyright Information Center HP (http://www.cric.or.jp/db/domestic/a1_index.html#1_2)

Copyrights (Copyright infringement)

- Copyright infringement occurs when a copyrighted material is used, i.e., when a copyrighted material **relies on an already existing copyrighted material*** and is **similar** to such already existing copyrighted material.
- For example, if I read someone else's paper and only modify it slightly to make my own, my paper would be similar to one that already exists, and I would be infringing on a copyright.
Forgery is considered entirely as copyright infringement.

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

Copyrights (Quotes)

Quotes

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

(Copyright Law Article 32, Paragraph 1)

Requirements for quotes

- (1) The copyrighted work to be quoted is **already published.**
- (2) Quotation is **inevitable.**
- (3) The quoted part is **clearly distinguished from** the writer's own writing by use of quotation marks, etc.
- (4) The subordinate-superior relationship between the quoted part and the writer's own writing is clear.
(**the writer's own writing is the main text**)
- (5) The **source** of the quote is clearly indicated.



For questions regarding IP, contact:

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