

## Regulations on Commissioned Research in the University of Electro-Communications

September 7, 2004

Amended

April 1, 2005

April 1, 2007

April 1, 2009

May 22, 2012

February 26, 2014

### Article 1. Summary

These regulations prescribe the handling of research conducted in the University of Electro-Communications (hereinafter, “the University”) as official duties, commissioned by a private or other outside institution (hereinafter, “commissioning institution”) for which the costs are borne by the commissioning institution (hereinafter, “commissioned research”).

### Article 2. Standards for Acceptance

Commissioned research shall be accepted only if it is determined that the research is meaningful from the standpoint of the education and research of the University, and that there is no risk of interference with the everyday education and research of the University.

### Article 3. Conditions of Acceptance

1. The conditions listed in the following items shall be attached to acceptance of commissioned research.

- (1) The commissioning institution shall not be able to unilaterally terminate the commissioned research.
- (2) Intellectual property rights (patent rights, utility model rights, design rights, and trademark rights, as well as the right to obtain these rights) arising as a result of the commissioned research shall belong to the University, and it shall not be possible to allow the use of these rights for free or to transfer these rights. However, in the case of research commissioned by a nongovernmental entity, it shall be possible to transfer a portion of the patent rights or utility model rights related to the research results to that nongovernmental entity.
- (3) The equipment, etc. obtained with the funds necessary for the commissioned research shall not be returned.

(4) If due to unavoidable circumstances the commissioned research is terminated early or the research period is extended, the University shall not bear responsibility for this, and shall in principle not return to the commissioning institution the funds necessary for the commissioned research.

(5) The funds necessary for the commissioned research shall in principle be paid prior to the start of the research.

2. Regarding conditions (3) and (5) of the preceding clause, in case the commissioning institution is a government institution, or a government-related institution such as a public financial institution or public corporation, a local public entity, an independent administrative agency, or a national university corporation, it shall be possible upon consultation not to attach these conditions.

#### Article 4. Decision on Acceptance

1. The decision to accept commissioned research shall be made by the University President based on application from the commissioning institution.
2. An entity intending to apply for commissioned research shall submit to the University President an Application for Commissioned Research (hereinafter, "Application").
3. The University President upon receiving an Application as per the preceding clause shall notify the contents to the Director of the Center for Industrial and Governmental Relations (hereinafter, "Center Director").
4. The Center Director, based on the notification of the preceding clause, shall conduct a review in the Steering Committee of the Center for Industrial and Governmental Relations concerning acceptance of the commissioned research, and shall report the result to the University President.
5. The University President upon deciding to accept the commissioned research as per clause 1 shall notify this to the head of the commissioning institution and the contract manager.

#### Article 5. Conclusion of Agreement

The contract manager, based on the notification of the decision to accept as per the preceding article, shall conclude an agreement with the commissioning institution on commissioned research.

#### Article 6. Research Costs, etc.

1. The research costs to be borne by the commissioning institution for commissioned research shall be the total of direct costs and indirect costs, of which the direct costs shall be the necessary honorariums, travel expenses, personnel costs such as for research

assistants, equipment costs, supplies expenses and other expenses directly necessary for conducting the research, and of which the indirect costs shall be necessary expenses related to the conducting of the research other than direct costs. In the cases listed below, however, the costs may be limited to direct costs alone.

(1) When the commissioning institution is a government body (including a nongovernmental institution, etc. receiving government funding when it is clear that the research was commissioned using those funds), a corporation having a special status, government-authorized corporation, independent administrative agency, national university corporation, or local public entity, indirect costs were not provided due to budgetary or financial circumstances, and the University President deems it truly unavoidable.

(2) When the research is funded by competitive funding, indirect costs were not budgeted in that funding, and the University President deems it truly unavoidable.

2. When calculating the amount to be borne by the commissioning institution as per the preceding clause, the amount of indirect costs shall be equivalent to 30% of direct costs. However, in case due to circumstances on the commissioning side an amount different from 30% is necessary, this shall be decided in consultation with the commissioning institution.

3. The research costs stipulated in clause 1 shall be paid by the deadline stipulated in the notification from the University after conclusion of the commissioned research agreement.

#### Article 7. Handling of Research Funds Insufficiency

1. In case a shortage occurs in research funds, the University President shall immediately notify the commissioning institution along with the reasons, etc. and shall consult regarding responsibility for making up the shortage.

2. The University President shall notify the results of the consultation of the preceding clause to the faculty member responsible for the commissioned research (including non-full-time research staff performing research activities in the University and conducting the commissioned research in the University; hereinafter, “commissioned research staff”) and the contract manager.

3. The provisions of Article 5 shall apply mutatis mutandis to changes in the commissioned research due to the provision of the preceding clause.

#### Article 8. Acceptance of Research Equipment, etc.

When necessary for conducting commissioned research, it shall be possible to receive from the commissioning institution equipment, etc. owned by the institution. In such a

case the commissioning institution shall bear the costs of delivering and installing the equipment, etc.

#### Article 9. Early Termination or Extension of Research Period

1. The University President shall be able to terminate the commissioned research early or extend the research period, in consultation with the head of the commissioned institution, in the case of a natural disaster or other unavoidable circumstances, or in case the commissioned research staff requests early termination or extension and it is deemed unavoidable for conducting the research.
2. When early termination of the commissioned research is requested by the commissioning institution, the University President shall decide this in consultation with the commissioning institution.
3. In the case of early termination or extension is decided as per the two preceding clauses, the University President shall notify this to the commissioned research staff and the contract manager.

#### Article 10. Handling of Research Costs, etc. When Research Is Terminated, etc.

1. When the commissioned research is completed or terminated early and there are unused research costs, it shall be possible to return all or part of the unused portion to the commissioning institution.

However, if early termination is on request from the commissioning institution, in principle the funds necessary for the commissioned research shall not be returned; provided, however, that this shall not apply in case the reason for the early termination is the inability of the University to fulfill its obligations under the commissioned research agreement.

2. When the commissioned research is completed or terminated early, the equipment, etc. received from the commissioning institution as per the provisions of Article 8 shall be returned to the commissioning institution in the condition it was at the time the research was completed or terminated. In such a case the commissioning institution shall bear the costs of removing and transporting the equipment, etc.

#### Article 11. Exercise of Patent Rights

Regarding inventions arising from the commissioned research, the University President shall decide in consultation with the commissioning institution matters relating to the transfer of rights, exclusive licensing, and nonexclusive licensing of the right to obtain a patent succeeded by the University or the patent rights obtained based thereon (hereinafter, "patent rights, etc.").

#### Article 12. Exercise of Utility Model Rights, etc.

The preceding article shall apply mutatis mutandis to utility model rights and the right to receive registration of utility models arising as a result of the commissioned research.

#### Article 13. Transfer of Patent Rights or Utility Model Rights, etc.

When the University President transfers patent rights or utility model rights belonging to the University, this shall be done in accordance with a separately prescribed transfer agreement

#### Article 14. Confidentiality Obligation

1. The University President and commissioning institution shall not disclose or leak to persons other than the commissioned research staff any information provided or disclosed by the other party or learned in implementing the commissioned research.
2. The commissioned research staff shall not use for purposes other than the commissioned research any information disclosed by the other party or learned; provided, however, that this shall not apply in cases where written consent is obtained from the commissioning institution in advance.

#### Article 15. Reporting and Announcement of Research Results

1. The commissioned research staff on completion of the research shall report this to the University President.
2. When the results of the commissioned research are reported to the commissioning institution, this shall be done by the commissioned research staff.
3. When the results of commissioned research are made public, this shall be done by the commissioned research staff after obtaining approval from the Center for Industrial and Governmental Relations.

#### Article 16. Administrative Matters

The acceptance of commissioned research and other general administration shall be performed by the Research Promotion Office, and accounting-related matters shall be handled by the Financial and Accounting Office.

#### Article 17. Miscellaneous Provisions

In addition to the matters prescribed in these regulations, necessary matters concerning the handling of commissioned research shall be prescribed separately.

#### Supplementary Provisions

These regulations are effective as of September 7, 2004 and are applicable from April 1, 2004.

Supplementary Provisions

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These regulations are effective as of April 1, 2009.

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These regulations are effective as of May 22, 2012

Supplementary Provisions

These regulations are effective as of February 26, 2014 and are applicable from February 1, 2014.