

Guidelines for Payment of Compensation to employees of National University Corporation  
Okayama University for Employee Inventions, Etc.

April 1, 2004  
Decision of President

(Purpose)

Article 1

These Guidelines stipulate matters necessary for the payment of compensation to Inventors, on the basis of the provisions of Article 12 of the National University Corporation Okayama University Regulations for Handling Employee Inventions, Etc. (Okayama University Regulation No.17 of 2004; hereinafter, the “Regulations”).

(Definitions of Terms)

Article 2

The terms used in these Guidelines shall be as defined in Article 2 of the Regulations.

(Compensation for Application)

Article 3

1. When National University Corporation Okayama University (hereinafter, the “University”), succeeds to the right to obtain a patent from an Inventor in association with his/her Employee Invention and applies for a patent, the University shall pay the compensation for application prescribed in Attached Table 1 to him/her.
2. When the University succeeds to the right to obtain a patent associated with an Employee Invention and applies for a patent in a country other than Japan, the University shall pay the relevant Inventor the same amount of compensation for application as the amount for a patent application under the preceding paragraph; provided, however, that even where such applications are made in multiple countries, all of these applications shall be treated as one (1) application.

(Compensation for Registration)

Article 4

1. When the University registers a patent right associated with an Employee Invention, the University shall pay the compensation for registration prescribed in Attached Table 2 to the relevant Inventor.
2. When the University registers a foreign patent right associated with an Employee Invention, the University shall pay the relevant Inventor the same amount of compensation for registration as the amount for a patent right under the preceding paragraph; provided, however, that even where a patent right is registered in multiple countries, all of these registered rights shall be treated as one (1) right.

(Compensation for Exploitation)

Article 5

1. When the University succeeds to the right to obtain a patent, or a patent right, associated with an Employee Invention, and gains income by exercising or disposing of such right, the University shall pay the compensation for exploitation prescribed in Attached Table 3 to the relevant Inventor.
2. The proceeds obtained by subtracting various costs necessary for the patent application and for the maintenance, management, technical transfer, etc. of the patent right from the income shall be allocated as the compensation for exploitation.
3. The income under paragraph 1 shall be that earned from January 1 to December 31 each year.
4. The payment period of the compensation for exploitation shall come to an end on the day on which the patent right concerned extinguishes or on which the contractual period expires, whichever is the earlier.

(Compensation to Joint Inventors)

Article 6

In the case where two (2) or more Inventors are entitled to receive compensation in accordance with the provisions of Articles 3 to 5, compensation shall be paid to these Inventors in proportion to their respective shares prior to the University's succession.

(Handling of Jointly Owned Rights)

Article 7

In the case where the right to receive a patent or a patent right is to be jointly owned by the University and a third party, the amount of the compensation for application and registration that the University pays to the Inventor of the relevant Employee Invention shall be calculated by multiplying the total of the applicable amounts of compensation prescribed in Attached Tables 1 and 2 by the percentage of the University's share.

(Compensation to the Successor to the Right to Claim Compensation or to an Inventor Who Has Changed His/Her Job or Has Retired from Work)

Article 8

The provisions of Articles 3 to 6 shall apply mutatis mutandis where a claim for payment of compensation is made by the successor to the Inventor's right to make such claim, or by the Inventor himself/herself who has changed his/her job or has retired from work.

(Mutatis Mutandis Application to Devices)

Article 9

These Guidelines shall apply mutatis mutandis to devices.

(Mutatis Mutandis Application to Design Creation)

Article 10

These Guidelines shall apply mutatis mutandis to designs.

(Mutatis Mutandis Application to Circuit Layouts)

Article 11

These Guidelines shall apply mutatis mutandis to circuit layouts.

(Mutatis Mutandis Application to the Breeding of Varieties)

Article 12

These Guidelines shall apply mutatis mutandis to varieties.

(Mutatis Mutandis Application to Copyrighted Works)

Article 13

These Guidelines shall apply mutatis mutandis to computer program works, database works, and know-how.

(Compensation for Registration in the Case of a Change in Application)

Article 14

Where an application for a patent is changed during the application process to an application for registration of a utility model or design, or conversely where an application for registration of a utility model or design is changed to an application for a patent, compensation for registration shall be paid for the actually registered patent right, utility model right, or design right after the change of application.

(Amendments and Abolition)

Article 15

These Guidelines shall be amended or abolished after deliberation by the Invention Review Committee established in accordance with Article 15 of the Regulations.

(Other)

Article 16

Aside from the matters set out in these Guidelines, other matters necessary for the implementation of these Guidelines shall be stipulated separately.

Supplementary Provisions

1. These Regulations shall come into force on April 1, 2004.
2. Any compensation for registration and exploitation generated on or prior to March 31, 2004 shall be as provided for in the Guidelines for Payment of Compensation for Employee Inventions, Etc. by Officials of the Ministry of Education, Culture, Sports, Science and Technology (14 *Monkashin* No. 718, Decision of the Minister of Education, Culture, Sports, Science and Technology, dated January 29, 2003).

Attached Table 1 Compensation for Application

Invention	1 application	3,000 yen
Device	1 application	1,000 yen
Design	1 application	1,000 yen
Variety	1 application	1,000 yen

Attached Table 2 Compensation for Registration

Patent right	1 right	9,000 yen
Utility model right	1 right	3,000 yen
Design right	1 right	3,000 yen
Breeding right	1 right	3,000 yen
Layout-design exploitation right	1 right	3,000 yen

Attached Table 3 Compensation for Exploitation

Proceeds	Amount to be allocated to the Inventor
Less than 2 million yen	Proceeds × 60%
From 2 million yen and less than 5 million yen	$(\text{Proceeds} - 2 \text{ million yen}) \times 50\% + 1.2 \text{ million yen}$
From 5 million yen and less than 10 million yen	$(\text{Proceeds} - 5 \text{ million yen}) \times 40\% + 2.7 \text{ million yen}$
From 10 million yen and less than 100 million yen	$(\text{Proceeds} - 10 \text{ million yen}) \times 30\% + 4.7 \text{ million yen}$
100 million yen or more	$(\text{Proceeds} - 100 \text{ million yen}) \times 10\% + 31.7 \text{ million yen}$

\* Proceeds refer to those prescribed in paragraph 2 of Article 5.