

Guidelines for Reporting Inventions, etc.

April 2015

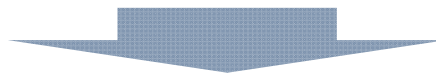
AMED Department of Intellectual Property

The Japanese version of the Bayh-Dole provision and the obligation to report inventions

Overview of Article 19 of Industrial Technology Enhancement Act (Japanese version of Bayh-Dole provision)

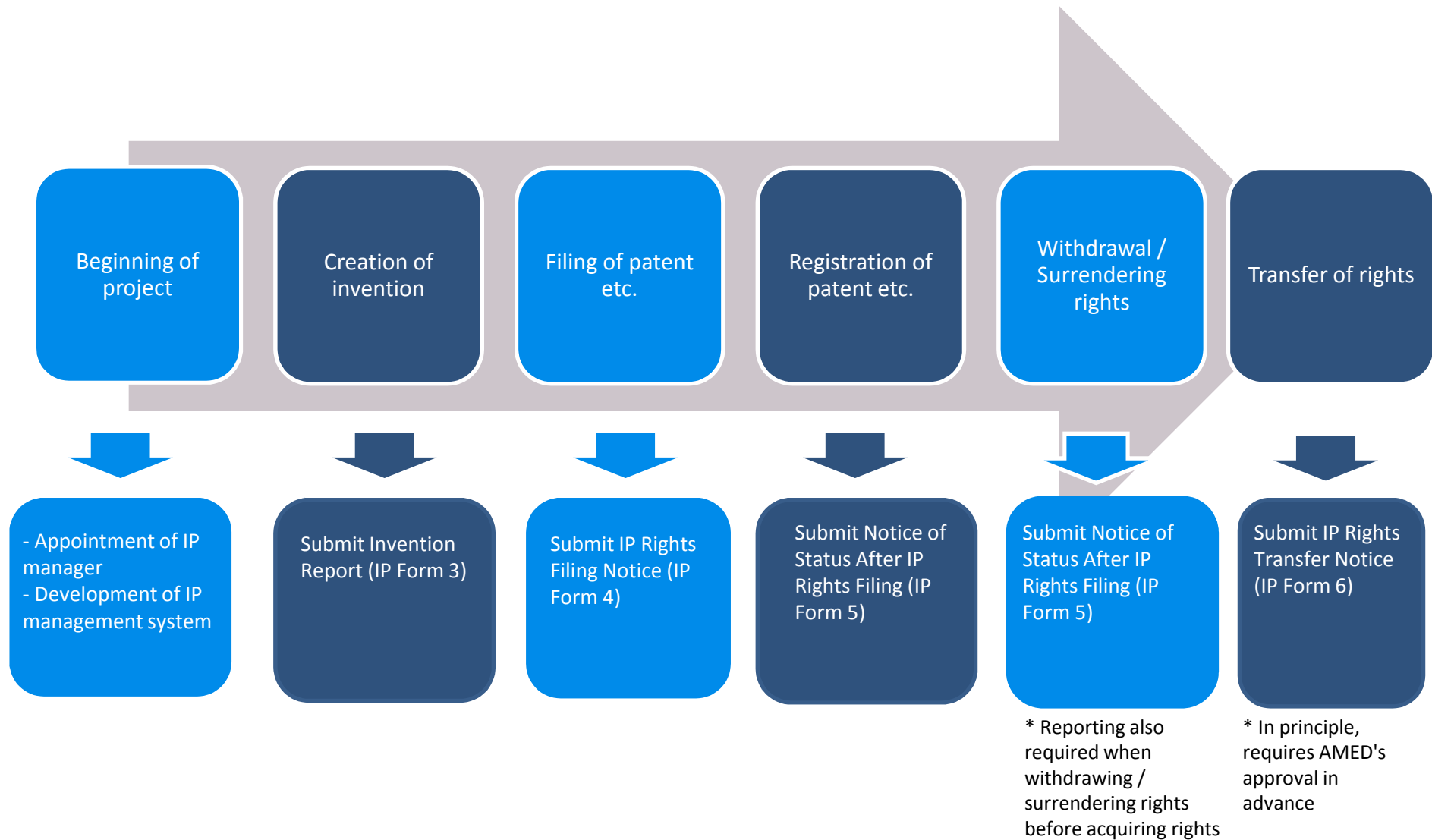
In order to vitalize technology-related R&D activities and promote effective application of research outcomes in business, the government may decide not to take over patent rights etc. from contractors for pertaining to contracted R&D or contracted software development, if contractors promise to adhere to the following four conditions.

1. To report inventions and similar research results without delay
2. To grant licenses without charge to government for public interest requirements
3. To grant licenses to third parties if rights not utilized within a reasonable time
4. To obtain approval in advance when transferring patent rights, etc. or when establishing exclusive licenses



The contractor must report created inventions, etc. and the status of such rights to the government or funding agencies without delay. This is a condition for patent rights to remain with the contractor.

Timing for reporting inventions to AMED



Submission methods / deadlines for reports and notices

Notice / document forms	Submission method	Document submission deadline
Invention Report IP Form 3 IP Form 3 - Attachment 1	Email	<p>Must be submitted no later than:</p> <ul style="list-style-type: none"> ✓ Date of submission of paper ✓ Date when notifying research institute of invention ✓ Date of application to announce invention at academic conference <p>Whichever comes first.</p> <p>* In order to receive sufficient IP management support from AMED IP Department, it is necessary to report ASAP (before filing).</p>
IP Rights Filing Notice IP Form 4 IP Form 4 - Attachment 1	Email	Within 60 days of filing / application date
Notice of Status After IP Rights Filing IP Form 5 IP Form 5 - Attachment 1	Email	<p>Within 60 days of date registration of establishment, etc. received.</p> <p>At least 1 month prior to doing procedures for withdrawal / surrendering rights</p>
IP Rights Transfer Notice IP Form 6	Email	Within 60 days of date of relevant transfer

* For details on the information to enter on forms, and documents to attach, please refer to explanations of forms and attachments.

Send email to: medicalip@amed.go.jp

Obtaining approval before transferring IP rights or establishing exclusive licenses

Prior approval must be received from AMED before IP rights are transferred from the contractor to a third party (including the inventor).

* Except for transfers due to mergers or splits, or cases as set forth in Item 3, Article 11 of the Order for Enforcement of the Industrial Technology Enhancement Act.

Conditions requiring application for approval	Notice / document forms	Submission method	Document submission deadline
When transferring IP rights	Application for approval of transfer of intellectual property rights IP Form 7	Postal mail	Apply before transfer
When establishing or approving transfer of exclusive license	Application for approval of establishment or consent to transfer exclusive license IP Form 8	Postal mail	Apply before establishment/ consent to transfer

* For details on the information to enter on forms, and documents to attach, please refer to explanations of forms and attachments.

Send postal mail to: Intellectual Property Department, AMED