

Industrial Technology Enhancement Act

(Act No. 44 of April 19, 2000)

(Purpose)

Article 1 The purpose of this Act is to further the sustainable development of Japanese industries by clarifying the responsibilities of the national government, local governments, Industrial Technology Research Corporations, universities, and business operators with regard to enhancing the capabilities of our nation's industrial technology, stipulating provisions to form the basis of policies concerning the enhancement of industrial technology capabilities, and taking measures to support the enhancement of industrial technology capabilities, thereby contributing to the security and improvement of the general welfare and lives of the public and to the sound development of the national economy.

(Definitions)

- Article 2 (1) The term "Industrial Technology Capabilities" as used in this Act means the capability to carry out research and development concerning technology utilized in industrial activities and the capability to commercialize the results thereof.
- (2) The term "Technology Management Capabilities" as used in this Act means the capability to utilize the results of technology-related research and development effectively in management together with other management resources, and the capability to systematically promote research and development by surveying the content and prospects of future business.
- (3) The term "Industrial Technology Research Corporation" as used in this Act means an incorporated administrative agency (meaning an incorporated administrative agency prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999); the same applies hereinafter) or local incorporated administrative agency (meaning a local incorporated administrative agency prescribed in Article 2, paragraph (1) of the Local Independent Administrative Agency Act; the same applies hereinafter) that engages in business relating to research and development concerning technology utilized in industrial activities, as well as the transfer of the results thereof.

(Basic Principles)

Article 3 (1) In light of the fact that Industrial Technology Capabilities are the foundation for furthering sustainable development of Japanese industries by

accurately responding to changes in the internal and external economic environment, such as changes in industrial structure and technological progress, etc., Industrial Technology Capabilities are to be enhanced with the basic objectives of enhancing the capability to carry out creative research and development under mutually close coordination of the national government, local governments, Industrial Technology Research Corporations, universities, and business operators, and of enhancing the capability to commercialize the results thereof, while striving to maintain and advance the industrial technology standards related to technology improvement that have supported Japan's industrial development.

- (2) In light of the fact that enhancing Technology Management Capabilities contributes to the enhancement of Industrial Technology Capabilities as prescribed in the preceding paragraph, Technology Management Capabilities are to be enhanced based on the premise that when business operators carry out research and development, it is important for said business operators to have a precise understanding of the current status of their competitiveness and trends in technological innovation, and it is also important for said business operators to pursue the gaining of a wide range of knowledge regardless of their current field of business, and to assimilate and utilize the knowledge thus obtained.

(Responsibilities of the National Government)

Article 4 (1) In accordance with the basic principle of the preceding Article (hereinafter referred to as "Basic Principle"), the national government has the responsibility to formulate and implement a comprehensive policy concerning the enhancement of Industrial Technology Capabilities.

- (2) Relevant national administrative organs are required to cooperate, while conducting mutual coordination, in order to promote smooth implementation of measures concerning the enhancement of Industrial Technology Capabilities.
- (3) The national government is to give due consideration to the importance of promoting the enhancement of Technology Management Capabilities when formulating and implementing the comprehensive policy as prescribed in paragraph (1).

(Responsibilities of Local Governments)

Article 5 In enhancing Industrial Technology Capabilities, in accordance with the Basic Principle, local governments have the responsibility to establish measures that follow the national policy, and autonomous measures that utilize the characteristics of the region of the relevant local government, and to implement those measures.

(Responsibilities of Industrial Technology Research Corporations)

Article 5-2 (1) In accordance with the Basic Principle, Industrial Technology Research Corporations are to autonomously and actively endeavor to carry out creative research and development, conduct coordination with business operators in research and development, and transfer the results of research and development to business operators.

(2) In transferring the results of research and development to business operators as set forth in the preceding paragraph, Industrial Technology Research Corporations are to consider the need to enhance the Industrial Technology Capabilities of those receiving the transfer of said results, their funds, and their capability to commercialize said results, as well as other circumstances, while taking into account the necessity of reducing the amount of consideration for the transfer of the results, or employing flexible means, such as receiving the consideration in property other than money.

(Responsibilities of Universities)

Article 6 (1) Considering that their activities contribute to enhancing Industrial Technology Capabilities, universities are to autonomously and actively endeavor to foster human resources, carry out research, and disseminate the results thereof.

(2) In establishing and implementing measures for enhancing Industrial Technology Capabilities pertaining to universities, the national government and local governments are required to pay due attention to the autonomy of researchers or other characteristics of research conducted at universities.

(Responsibilities of Business Operators)

Article 7 In accordance with the Basic Principle, business operators are required to actively endeavor to carry out research and development, commercialize the results thereof, and enhance their Technology Management Capabilities.

(Securing and Training of Researchers, etc. and Improvement of Their Attributes)

Article 8 In light of the fact that Industrial Technology Capabilities are to be enhanced by enabling researchers and engineers to fully demonstrate their creativity, the national government is to take necessary measures to secure and train researchers and engineers, and help improve their attributes.

(Maintenance of Research and Development Facilities)

Article 9 In order to promote smooth implementation of the enhancement of Industrial Technology Capabilities, the national government is required to take necessary measures to facilitate the maintenance of facilities and

equipment for carrying out research and development, the supply of materials required for research, and achievement of the smooth distribution of technology-related information.

(Prioritization of Funds Pertaining to Research and Development)

Article 10 In order to promote effective implementation of the enhancement of Industrial Technology Capabilities, the national government is to take necessary measures for promoting the prioritization of funds for research and development related to industrial technologies and increasing the efficiency thereof, by means of implementing suitable evaluation of research and development projects carried out using national funds and having the results thereof reflected in budget allocations.

(Strengthening of Coordination)

Article 11 Considering that the enhancement of Industrial Technology Capabilities can be effectively promoted when the research and development institutes of the national government and local governments, Industrial Technology Research Corporations, universities, and business operators support each other, the national government is to take necessary measures for strengthening the coordination of these entities.

(Promotion of the Transfer of Research Results)

Article 12 Considering that it is important for the enhancement of Industrial Technology Capabilities that the results of research and development at research and development institutes of the national government and local governments, Industrial Technology Research Corporations, and universities be utilized for business activities, the national government is to take necessary measures for promoting the transfer of those results to business operators.

(Measures for Strengthening Technology Management Capabilities)

Article 13 Considering that enhancing Technology Management Capabilities is important for the enhancement of Industrial Technology Capabilities, the national government is to take necessary measures for promoting the enhancement of Technology Management Capabilities, such as presenting forecasts concerning useful future technologies for business operators to understand the trends in technological innovations, developing human resources to contribute to enhancing Technology Management Capabilities and improving the attributes thereof, thus maintaining an environment in which business operators can smoothly and efficiently utilize the results of research and development in carrying out business activities, etc.

(Facilitation of the Acceptance of Funds Pertaining to Delegated Research)

Article 14 Local governments are required to, in order to contribute to the smooth implementation of research conducted with contributed funds received from entities other than themselves for the purpose of scholarship or research entrusted by said entities, or research performed jointly with entities other than themselves, which are to be conducted at Public Schools (meaning the Public Schools as prescribed in Article 2, paragraph (2) of the School Education Act (Act No. 26 of 1947)) that they have established, take necessary measures to facilitate the acceptance and use of funds associated with research provided from entities other than themselves.

(Support for Business Operators who Utilize Research Results from Research and Development Institutes)

Article 15 (1) In order to enhance Industrial Technology Capabilities, the national government is required to endeavor to take necessary measures to provide support to business operators who will implement business that utilizes research results, taking into account the fact that, in the promotion of transfers of said research results to business operators, it is important for researchers at national research and development institutes to jointly hold positions as officers, advisors or councilors in companies and other organizations whose purpose is to operate profit-making private enterprises that implement business utilizing their research results (referred to as a "Research Results Utilizing Companies, etc." in the next paragraph).

(2) In order to enhance Industrial Technology Capabilities, local governments are required to endeavor to take necessary measures to provide support to business operators who will implement business that utilizes research results, taking into account the fact that, in the promotion of transfers of said research results to business operators, it is important for researchers at Public Universities, etc. (meaning entities that are universities or colleges of technology as prescribed in Article 1 of the School Education Act, and are established by local governments) and research and development institutes of local governments to jointly hold positions as officers, advisors or councilors of Research Results Utilizing Companies, etc.

(No-charge Use of National Facilities by Entities who Implement the Business of Transferring the Technologies of Specified Research and Development Institutes)

Article 16 When an entity which has received accreditation pursuant to Article 12, paragraph (1) of the Act on the Promotion of Technology Transfer from Universities to Private Business Operators (Act No. 52 of 1998), uses the facilities of a specified research and development institute set forth in said

paragraph for the purpose of business prescribed in said paragraph, and the national government finds it particularly necessary for promoting the enhancement of Industrial Technology Capabilities, the national government may allow said accredited entity to use the facilities of said specified research and development institute without charge.

(Handling of State-owned Patent Rights or Utility Model Rights)

Article 16-2 With regard to part of the State-owned patent rights or utility model rights for which a patented invention or registered utility model has not been made use of continuously for the period specified by Cabinet Order or longer, the national government may grant a non-exclusive registered right to make use of said rights to entities specified by Cabinet Order as being in need of support for enhancing their Industrial Technology Capabilities, in particular, by setting a price lower than the market price as the amount of consideration for the grant of said right, pursuant to Cabinet Order provisions.

(Special Provisions of Patent Fees)

Article 17 (1) When a person who should pay patent fees for each year from the first to the tenth year pursuant to the provisions of Article 107, paragraph (1) of the Patent Act (Act No.121 of 1959) is a person listed in the following items and meets the requirements specified by Cabinet Order as a person of particular necessity for promoting the enhancement of Industrial Technology Capabilities, the Commissioner of the Japan Patent Office may, pursuant to the Cabinet Order provisions, grant the person a reduction of, exemption from, or granting of a grace period for the payment of the patent fees:

- (i) A university president, vice president, dean, professor, associate professor, assistant professor, lecturer, assistant or other staff member exclusively engaged in research at universities as prescribed in Article 1 of the School Education Act (hereinafter simply referred to as "Universities" in this Article); a college president, professor, associate professor, assistant professor, lecturer, assistant or other staff member exclusively engaged in research at colleges of technology as prescribed in Article 1 of the same Act (hereinafter simply referred to as "Colleges of Technology" in this Article); or a director or staff member exclusively engaged in research at the Inter-University Research Institute Corporations prescribed in Article 2, paragraph (3) of the National University Corporation Act (Act No. 112 of 2003) (hereinafter simply referred to as "Inter-University Research Institute Corporations") (hereinafter collectively referred to as a "University, etc. Researcher");
- (ii) A person that has established a University or College of Technology or an Inter-University Research Institute Corporation;

- (iii) A Research and Development Incorporated Administrative Agency (meaning an incorporated administrative agency other than that which has established a College of Technology, which is specified by Cabinet Order as one that conducts business related to research and development);
 - (iv) A person who has established a Public Research and Development Institute (meaning an entity that is a laboratory, research institute or other organization established in local government (excluding a public school as prescribed in Article 2, paragraph (2) of the School Education Act) and which conducts business related to research and development;
 - (v) A Local Research and Development Incorporated Administrative Agency (meaning a Local Incorporated Administrative Agency other than a public university corporation as prescribed in Article 68, paragraph (1) of the Local Incorporated Administrative Agency Act, which conducts business related to research and development).
- (2) When a person who requests examination of their own patent application is any of the persons listed in the items of the preceding paragraph and meets the requirements specified by Cabinet Order as a person of particular necessity for promoting the enhancement of Industrial Technology Capabilities, the Commissioner of the Japan Patent Office may, pursuant to the Cabinet Order provisions, grant the person a reduction of, or exemption from the fees for requesting the examination of their patent application, payable pursuant to the provisions of Article 195, paragraph (2) of the Patent Act.

Article 18 (1) When a person who should pay annual patent fees for each year from the first to the tenth year pursuant to the provisions of Article 107, paragraph (1) of the Patent Act is a person who meets the requirements specified by Cabinet Order as a person of particular necessity for promoting the enhancement of Industrial Technology Capabilities, the Commissioner of the Japan Patent Office may, pursuant to the Cabinet Order provisions, grant the person a reduction of, exemption from, or granting of a grace period for the payment of the patent fees.

- (2) When a person who requests examination of their own patent application meets the requirements specified by Cabinet Order as a person of particular necessity for promoting the enhancement of Industrial Technology Capabilities, the Commissioner of the Japan Patent Office may, pursuant to the Cabinet Order provisions, grant the person a reduction of, or exemption from the fees for requesting the examination of their patent application payable pursuant to the provisions of Article 195, paragraph (2) of the Patent Act.

(Handling of Patent Rights Pertaining to Results of Research and Development Entrusted by the National Government)

Article 19 (1) In order to stimulate technology-related research and development activities and promote effective utilization of the results thereof in business activities, if the patent rights or other rights specified by Cabinet Order (hereinafter referred to as "Patent Rights, etc." in this Article) pertaining to the result of technology-related research and development entrusted by the national government, or of software development that the national government has contracted (hereinafter referred to as the "Result of Specified Research and Development, etc." in this Article) falls under all of the following items, the national government may decide not to take over the Patent Rights, etc. from that entrusted party or contractor (hereinafter referred to as "Contractor, etc." in this Article):

- (i) The Contractor, etc. promises that, in cases where the Result of Specified Research and Development, etc. is obtained, it will make a report to that effect to the national government without delay;
 - (ii) The Contractor, etc. promises that, in cases where the national government finds it particularly necessary for the public interest and makes a request, making clear the reasons therefor, it will grant the national government the right to use said Patent Rights, etc. without charge;
 - (iii) In cases where the national government recognizes that the Contractor, etc. has not utilized said Patent Right, etc. for a considerable period of time and does not find any justifiable grounds for it having not done so for a considerable period of time, and when the national government finds it particularly necessary for promoting the utilization of said Patent Right, etc. and makes a request, making clear the reasons therefor, the Contractor, etc. promises that it will grant a third party the right to use said Patent Rights, etc.;
 - (iv) The Contractor, etc. promises that, in cases where it intends to transfer said Patent Rights, etc., or give consent to the establishment or transfer of the right to use said Patent Rights, etc. specified by Cabinet Order, it will receive the approval of the national government in advance, except for in cases where said Patent Rights, etc. are transferred as a result of a merger or a split, or in cases specified by Cabinet Order as being unlikely to hinder the utilization of said Patent Rights, etc.
- (2) The provisions of the preceding paragraph apply mutatis mutandis to the following relationships: in cases where the national government has provided funds to another corporation to have it perform technology-related research and development, and where said corporation entrusts all or a part of that research and development to another party, the relationship between said corporation and said party which has been entrusted to do said research and development; and in cases where the national government has provided funds to another corporation to have it conduct software development and where said

corporation contracts out for all or a part of that development to another party, the relationship between said corporation and said contractor for the development.

- (3) When the corporation set forth in the preceding paragraph seeks the granting of the right set forth in paragraph (1), item (ii) or item (iii) that is applied *mutatis mutandis* pursuant to the preceding paragraph, the corporation is to do so in accordance with a request from the national government.

Supplementary Provisions

(Effective date)

Article 1 This Act comes into effect as of the day provided by Cabinet Order within a period not exceeding one month from the date of promulgation.

(Transitional Measures Pertaining to Special Provisions of Patent Fees)

Article 2 (1) Regarding the reduction of, exemption from, or granting of a grace period for the payment of the patent fees for patent applications involving entities prescribed in Article 16, paragraph (1), for which transcripts of assessment or decisions stating that a patent should be granted were delivered prior to the enforcement of this Act, the provisions in force at that time remain applicable, notwithstanding the provisions of said paragraph.

- (2) Regarding the reduction of, exemption from, or granting of a grace period for the payment of the patent fees for patent applications involving persons prescribed in Article 17, paragraph (1), for which transcripts of assessment or decision stating that a patent should be granted were delivered prior to the enforcement of this Act, the provisions in force at that time remain applicable, notwithstanding the provisions of said paragraph.

(Transitional Measures, etc. Related to Patent Fees, etc. Pertaining to National University Corporations)

Article 3 (1) In application of the provisions of Article 107, paragraph (2) of the Patent Act, the provisions of Article 195, paragraph (4) and paragraph (5) of the same Act (including cases where these provisions are applied *mutatis mutandis* pursuant to Article 18, paragraph (5) of the Act on International Applications under the Patent Cooperation Treaty (Act No. 30 of 1978)), or the provisions of Article 40, paragraph (3) and paragraph (4) of the Act on Special Provisions for Procedures Related to Industrial Property Right (Act No. 30 of 1990) concerning the patent fees that should be paid pursuant to the provisions of Article 107, paragraph (1) of the Patent Act, the fees that should be paid pursuant to the provisions of Article 195, paragraph (1) or paragraph (2) of the same Act, or fees that should be paid pursuant to the provisions of Article 40,

paragraph (1) of the Act on Special Provisions for Procedures Related to Industrial Property Rights, with regard to the following patent rights and rights to obtain a patent, a National University Corporation (meaning the National University Corporation prescribed in Article 2, paragraph (1) of the National University Corporation Act), an Inter-University Research Institute Corporation, or an Institute of National Colleges of Technology, Incorporated Administrative Agencies (hereinafter referred to as a "National University Corporation, etc." in this Article) is deemed as the national government:

- (i) Patent rights succeeded by a National University Corporation, etc. pursuant to the provisions of Article 9, paragraph (1) of the Supplementary Provisions of the National University Corporation Act or the provisions of Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Institute of National Colleges of Technology, Incorporated Administrative Agency (Act No. 113 of 2003);
- (ii) Rights to obtain a patent which a National University Corporation, etc. has succeeded to pursuant to the provisions of Article 9, paragraph (1) of the Supplementary Provisions of the National University Corporation Act or the provisions of Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Institute of National Colleges of Technology, Incorporated Administrative Agency (limited to those rights pertaining to patent applications filed by March 31, 2007 (excluding those patent applications filed on or after April 1 of the same year, but deemed to have been filed by March 31 of the same year pursuant to the provisions of Article 44, paragraph (2) of the Patent Act (including cases where the provisions are applied mutatis mutandis pursuant to Article 46, paragraph (5) of the same Act); hereinafter the same applies in this Article)) or patent rights that said National University Corporation, etc. obtained based on the rights to obtain said patent;
- (iii) Patent rights or rights to obtain a patent that a National University Corporation, etc. has succeeded from a University, etc. Researcher of said National University Corporation, etc. by March 31, 2007 (limited to those rights pertaining to patent applications filed by the same day) or patent rights that said National University Corporation, etc. obtained based on the rights to obtain said patent;
- (iv) Patent rights or rights to obtain a patent that an entity which has received accreditation pursuant to Article 4, paragraph (1) of the Act on the Promotion of Technology Transfer from Universities to Private Business Operators (including those who have received accreditation for the change set forth in Article 5, paragraph (1) of the same Act; hereinafter referred to as an "Accredited TLO") has received by assignment from a National University Corporation, etc. (limited to those listed in the preceding three

items) or patent rights that an Accredited TLO has obtained based on the rights to obtain a patent (limited to those rights pertaining to patent applications filed by March 31, 2007) and which a National University Corporation, etc. has succeeded from said Accredited TLO.

(2) Concerning the patent fees to be paid pursuant to the provisions of Article 107, paragraph (1) of the Patent Act or the fees for requesting the examination of patent applications payable pursuant to the provisions of Article 195, paragraph (2) of the same Act, with regard to the patent rights or rights to obtain a patent prescribed in the items of the preceding paragraph, the provisions of Article 17 do not apply.

Supplementary Provisions [Act No. 145 of December 11, 2002] [Extract]

(Effective date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Article 15 to Article 19, Article 26 and Article 27, and Article 6 to Article 34 of the Supplementary Provisions come into effect as of October 1, 2003.

(Transitional Measures of Penal Provisions)

Article 34 The previous penal provisions remain applicable to acts committed prior to the enforcement of this Act (meaning, with regard to the provisions stipulated in the proviso of Article 1 of the Supplementary Provisions, such provisions; hereinafter the same applies in this Article), and to acts committed after the enforcement of this Act when the provisions previously in force are to remain applicable pursuant these Supplementary Provisions.

(Delegation to Cabinet Order)

Article 35 In addition to what is provided for in these Supplementary Provisions, transitional measures that become necessary in connection with the establishment of organizations, and other transitional measures necessary for enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 47 of May 23, 2003] [Extract]

(Effective date)

Article 1 This Act comes into effect as of January 1, 2004; provided, however, that the provisions listed in the following items come into effect as of the date provided in each of said items:

- (i) Provisions of Article 18 of Supplementary Provisions: Date of promulgation
- (ii) The revised provisions of Article 107, Article 195, and item (i) through item

(iv) and item (vi) of the Appended Table of the Patent Act set forth in Article 1; the revised provisions of Article 31 and Article 54 of the Utility Model Act set forth in Article 2; the revised provisions of Article 42 and Article 67 of the Design Act set forth in Article 3; the revised provisions of Article 40, Article 41-2, Article 65-7 and Article 76 of the Trademark Act set forth in Article 4; the revised provisions of Article 18 of the Act on International Applications under the Patent Cooperation Treaty set forth in Article 5; the revised provisions of Article 40 (excluding the parts pertaining to paragraph (1) of the same Article) of the Act on Special Provisions for Procedures Related to Industrial Property Rights set forth in Article 6; the provisions of Article 7 and Article 8; and the provisions of Article 2, paragraph (2) through paragraph (6), Article 3, paragraph (2) and paragraph (3), Article 4, paragraph (1), Article 5, paragraph (1), Article 7 through Article 11, Article 16 and Article 19 of the Supplementary Provisions: April 1, 2004.

(Transitional Measures With Regard To Revisions of the Industrial Technology Enhancement Act)

Article 9 Regarding reduction of, exemption from or granting of a grace period for the payment of the patent fees for patent applications involving persons listed in Article 16, paragraph (1), item (iii) and item (iv) of the Industrial Technology Enhancement Act after revisions thereto pursuant to the provisions of Article 8, and for which transcripts of assessment or a decision to grant a patent were delivered prior to the date of partial enforcement, the provisions of the same paragraph do not apply.

(Transitional Measures Concerning Application of Penal Provisions)

Article 17 The previous penal provisions remain applicable to acts committed prior to the enforcement of this Act, and to acts committed after the enforcement of this Act when the provisions previously in force are to remain applicable pursuant to these Supplementary Provisions.

(Delegation to Cabinet Order)

Article 18 In addition to what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 19 When five years have passed after the enforcement of the provisions listed in Article 1, item (ii) of the Supplementary Provisions, the government is to review the status of enforcement of the provisions of Article 107, paragraph (1), as well as of item (i) through item (iv) and item (vi) of the Appended Table

of the New Patent Act, and is to take measures deemed necessary based on the results of said review.

Supplementary Provisions [Act No. 117 of July 16, 2003] [Extract]

(Effective date)

Article 1 This Act comes into effect as of April 1, 2004.

(Transitional Measures Concerning Penal Provisions)

Article 7 The previous penal provisions remain applicable to acts committed prior to the enforcement of this Act, and to acts committed after the enforcement of this Act when the provisions previously in force are to remain applicable pursuant to these Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 In addition to what is provided for from Article 2 to the preceding Article of Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 119 of July 16, 2003] [Extract]

(Effective date)

Article 1 This Act comes into effect as of the day of enforcement of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)

(Delegation of Other Transitional Measures to Cabinet Order)

Article 6 In addition to what is provided for in these Supplementary Provisions, necessary transitional measures in connection with the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 83 of July 15, 2005] [Extract]

(Effective date)

Article 1 This Act comes into effect as of April 1, 2007.

Supplementary Provisions [Act No. 36 of May 11, 2007] [Extract]

(Effective date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures With Regard To Revisions of the Industrial Technology Enhancement Act)

Article 6 Regarding reduction of, exemption from or granting of a grace period for the payment of the patent fees for patent applications involving persons listed in Article 17, paragraph (1), item (i) to item (iii), item (vii) and item (viii) of the Industrial Technology Enhancement Act after revisions thereto pursuant to the provisions of Article 2, and for which transcripts of assessment or decisions to grant a patent were delivered prior to the enforcement of this Act, the provisions in force at that time remain applicable, notwithstanding the provisions of said paragraph.

(Transitional Measures Concerning Application of Penal Provisions)

Article 7 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at the time of said acts remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 In addition to what is provided for in these Supplementary Provisions, necessary transitional measures in connection with the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 29 of April 30, 2009] [Extract]

(Effective date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the date provided in each said item:

(i) The part of the provisions of Article 1 to add one Article after Article 24 of the Act on Special Measures for Industrial Revitalization, and the provisions of the following Article and Article 13 of the Supplementary Provisions: Date of promulgation

(Transitional Measures Concerning Dispositions and Procedures)

Article 11 Any dispositions, procedures or other acts conducted prior to the enforcement of this Act, pursuant to the provisions of the Former Act on Research and Development Partnership, for which corresponding provisions exist in the New Act on Research and Development Partnership, are deemed to have been conducted pursuant to the corresponding provisions of the New Act on Research and Development Partnership, except as otherwise provided for by these Supplementary Provisions

(Transitional Measures Concerning Application of Penal Provisions)

Article 12 The previous penal provisions remain applicable to acts committed prior to the enforcement of this Act, and to acts committed after the enforcement of this Act when the provisions previously in force are to remain applicable pursuant to the provisions of Article 3, paragraph (2) and paragraph (5), Article 7, paragraph (1), Article 8 and Article 9 of the Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 13 In addition to what is provided for in these Supplementary Provisions, necessary transitional measures in connection with the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 14 (1) The government is to examine the status of enforcement of the provisions of Chapter II-2 and Chapter V, Section 2 of the New Act on Special Measures during the period from the enforcement of this Act to March 31, 2016, and is to take measures deemed necessary based on the results of the examination.

(2) The government is to examine the status of enforcement of the New Act on Special Measures (excluding the provisions of Chapter II-2 and Chapter V, Section 2), while taking into account changes in economic circumstances at home and abroad, during the period from the enforcement of this Act to March 31, 2016, and is to review the New Act on Special Measures, not excluding the possibility of repealing it, based on the results of the examination.

(3) The government is to examine the status of enforcement of the Industrial Technology Enhancement Act after the revision pursuant to the New Act on Research and Development Partnership and the provisions of Article 3, within five years after the enforcement of this Act, and is to take necessary measures based on the results of the examination, when it finds it necessary to do so.

Supplementary Provisions [Act No. 63 of June 8, 2011] [Extract]

(Effective date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures With Regard To Partial Revisions of the Industrial Technology Enhancement Act)

Article 9 Regarding the reduction of, exemption from or granting of a grace

period for the payment of patent fees that have already been paid prior to the date on which this Act comes into effect or that should have been paid prior to said date, the provisions in force at that time remain applicable, notwithstanding the provisions of Article 17, paragraph (1) and Article 18, paragraph (1) of the Industrial Technology Enhancement Act after the revision pursuant to the provisions of Article 8.

(Delegation to Cabinet Order)

Article 11 In addition to what is provided for from Article 2 to the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.