

Act to Facilitate Technology Transfer from Universities to the Private Sector

(Act No. 52 of May 6, 1998)

(Purpose)

Article 1 The purpose of this Act is to contribute to facilitation of the transformation of our national government's industrial structure, to the sound development of the national economy and to advancement of learning, as a result of efforts to develop new fields of business, improve industrial technologies and revitalize research activities at universities, national colleges of technology, inter-university research institutes and national research and development institutes, etc. through measures to promote the transfer of research results related to technology to the private sector.

(Definitions)

Article 2 (1) The term "specified university technology transfer operations" as used in this Act means the operation concerning the technological research results obtained at universities (referring to universities and national colleges of technology prescribed in Article 1 of the School Education Act (Act No. 26 of 1947) and inter-university research institutes prescribed in Article 2, paragraph (4) of the National University Corporation Act (Act No. 112 of 2003); the same applies hereinafter) (hereinafter referred to as "specified research results"), whose patent rights and other rights belonging to persons other than the national government specified by Cabinet Order are transferred to the private sector whose utilization of the specified research results is confirmed to be appropriate and assured by transferring , establishing exclusive license and other acts, and that contribute to advancement of the research being done at the relevant universities.

(2) The term "small and medium-sized enterprise" as used in this Act means one that falls under any of the following items:

(i) companies whose amount of stated capital or the total amount of contribution is 300,000,000 yen or less, and companies or individuals whose number of regularly hired employees is 300 or less, and who are engaged in the business of manufacturing, construction, transportation or other types of business (excluding the business types listed in the next item (ii) through (ii-iii) and those specified by Cabinet Order set forth in item (iii)) as the main business;

(ii) companies whose amount of stated capital or the total amount of contribution is 100,000,000 yen or less, and companies or individuals whose

- number of regularly hired employees is 100 or less, and who are engaged in a wholesale business (excluding the business types stipulated in the Cabinet Order of item (iii)) as the main business;
- (ii)-2 companies whose amount of stated capital or the total amount of contribution is 50,000,000 yen or less and companies or individuals whose number of regularly hired employees is 100 or less, and who are engaged in a service industry (excluding the business types stipulated in the Cabinet Order of item (iii)) as the main business;
 - (ii)-3 companies whose amount of stated capital or the total amount of contribution is 50,000,000 yen or less, and companies or individuals whose number of regularly hired employees is 50 or less, and who are engaged in a retail business (excluding the business types stipulated in the Cabinet Order of the following item) as the main business;
 - (iii) companies whose amount of stated capital or the total amount of contribution is less than that stipulated by Cabinet Order for each of its business types, and companies or individuals whose number of regularly hired employees is less than that stipulated by Cabinet Order for each of its business types and who are engaged in such a business type as stipulated by that Cabinet Order as the main business;
 - (iv) enterprise cooperatives;
 - (v) cooperative partnerships;
 - (vi) business cooperative partnerships, small business cooperative partnerships, commercial and industrial partnerships, federations of cooperative partnerships, and other such partnerships and federations of partnership established by special law, and specified by Cabinet Orders.

(Implementation Guidelines)

Article 3 (1) In order to efficiently transfer specified research results to the private sector, the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry must provide for guidelines concerning the implementation of specified university technology transfer operations (hereinafter referred to as "implementation guidelines").

- (2) In the implementation guidelines, the following particulars are to be prescribed:
- (i) basic directions concerning promotion of specified university technology transfer operations;
 - (ii) particulars concerning the requirements for persons who implement specified university technology transfer operations;
 - (iii) particulars concerning the contents and implementation methods of specified university technology transfer operations;
 - (iv) particulars to be considered when specified university technology transfer

operations are implemented, such as the characteristics of learning and academic research at the universities, etc.

- (3) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry must consult with the heads of the relevant administrative organizations when the Ministers intend to provide or change the implementation guidelines.
- (4) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry must publicize the implementation guidelines without delay when the Ministers provide for or change them.

(Approval of Implementation Plans)

Article 4 (1) A person who intends to implement specified university technology transfer operations (including those who intend to establish a corporation to implement the relevant specified university technology transfer operations) may prepare a plan (hereinafter referred to as an "implementation plan") concerning implementation of the relevant specified university technology transfer operations, and submit this to the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry and receive approval to the effect that said implementation plan is appropriate.

- (2) The following particulars must be entered in the Implementation plan:
 - (i) particulars concerning the person(s) who implements the specified university technology transfer operations;
 - (ii) contents and means of implementation of the specified university technology transfer operations;
 - (iii) the implementation period of the specified university technology transfer operations;
 - (iv) the amount of funds necessary for implementing the specified university technology transfer operations and the fund procurement method thereof.
- (3) In the case that the approval set forth in paragraph (1) is applied for, when the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry find that the implementation plan is appropriate in light of the implementation guidelines, and furthermore that there is an expectation that the implementation plan can be reliably implemented, the Ministers are to approve the relevant application.
- (4) When the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry have approved as set forth in paragraph (1), the Ministers are to make a public announcement to that effect.

(Changes to Implementation Plans)

Article 5 (1) When a person who has received an approval set forth in paragraph

- (1) of the preceding Article (including the corporation referred to in the same paragraph established by said person) intends to change the Implementation Plan pertaining to the relevant approval, said person must obtain the approval of the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry.
- (2) When the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry find that a person who implements specified university technology transfer operations (hereinafter referred to as an "accredited TLO") pertaining to an implementation plan that received the approval set forth in paragraph (1) of the preceding Article (if there was an approval of a change pursuant to the provisions of the preceding paragraph, this refers to the plan after the change; hereinafter referred to as "approved plan"), has not implemented the specified university technology transfer operations according to the relevant approved plan, the Ministers may rescind the approval thereof.
- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the approval set forth in paragraph (1) and the provisions of paragraph (4) of same Article apply mutatis mutandis to the rescission of the approval set forth in the preceding paragraph.

(Technology Transfer Promotion Business Implemented by Incorporated Administrative Agency the Organization for Small & Medium Enterprises and Regional Innovation)

Article 6 In order to promote transfers of specified research results to the private sector, Incorporated Administrative Agency the Organization for Small & Medium Enterprises and Regional Innovation engages in the business of guaranteeing bonds to be issued in order to procure the funds necessary for implementing the specified university technology transfer operations pertaining to approved plans (excluding short-term corporate bonds provided in Article 66, item (i) of the Act on the Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001)) and for debts arising from borrowing of the relevant funds.

Article 7 Deleted

(Special Provisions of the Small and Medium Business Investment & Consultation Companies Act)

Article 8 (1) In addition to the businesses listed in each item of Article 5, paragraph (1) of the Small and Medium Business Investment & Consultation Companies Act (Act No. 101 of 1963), a small and medium business investment & consultation company may engage in the following business:

- (i) to subscribe shares and hold these subscribed shares, issued by a small and medium-sized enterprise or an individual not engaging in a business who established a stock company whose amount of stated capital exceeds 300,000,000 yen for the purpose of implementing a business that utilizes the relevant specified research results which is transferred to an accredited TLO by the specified university technology transfers operations to be carried out according to an approved plan;
 - (ii) to subscribe shares, to apply for share options (except for those attached to bonds with share options) or to purchase bonds with share options, etc. (referring to bonds with share options, etc. prescribed in Article 5, paragraph (1), item (ii) of the Small and Medium Business Investment & Consultation Companies Act; hereinafter the same applies in this paragraph), or to hold the subscribed shares, the share options (including the shares issued or transferred through the exercise of the share options), or the bonds with share options, etc. (including the shares issued or transferred through the exercise of the share options attached to the bonds with share options, etc.), which have been issued by small and medium-sized enterprises that are stock companies having a stated capital with the amount exceeding 300,000,000 yen in order to procure the funds required to implement the business utilizing the relevant specified research results which was transferred to an accredited TLO pursuant to the specified university technology transfers operations to be carried out in accordance with an approved plan.
- (2) For the purpose of the application of the Small and Medium Business Investment & Consultation Companies Act, the subscription for shares and the holding of the shares obtained through the relevant subscription pursuant to the provisions of item (i) of the preceding paragraph, and the subscription for shares, the application for share options (except for those attached to bonds with share options), or the purchase of bonds with share options, etc. and the holding of the shares, the share options (including the shares issued or transferred through the exercise of the share options), or the bonds with share options, etc. (including the shares issued or transferred through the exercise of the share options attached to the bonds with share options, etc.), obtained through the relevant subscription pursuant to item (ii) of the same paragraph, are deemed to be the businesses of item (i) and item (ii) respectively of Article 5, paragraph (1) of the same Act.

(Considerations Concerning Research Regarding the Application of Learning)
Article 9 The Minister of Education, Culture, Sports, Science and Technology is to, in order to contribute to promoting the transfer of specified research results to the private sector, take into consideration matters necessary to promote the

advancement of research pertaining to the application of learning at universities.

(Facilitating Close Coordination and Cooperation between Universities and the Private Sector)

Article 10 (1) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry is to, in order to promote the transfers of specified research results to the private sector, endeavor to facilitate close coordination and cooperation between universities and the private sector in regard to research and development. In this case, the Ministers must always take into consideration the characteristics of learning and academic research at universities.

(2) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry must endeavor to effectively promote policies to further the acquisition of knowledge and technologies necessary for the private sector to utilize specified research results.

(Promoting Relevant Policies)

Article 11 The Minister of Economy, Trade and Industry is to, in view of the significant role played by small and medium-sized enterprises in utilizing specified research results, endeavor to effectively promote the provision of information pertaining to utilizing research and development and specified research results, and other relevant measures.

(Special Provisions of Patent Fees)

Article 12 (1) Concerning research results related to the technologies of those national research and development institutes stipulated by Cabinet Orders (hereinafter referred to as "specified research and development institutes"), a person who has received assignment of a nationally-owned patent right or right to grant of a patent, or a nationally-owned utility model right or right to receive registration of a utility model related to the relevant research results, and who is engaged in the business of transferring the relevant research results to private businesses who intend to utilize these research results, through assignment or the establishment of exclusive licenses of patent, obtained based on the relevant patent right itself or the right to grant of the relevant patent, or utility model rights obtained based on the utility model right itself or right to receive registration of the relevant utility model, or otherwise, may apply to the minister with administrative jurisdiction over the relevant specified research and development institute and receive an accreditation to the effect that the business of that person conforms to all of the following items:

- (i) the person has the technical capability that will enable them to implement the relevant business correctly and smoothly;
 - (ii) the person is not personally implementing the device pertaining to the relevant patent right or the right to grant of the relevant patent, or the concept pertaining to the relevant utility model right or the right to receive the registration of the relevant utility model;
 - (iii) the business does not treat certain private businesses in an unfair and discriminatory manner, in providing information concerning the device pertaining to the relevant patent right or the right to grant of the relevant patent or the concept pertaining to the relevant utility model right or the right to receive the registration of the relevant utility model to the private sector, and the business establishes the methods of implementing the work required to carry out the relevant business properly.
- (2) When the Minister who has administrative jurisdiction over the specified research and development institutes finds that a person who has received an accreditation set forth in the preceding paragraph (hereinafter referred to as an "approved business operator") no longer conforms to one of the items in the same paragraph, said minister may rescind the accreditation.
- (3) When the Minister having administrative jurisdiction over the specified research and development institutes gives the accreditation pursuant to the provisions of paragraph (1) or rescinds the accreditation pursuant to the provisions of the preceding paragraph, the Minister must notify the Commissioner of the Japan Patent Office to that effect.
- (4) The provisions of Article 107, paragraph (2), of the Patent Act (Act No. 121 of 1959) apply mutatis mutandis to those patents listed in the following which belong to the relevant certified business operators:
- (i) patent rights obtained based on the right to grant of a patent pertaining to research results related to technologies of specified research and development institutes for which a certified business operator has received an assignment from the national government;
 - (ii) patent rights pertaining to the research results related to technologies of the specified research and development institutes for which a certified business operator has received an assignment from the national government.
- (5) Concerning such patent rights prescribed in the preceding paragraph or those rights to grant of patent pertaining to research results related to technology of a specified research and development institutes which have been assigned to a certified business operator that belong to the relevant certified business operator, the provisions of Article 195, paragraph (4) of the Patent Act apply mutatis mutandis where a person who must pay fees pursuant to the provisions of paragraph (1) thorough paragraph (3) of the same Article (limited to fees stipulated by Cabinet Order) is the relevant certified business operator.

- (6) Concerning payment of fees (limited to the fees stipulated by Cabinet Order other than fees for the request of an application examination) pursuant to the provisions of Article 195, paragraph (1) or paragraph (2) of the Patent Act, in the case the patent right stipulated in paragraph (4) or the right to grant of patent prescribed in the preceding paragraph are jointly owned by a certified business operator and a party other than the certified business operator, the certified business operator is deemed to be the national government and the provisions of paragraph (5) of the same Article apply.
- (7) The provisions of Article 40, paragraph (3) of the Act on Special Measures of Procedures, etc. Concerning Industrial Property Rights (Act No. 30 of 1990) apply *mutatis mutandis* where the party who must pay fees (limited to those stipulated by Cabinet Order) pursuant to the provisions of paragraph (1) of the same Article for patent rights stipulated in paragraph (4) or the right to grant of patent stipulated in paragraph (5) is the relevant certified business operator.
- (8) Concerning the payment of fees (limited to those stipulated by Cabinet Order referred to in the preceding paragraph) pursuant to the provisions of Article 40, paragraph (1) of the Act on Special Measures of Procedures, etc. Concerning industrial property rights, if the patent rights stipulated in paragraph (4) or the right to grant of patent stipulated in paragraph (5) are jointly owned by a certified business operator and a party other than said certified business operator, the certified business operator is deemed to be the national government and the provisions of paragraph (4) of the same Article apply.
- (9) The provisions of paragraph (4) through the preceding paragraph apply *mutatis mutandis* to: the right to receive the registration of a utility model pertaining to research results regarding technology of a specified research and development institute assigned by the national government to a certified business operator; utility model rights obtained based on the right to receive the registration of a utility model pertaining to research results regarding technology of a specified research and development institutes assigned by the national government to a certified business operator; and utility model rights pertaining to the research results regarding technology of a specified research and development institute assigned to a certified business operator by the national government rights, to the extent that those rights belong to the relevant certified business operator. In this case, the term "paragraph (2) of Article 107 of the Patent Act (Act No. 121 of 1959)" in paragraph (4) is deemed to be replaced with "paragraph (2) of Article 31 of the Utility Model Act (Act No. 123 of 1959)" ; the term "paragraph (4) of Article 195 of the Patent Act" in paragraph (5) is deemed to be replaced with "paragraph (3) of Article 54 of the Utility Model Act" ; the term "paragraph (1) or paragraph (2) of Article 195 of the Patent Act" in paragraph (6) is deemed to be replaced with "paragraph (1) or paragraph (2) of Article 54 of the Utility Model Act" ; the term "fee to

request an examination of applications" is deemed to be replaced with "fee to request a utility model technical opinion " ; and the term "paragraph (5) of the same Article" is deemed to be replaced with "paragraph (4) of the same Article."

Article 13 (1) Concerning research results related to technologies of an incorporated administrative agency (meaning an incorporated administrative agency prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies) (Act No.103 of 1999) that is an entity conducting work related to testing and research (hereinafter referred to as a "research and development incorporated administrative agency"), a person who has been assigned a patent right or the right to grant of patent related to the relevant research results owned by a research and development incorporated administrative agency, and who is engaged in the business of transferring the relevant research results (hereinafter "research and development incorporated administrative agency technology transfer operations") to the private businesses who intend to utilize those research results, through assignment, establishment of exclusive licenses of patent rights obtained based on the relevant patent right itself or the right to grant of the relevant patent or otherwise, may apply to the Minister with administrative jurisdiction over the relevant research and development incorporated administrative agencies and receive an accreditation to the effect that the business conforms to all of the following items:

- (i) the person has the technical capability that will enable implementation of the relevant business correctly and smoothly;
 - (ii) the person does not carry out the inventions pertaining to the relevant patent right or the right to grant of the relevant patent by itself;
 - (iii) the business does not treat certain private businesses in an unfair and discriminatory manner, in providing information concerning the invention pertaining to the relevant patent right or the right to grant of the relevant patent to the private sector; and the business establishes the methods of implementing the work required to carry out the relevant operation properly are well-established.
- (2) the provisions of paragraph (2) and paragraph (3) of the preceding Articles apply mutatis mutandis to the accreditation under the provisions of the preceding paragraph.
- (3) When a person who has received the accreditation of paragraph (1) implements research and development incorporated administrative agency technology transfer operations, the Commissioner of the Japan Patent Office may decrease the patent fee thereof pursuant to the provisions of Article 107, paragraph (1) of the Patent Act, release thereof or defer the payment thereof,

for each year from the first year to the tenth year, pursuant to Cabinet Order.

(4) When a person who has received the accreditation referred to in paragraph (1) implements research and development incorporated administrative agency technology transfer operations prescribed in the same paragraph, the Commissioner of the Japan Patent Office may decrease such application examination fee which should be paid for that person's patent application pursuant to the provisions of Article 195, paragraph (2) of the Patent Act, or may release thereof, pursuant to Cabinet Order.

(Collection of Reports)

Article 14 (1) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry may request an accredited TLO to report on the implementation status of the approved plan.

(2) The Minister who has administrative jurisdiction over specified research and development institutes or research and development incorporated administrative agencies may request the certified business operator or any other party who received the accreditation set forth in paragraph (1) of the preceding Article, to report on the business status, to the extent necessary for the enforcement of this Act,.

(Penal Provisions)

Article 15 (1) A person which fails to report pursuant to the provisions of preceding Article or who files false reports is punished by a fine of 200,000 yen or less.

(2) When a representative of a corporation, or an agent, employee, or other workers of a corporation or of an individual, commits a violation as stipulated in the preceding paragraph concerning the business of the corporation or of the individual, the actual offender is penalized, and said corporation or said individual is also subject to the penalty stipulated in the same paragraph.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding 3 months from the date of promulgation. However, the provisions of Article 12, Article 13 and paragraph (2) and paragraph (3) of Article 14 come into effect as of April 1, 1999.

(The Special Provisions of the Prohibition on the Return of Equity Interest of Fund)

Article 2 (1) Equity investors other than the Government and the Japan

Development Bank may request the return of their equity interest, only during the period up to the day on which one month has elapsed from the date on which the Act comes into effect.

- (2) When there is a request pursuant to the provisions of the preceding paragraph, the fund must conduct return of equity interest by the amount corresponding to the amount of contribution for the relevant equity interest notwithstanding the provisions of Article 18, paragraph (1) of the Act on Designated Facility Improvement. In this case, the fund is to decrease its stated capital by the returned amount.

(Measures, etc. for Special Provisions Concerning Patent Fees with respect to an Accredited TLO)

Article 3 Concerning the payment of patent fees to be paid pursuant to the provisions of paragraph (1) of Article 107 of the Patent Act, the fees to be paid pursuant to the provisions of paragraph (1) or paragraph (2) of Article 195 of the same Act, or the fees to be paid pursuant to the provisions of paragraph (1) of Article 40 of the Act on Special Measures of Procedures, etc. Concerning Industrial Property Rights, with respect to patent rights or the right to grant of patent (limited to those listed in the items of paragraph (1) of Article 3 of the Supplementary Provisions of Industrial Technology Enhancement Act (Act No. 44 of 2000)) or to patent rights obtained based on the right to grant of the relevant patent (limited to those pertaining to patent application filed on or before March 31, 2007 (excluding those deemed to have been filed on or after April 1 of the same year, but deemed, pursuant to the provisions of paragraph (2) of Article 44 of the Patent Act (including as applied *mutatis mutandis* pursuant to paragraph (5) of Article 46 of the same Act), to have been filed on or before March 31 of the same year)), the assignment of which rights having been received by an accredited TLO from a national university corporation (meaning a national university corporation prescribed in paragraph (1) of Article 2 of the National University Corporation Act), an inter-university research institute corporation (referring to an inter-university research institute corporation prescribed in paragraph (3) of the same Article), or from an Institute of National Colleges of Technology (Incorporated Administrative Agency), and said rights belonging to the accredited TLO, under these conditions the accredited TLO is deemed to be the national government and the provisions of paragraph (2) of Article 107, paragraph (4) and paragraph (5) of Article 195 of the Patent Act as well as paragraph (3) and paragraph (4) of Article 40 of the Act on Special Measures of Procedures, etc. Concerning Industrial Property Rights apply.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before the date on which this Act comes into effect.

Supplementary Provisions [Act No. 146 of December 3, 1999] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 14 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before this Act (with regard to the provisions provided for in the proviso of the supplementary provisions, Article 1, the relevant provisions; hereinafter the same applies in this Article) and to conduct that a person engages after this Act comes into effect but which, pursuant to this supplementary provisions, is continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 15 Transitional measures necessary for enforcement of this Act are specified by Cabinet Order, in addition to those provided for in Article 2 through the preceding Article of the Supplementary Provisions.

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Article 2 and 3) comes into effect as of January 6, 2001.

Supplementary Provisions [Act No. 220 December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Article 1) comes into effect as of January 6, 2001.

(Delegation to Cabinet Order)

Article 4 The particulars necessary for enforcement of this Act are specified by Cabinet Order in addition to those provided for in the preceding two Articles.

Supplementary Provisions [Act No. 223 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order

within the period not exceeding 3 months from the date of promulgation.

Supplementary Provisions [Act No.75 of June 27, 2001] [Extract]

(Effective Date, etc)

Article 1 This Act comes into effect as of April 1, 2002 (hereinafter referred to as "effective date") and is applied to short-term bonds, etc. issued after the effective date.

(Transitional Measures Concerning Application of Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before the enforcement date and to conduct that a person engages after the enforcement date but which, pursuant to this supplementary provisions, is remain in force.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 8 The transitional measures necessary for enforcement of this Act are specified by Cabinet Order, in addition to those provided for in these Supplementary Provisions.

(Review)

Article 9 When five years have passed after enforcement of this Act, the Government is to consider the enforcement status of this Act and changes of the social and economic situation and examine systems relating to transfer institutions, and, if it finds necessary, take required measures based on the results.

Supplementary Provisions [Act No. 129 of November 28, 2001] [Extract]

(Effective Date)

(1) This Act comes into effect as of April 1, 2002.

(Transitional Measures Concerning Application of Penal Provisions)

(2) Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before the enforcement of this Act and after the enforcement date but which is to continue to be governed by prior laws.

Supplementary Provisions [Act No. 65 of June 12, 2002] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2003.

(Transitional Measures Concerning Application of Penal Provisions)

Article 84 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before this Act (with regard to the provisions provided for in the any items of the supplementary provisions, Article 1, the relevant provisions; hereinafter the same applies in this Article) and to conduct that a person engages after this Act comes into effect but which, pursuant to the provisions of these supplementary provisions, is continue to be governed by prior laws..

(Delegation of Other Transitional Measures to Cabinet Order)

Article 85 In addition to what is provided for in these Supplementary Provisions, the transitional measures necessary for enforcement of this Act are specified by Cabinet Order.

(Review)

Article 86 When five years have passed since the enforcement of this Act, the government is to review systems pertaining to protective trusts prescribed in Article 2, paragraph (11) of the New Act on the Transfer of Corporate Bonds, etc., clearing agencies for securities transactions prescribed in Article 2, paragraph (31) of the New Securities and Exchange Act, and clearing agencies for financial futures prescribed in Article 2, paragraph (15) of the New Financial Futures Trading Act, by taking into account the state of enforcement of the New Act on the Transfer of Corporate Bonds, etc., the New Securities and Exchange Act and the New Financial Futures Trading Act, changes in socioeconomic situations, etc., and is to, when it finds it necessary, take necessary measures based on the results of the review.

Supplementary Provisions [Act No. 146 of December 11, 2002] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the time of establishment of the Organization for Small & Medium Enterprises and Regional Innovation (hereinafter referred to as the "Organization").

(Transitional Measures Concerning Application of Penal Provisions)

Article 51 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before this Act (with regard to the provisions listed in any items in the proviso of the supplementary provisions, Article 1, the relevant provisions; hereinafter the same applies in this Article) and to conduct that a person engages after this Act comes into effect but which,

pursuant to the provisions of these supplementary provisions, is continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 52 In addition to those provided for in this Supplementary Provisions, the transitional measures necessary for an 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, the provisions listed in the following items come into effect as of the date specified in those items:

- (i) provisions of Article 18 of supplementary provisions: the date of promulgation;
- (ii) amended provisions of Article 107 and Article 195 of the Patent Act and item (i) through item (iv) and item (vi) of the Appended Table in Article 1; revised provisions of Article 31 and Article 54 of the Utility Model Act in Article 2; revised provisions of Article 42 and Article 67 of the Design Act in Article 3; revised provisions of Article 40, Article 41-2, Article 65-7 and Article 76 of the Trademark Act in Article 4; revised provisions of Article 18 of the Act on International Applications under the Patent Cooperation Treaty in Article 5; revised provisions of Article 40 of the Act on Special Provisions of Procedures, etc. concerning Industrial Property Rights in Article 6 (excluding the part pertaining to paragraph (1) in the same Article) and the provisions of Article 7 and Article 8; provisions of paragraph (2) through paragraph (6) of the Article 2 of the Supplementary Provisions, paragraph (2) and paragraph (3) of Article 3, paragraph (1) of Article 4, paragraph (1) of Article 5, Article 7 through Article 11, and Article 16 and Article 19; April 1 of 2004.

(Transitional Measures for Revision of the Act on the Promotion of Technology Transfer from Universities to the Private Sector)

Article 8 (1) Concerning the patent fee, registration fee or other charge to be paid with respect to patent rights or utility model rights (hereinafter referred to as "patent rights, etc.") or the right to grant of patent or the right to receive a utility model registration (limited to patent applications filed prior to the partial enforcement date (excluding patent applications pertaining to the division, etc. of a patent application prior to the partial enforcement date) or utility model registration applications filed prior to the partial enforcement

date (excluding the utility model registration application pertaining to the division etc. of a utility model registration application prior to the partial enforcement date); hereinafter referred to as "rights to grant of, etc.") or Patent Rights, etc. obtained based on the right to receive said patent, these rights being owned by the national government and pertaining to research results related to technologies of national universities and having been assigned, prior to the date of partial enforcement, to a person (in paragraph (3) referred to as a "national university related certified business operator") who has received the accreditation of paragraph (1) of Article 12 of the Act on the Promotion of Technology Transfer from Universities to the Private Sector prior to its amendment pursuant to the provisions of Article 7, (hereinafter referred to as the "Old Universities, etc. Technology Transfer Promotion Act"), the provisions of paragraph (4), paragraph (6), paragraph (8) and paragraph (10) of the same Article 12, and paragraph (4), paragraph (6), paragraph (8) of the same Article that apply mutatis mutandis to the same paragraphs remain in force even on or after the date of partial enforcement.

- (2) Concerning the patent fee, registration fee or other charge to be paid with respect to patent rights, etc. or the rights to grant of patent, etc. or the patent rights, etc. obtained based on the right to grant of patent, etc., these rights being owned by a Research and Development Incorporated Administrative Agency (hereinafter referred to simply as "research and development incorporated administrative agency") and pertaining to research results related to technologies of the relevant research and development incorporated administrative agency and having been assigned, prior to the date of partial enforcement, to a person who has received an accreditation pursuant to paragraph (1) of Article 13 of the Old Universities, etc. Technology Transfer Promotion Act (limited to persons who conduct the operation of transferring research results related to technologies of research and development incorporated administrative agencies prescribed in the same paragraph to private businesses who intend to utilize these research results; in the next paragraph referred to as "research and development incorporated administrative agency-related certified business operators"), the provisions of paragraph (2) and paragraph (3) in the same Article, the provisions of paragraph (4), paragraph (6) and paragraph (8) of Article 12 in the Old Universities, etc. Technology Transfer Promotion Act that apply mutatis mutandis to paragraph (2) of same Article, the provisions of paragraph (10) of Article 12 of the Old Universities, etc. Technology Transfer Promotion Act that apply mutatis mutandis to paragraph (3) of Article 13 of the Old Universities, etc. Technology Transfer Promotion Act, and paragraph (4), paragraph (6) and paragraph (8) of the same Article that apply mutatis mutandis to same paragraph remain in force, even after the partial effective date.

(3) Pursuant to the provisions of Article 7, the provisions of paragraph (6) and paragraph (8) of Article 12 of the amended Act on the Promotion of Technology Transfer from Universities to The Private Sector apply mutatis mutandis to cases in which a patent right, etc. or the rights to grant of patent, etc. provided in the preceding paragraph (2) involve joint ownership between either a national university related certified business operators or a research and development incorporated administrative agency related certified business operators and a party other than those.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 17 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before this Act and to conduct that a person engages after this Act comes into effect but which, pursuant to the provisions of these supplementary provisions, is continue to be governed by prior laws.

(Delegation to Cabinet Order)

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

(Review)

Article 19 When five years have elapsed since the enforcement of the provisions listed in item (ii) of Article 1 of the Supplementary Provisions, the government is to examine the status of enforcement of the provisions of the New Patent Act, Article 107, paragraph (1) and item (i) to item (iv) and item (vi) of the Appended Table, and is to take necessary measures based on those results.

Supplementary Provisions [Act No. 54 of May 30, 2003] [Extract]

(Effective Date)

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

(Transitional Measures Concerning Application of Penal Provisions)

Article 38 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages before the enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 39 In addition to what is provided for in these Supplementary Provisions, the transitional measures necessary for enforcement of this Act are specified by Cabinet Order.

(Review)

Article 40 When five years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of implementation of respective provisions revised by this Act and changes in the socioeconomic circumstances, review relevant financial systems revised by this Act, and take measures as required based on review results where it finds it necessary.

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 Application of Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before the enforcement of this Act and after the enforcement but which, pursuant to the provisions of these supplementary provisions, is to continue to be governed by prior laws.

(Delegation of Other Transitional Measures to Cabinet Orders)

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

Supplementary Provisions [Act No. 35 of April 21, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect according to the classifications listed in the following items and as of the date or time specified in each relevant item:

- (i) Provisions of Article 2 and the following Article (excluding the amended provisions of Article 9 through Article 18 of the Supplementary Provisions of the Act Concerning Abolition of the Small and Medium Sized Enterprise Corporation Act and the Machinery Credit Insurance Act) (Act No. 146 of 2002) and Article 3 through Article 7, Article 11, Article 22 and Article 30 of supplementary provisions: the date of promulgation.

Supplementary Provisions [Act No. 88 of June 9, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding five years from the date of promulgation (hereinafter referred to as the "effective date").

(Transitional Measures Concerning Application of Penal Provisions)

Article 135 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before the enforcement of this Act and after the enforcement but which, pursuant to the provisions of these supplementary provisions, is to continue to be governed by prior laws and remain in force.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 136 In addition to what is provided for in the supplementary provisions, transitional measure necessary for enactment of this Act are specified by Cabinet Order.

(Review)

Article 137 When five years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of implementation of respective provisions amended by this Act and changes in the socioeconomic circumstances, review the settlement systems pertaining to stock trading, etc. as revised by this Act, and take measures as required based on review results where it finds it necessary.

Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]

This Act comes into effect as of the date on which the Companies Act comes into effect.

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 upon Partial Amendment of the Act to Facilitate Technology Transfer from Universities to the Private Sector)

Article 7 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 13, paragraph (3) of the Act on the Promotion of Technology Transfer from Universities to the Private Sector after the amendment pursuant to the provisions of Article 6.

(Delegation to Cabinet Order)

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