

産業技術力強化法

Industrial Technology Enhancement Act

(平成十二年四月十九日法律第四十四号)

(Act No. 44 of April 19, 2000)

(目的)

(Purpose)

第一条 この法律は、我が国の産業技術力の強化に関し、国、地方公共団体、産業技術研究法人、大学及び事業者の責務を明らかにするとともに、産業技術力の強化に関する施策の基本となる事項を定め、併せて産業技術力の強化を支援するための措置を講ずることにより、我が国産業の持続的な発展を図り、もって国民生活の安定向上及び国民経済の健全な発展に資することを目的とする。

Article 1 The purpose of this Act is to help Japanese industry continue to develop by clarifying the responsibilities of the national government, local governments, industrial technology research corporations, universities, and enterprises as it relates to enhancing Japan's industrial technology capabilities, by providing for the particulars that form the basis of policies related to the enhancement of industrial technology capabilities, and by taking measures to support the enhancement of industrial technology capabilities; thereby contributing to increased stability in the lives of the people and to the sound development of the national economy.

(定義)

(Definitions)

第二条 この法律において「産業技術力」とは、産業活動において利用される技術に関する研究及び開発を行う能力並びにその成果の企業化を行う能力をいう。

Article 2 (1) The term "industrial technology capabilities" as used in this Act means the capability to carry out research and development involving technology that will be utilized in industrial activities, and the capability to commercialize the results of research and development.

2 この法律において「技術経営力」とは、技術に関する研究及び開発の成果を経営において他の経営資源と組み合わせて有効に活用するとともに、将来の事業内容を展望して研究及び開発を計画的に展開する能力をいう。

(2) The term "technology management capabilities" as used in this Act means the capability to systematically expand research and development by taking an all-encompassing view of the future substance of a business, while utilizing the results of technology-related research and development effectively in management in combination with other management resources.

3 この法律において「産業技術研究法人」とは、独立行政法人（独立行政法人通則法

（平成十一年法律第百三号）第二条第一項に規定する独立行政法人をいう。）及び地方独立行政法人（地方独立行政法人法（平成十五年法律第百十八号）第二条第一項に規定する地方独立行政法人をいう。）であって、産業活動において利用される技術に関する研究及び開発並びにその成果の移転に関する業務を行うものをいう。

(3) The term "industrial technology research corporation" as used in this Act means an incorporated administrative agency (meaning an incorporated administrative agency specified in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)) or a local incorporated administrative agency (meaning a local incorporated administrative agency specified in Article 2, paragraph (1) of the Local Independent Administrative Agency Act) that engages in business which involves researching and developing technology that will be utilized in industrial activities and transferring the results of research and development.

（基本理念）

（Basic Principles）

第三条 産業技術力の強化は、産業技術力が産業構造の変化、技術の進歩等の内外の経済的環境の変化に適確に対応して我が国産業の持続的な発展を図るための基盤であることにかんがみ、我が国産業の発展を支えてきた技術の改良に係る産業技術の水準の維持及び向上を図りつつ、国、地方公共団体、産業技術研究法人、大学及び事業者の相互の密接な連携の下に、創造性のある研究及び開発を行うとともに、その成果の企業化を行う能力を強化することを基本として行われるものとする。

Article 3 (1) The enhancement of industrial technology capabilities is to be undertaken on the basis of the relevant parties' conducting creative research and development through close coordination among the national government, local governments, industrial technology research corporations, universities, and enterprises, while helping to maintain and advance the level of industrial technology associated with the technological improvements that have supported Japan's industrial development, in light of the fact that industrial technology capabilities are a foundation for helping Japanese industry continue to develop by accurately responding to changes in the domestic and international economic environment such as the changes in the industrial structure and technological advancement.

2 技術経営力の強化は、それが前項に規定する産業技術力の強化に資するものであることにかんがみ、事業者が研究及び開発を行うに当たり、自らの競争力の現状及び技術革新の動向を適確に把握するとともに、その将来の事業活動の在り方を展望することが重要であること、並びに現在の事業分野にかかわらず広く知見を探究し、これにより得られた知識を融合して活用することが重要であることを踏まえて、行われるものとする。

(2) In consideration 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 it is important for an enterprise, in conducting research and development, to look towards the future business activities while having an accurate understanding of its own competitiveness as it stands and of trends in technological innovation, and that, regardless of its field of business at any given time, and to seek a wide range of knowledge and to integrate and utilize the information it has gained in doing so.

(国の責務)

(Responsibilities of the National Government)

第四条 国は、前条の基本理念（以下「基本理念」という。）にのっとり、産業技術力の強化に関する総合的な施策を策定し、及びこれを実施する責務を有する。

Article 4 (1) The national government has the responsibility to formulate and implement comprehensive measures for the enhancement of industrial technology capabilities in accordance with the basic principles referred to in the preceding Article (hereinafter referred to as the "basic principles").

2 国の関係行政機関は、産業技術力の強化に関する施策の円滑な実施が促進されるよう、相互に連携を図りながら協力しなければならない。

(2) The relevant administrative organs of the national government must cooperate with one another while ensuring coordination among themselves in a way that furthers the smooth implementation of measures for the enhancement of industrial technology capabilities.

3 国は、第一項に規定する総合的な施策を策定し、及びこれを実施するに際しては、技術経営力の強化の促進の重要性を踏まえるものとする。

(3) When formulating and implementing the comprehensive measures provided for in paragraph (1), the national government is to take into consideration the importance of furthering the enhancement of technology management capabilities.

(地方公共団体の責務)

(Responsibilities of Local Governments)

第五条 地方公共団体は、基本理念にのっとり、産業技術力の強化に関し、国の施策に準じた施策及びその地方公共団体の区域の特性を生かした自主的な施策を策定し、及びこれを実施する責務を有する。

Article 5 A local government has the responsibility to formulate measures for enhancing industrial technology capabilities that are based on national measures, to formulate other autonomous measures for enhancing industrial technology capabilities which make use of the characteristics of the area of the local government, and to implement those measures, in accordance with the basic principles.

(産業技術研究法人の責務)

(Responsibilities of Industrial Technology Research Corporations)

第五条の二 産業技術研究法人は、基本理念にのっとり、創造性のある研究及び開発の実施並びに研究及び開発における事業者との連携並びに研究及び開発の成果の事業者への移転に自主的かつ積極的に努めるものとする。

Article 5-2 (1) An industrial technology research corporation is to apply itself autonomously and actively to implementing creative research and development, coordinating with enterprises in their research and development, and transferring the results of research and development to enterprises, in accordance with the basic principles.

2 産業技術研究法人は、前項の研究及び開発の成果の事業者への移転に当たっては、成果の移転を受ける者の産業技術力を強化することの必要性及びその資力、当該成果を企業化する能力その他の事情を考慮しつつ、その成果の移転の対価について額の低廉化、金銭以外の財産での受領その他の柔軟な方法によることの必要性についても勘案し、行うよう努めるものとする。

(2) An industrial technology research corporation is to endeavor to transfer the results of research and development to enterprises as referred to in the preceding paragraph after considering the need to enhance the industrial technology capabilities of the person to which the results would be transferred, the person's resources, the person's ability to commercialize the results, and other such circumstances, and after also taking into account the need to reduce the amount of consideration for the transfer of the results or to receive the consideration in property other than money or by other such flexible means.

(大学の責務等)

(Responsibilities of Universities)

第六条 大学は、その活動が産業技術力の強化に資するものであることにかんがみ、人材の育成並びに研究及びその成果の普及に自主的かつ積極的に努めるものとする。

Article 6 (1) In consideration of the fact that universities' activities contribute to enhancing industrial technology capabilities, a university is to apply itself autonomously and actively to cultivating human resources, conducting research, and making the results of this widespread.

2 国及び地方公共団体は、産業技術力の強化に関する施策で大学に係るものを策定し、及びこれを実施するに当たっては、研究者の自主性の尊重その他の大学における研究の特性に配慮しなければならない。

(2) In establishing and implementing measures for enhancing industrial technology capabilities which involve universities, the national and local governments must make considerations for the characteristics of research conducted at universities, including respect for the autonomy of researchers.

(事業者の責務)

(Responsibilities of Enterprises)

第七条 事業者は、基本理念にのっとり、研究及び開発並びにその成果の企業化並びに技術経営力の強化に積極的に努めるものとする。

Article 7 An enterprise is to actively endeavor to carry out research and development, commercialize the results of this, and enhance its technology management capabilities, in accordance with the basic principles.

(研究者等の確保、養成及び資質の向上)

(Securing a Sufficient Number of Researchers and Engineers, Training Them, and Strengthening Their Credentials)

第八条 国は、研究者及び技術者の創造性が十分に発揮されることにより、産業技術力の強化が図られることにかんがみ、研究者及び技術者の確保、養成及び資質の向上に必要な施策を講ずるものとする。

Article 8 The national government is to take the necessary measures to secure a sufficient number of researchers and engineers, train them, and strengthen their credentials, in light of the fact that the enhancement of industrial technology capabilities is furthered when researchers and engineers fully demonstrate their creativity.

(研究開発施設の整備等)

(Maintenance of Research and Development Facilities)

第九条 国は、産業技術力の強化の円滑な実施を図るため、研究及び開発を行うための施設及び設備の整備、「研究材料の供給並びに「技術に関する情報の流通の円滑化に必要な施策を講ずるものとする。

Article 9 In order to help smoothly implement the enhancement of industrial technology capabilities, the national government is to take the necessary measures to facilitate the maintenance of facilities and equipment for carrying out research and development, the supplying of materials required for research, and the smooth distribution of technology-related information.

(研究開発に係る資金の重点化等)

(Prioritization of Funds for Research and Development)

第十条 国は、産業技術力の強化の効果的な実施を図るため、国の資金により行われる研究及び開発の適切な評価を行い、その結果を予算の配分へ反映させること等により、産業技術に関する研究及び開発に係る資金の重点化及び効率化の促進に必要な施策を講ずるものとする。

Article 10 In order to help effectively implement the enhancement of industrial technology capabilities, the national government is to take the necessary measures to accelerate the setting of priorities and the increasing of efficiency of funds for research and development related to industrial technologies, by

adequately evaluating research and development that is carried out using national funds and causing budget allocations to reflect the results of this.

(連携の強化)

(Strengthening Coordination)

第十一条 国は、国及び地方公共団体の試験研究機関、産業技術研究法人、大学並びに事業者が互いに補完することにより産業技術力の強化の効果的な実施が図られることにかんがみ、これらの者の間の連携の強化に必要な施策を講ずるものとする。

Article 11 The national government is to take the necessary measures to strengthen the coordination among the research and development institutes of the national and local governments, industrial technology research corporations, universities, and enterprises, in light of the fact that their complementary relationship helps in effectively implementing the enhancement of industrial technology capabilities.

(研究成果の移転の促進)

(Facilitating the Transfer of Research Results)

第十二条 国は、国及び地方公共団体の試験研究機関、産業技術研究法人並びに大学における研究及び開発の成果が事業活動において活用されることが産業技術力の強化に重要であることにかんがみ、当該成果の事業者への移転の促進に必要な施策を講ずるものとする。

Article 12 The national government is to take the necessary measures to facilitate the transfer of the results of research and development at research and development institutes of the national and local governments, industrial technology research corporations, and universities, to enterprises, in light of the fact that the use of these results in business activities is important for enhancing industrial technology capabilities.

(技術経営力の強化のための施策)

(Measures for Strengthening Technology Management Capabilities)

第十三条 国は、技術経営力の強化が産業技術力の強化に重要であることにかんがみ、事業者が広く技術革新の動向を把握する上で有用な将来の技術に関する見通しの提示、技術経営力の強化に寄与する人材の養成及び資質の向上、事業者が研究及び開発の成果を事業活動において効率的かつ円滑に活用することができる環境の整備その他技術経営力の強化の促進のために必要な施策を講ずるものとする。

Article 13 The national government is to present forecasts of future technologies that are useful in allowing enterprises to understand trends in technological innovation, train and improve the credentials of human resources who will contribute to enhancing technology management capabilities, maintain an environment in which enterprises can smoothly and efficiently utilize the results of research and development in their business activities, and take other

necessary measures meant to facilitate the enhancement of technology management capabilities, in light of the fact that enhancing technology management capabilities is an important part of enhancing industrial technology capabilities.

(受託研究等に係る資金の受入れ等の円滑化)

(Facilitating the Acceptance of Funds for Entrusted Research)

第十四条 地方公共団体は、その設置する公立学校（学校教育法（昭和二十二年法律第二十六号）第二条第二項に規定する公立学校をいう。）において当該地方公共団体以外の者から奨学を目的とする寄附金を受けて行う研究若しくは委託を受けて行う研究又は当該地方公共団体以外の者と共同して行う研究の円滑な実施に資するため、地方公共団体以外の者から提供されるこれらの研究に係る資金の受入れ及び使用を円滑に行うための措置を講じなければならない。

Article 14 The local government must take the necessary measures to facilitate the acceptance and use of funds provided by persons other than a local government, to enable the public schools (meaning the public schools as prescribed in Article 2, paragraph (2) of the School Education Act (Act No. 26 of 1947)) run by it, to conduct a research when they receive contributions meant to encourage scholarship, to conduct a research under entrustment by persons other than the local government in question, or to conduct a research together with persons other than the local government in question, in a smooth manner.

(試験研究機関等の研究成果を活用する事業者への支援)

(Support for Enterprises That Utilize the Results of Research by Research and Development Institutes)

第十五条 国は、産業技術力の強化を図るため、国の試験研究機関の研究者がその研究成果を活用する事業を実施する営利を目的とする私企業を営むことを目的とする会社その他の団体（次項において「研究成果利用会社等」という。）の役員、顧問若しくは評議員の職を兼ねることが当該研究成果の事業者への移転の促進にとって重要な意義を有することに配慮しつつ、当該研究成果を活用する事業を実施する事業者に対する支援に必要な措置を講ずるよう努めなければならない。

Article 15 (1) In order to help enhance industrial technology capabilities, the national government must endeavor to take the necessary measures to provide support to enterprises implementing business that utilizes the results of research by national research and development institutes while making considerations for the fact that when researchers at those institutes concurrently hold positions as officers, advisors, or councilors in companies and other such organizations whose purpose is to operate private, for-profit enterprises that implement business utilizing those institutes' research results (referred to as "companies and other such organizations that use the results of research" in the following paragraph), it is of major significance in facilitating

the transfer of those institutes' research results to enterprises.

- 2 地方公共団体は、産業技術力の強化を図るため、公立大学等（学校教育法第一条に規定する大学及び高等専門学校であつて地方公共団体が設置するものをいう。）及び地方公共団体の試験研究機関の研究者が研究成果利用会社等の役員、顧問若しくは評議員の職を兼ねることが当該研究成果の事業者への移転の促進にとって重要な意義を有することに配慮しつつ、当該研究成果を活用する事業を実施する事業者に対する支援に必要な措置を講ずるよう努めなければならない。

(2) In order to help enhance industrial technology capabilities, a local government must endeavor to take the necessary measures to provide support to enterprises implementing business that utilizes the results of research by public universities and colleges (meaning universities or colleges of technology as prescribed in Article 1 of the School Education Act which are run by local governments) and by local governments' research and development institutes while making considerations for the fact that when researchers at those public universities and colleges or at those institutes concurrently hold positions as officers, advisors, or councilors in companies and other such organizations that use the results of research, it is of major significance in facilitating the transfer of those universities', colleges', and institutes' research results to enterprises.

（特定試験研究機関に係る技術移転事業を実施する者の国有施設の無償使用）

(Use of National Facilities at No Charge for Persons Implementing the Business of Transferring the Technologies of Specified Research and Development Institutes)

第十六条 国は、大学等における技術に関する研究成果の民間事業者への移転の促進に関する法律（平成十年法律第五十二号）第十一条第一項の認定を受けた者が同項の特定試験研究機関の施設を同項に規定する事業の用に供する場合であつて、産業技術力の強化を図るため特に必要であると認めるときは、当該認定を受けた者に対し、当該特定試験研究機関の施設を無償で使用させることができる。

Article 16 If a person that has been accredited as referred to in Article 11, paragraph (1) of the Act to Facilitate Technology Transfer from Universities to the Private Sector (Act No. 52 of 1998), uses the facilities of a specified research and development institute referred to in that paragraph for the purpose of the business prescribed in that paragraph, and the national government finds it particularly necessary to do so in order to help enhance industrial technology capabilities, the national government may allow the accredited person to use the facilities of that specified research and development institute at no charge.

（国有の特許権又は実用新案権の取扱い）

(Handling of State-Owned Patent Rights and Utility Model Rights)

第十六条の二 国は、政令で定めるところにより、国有の特許権又は実用新案権のうち、これらに係る特許発明又は登録実用新案が政令で定める期間以上継続して実施されていないものについて、その産業技術力の強化を支援することが特に必要な者として政令で定める者に対し通常実施権の許諾を行うときは、その許諾の対価を時価よりも低く定めることができる。

Article 16-2 When granting a non-exclusive license for a State-owned patent right or utility model right associated with a patented invention or registered utility model that has not been worked continuously for at least the period prescribed by Cabinet Order, to a person prescribed by Cabinet Order as one that particularly needs the national government to support the enhancement of its industrial technology capabilities, the national government may set a price that is lower than the market value as the amount of consideration for granting the license, pursuant to the provisions of Cabinet Order.

(国が委託した研究及び開発の成果等に係る特許権等の取扱い)

(Handling of Patent Rights and Other Rights Associated with the Results of Research and Development with Which the National Government Has Entrusted Another Person)

第十七条 国は、技術に関する研究開発活動を活性化し、及びその成果を事業活動において効率的に活用することを促進するため、国が委託した技術に関する研究及び開発又は国が請け負わせたソフトウェアの開発の成果（以下この条において「特定研究開発等成果」という。）に係る特許権その他の政令で定める権利（以下この条において「特許権等」という。）について、次の各号のいずれにも該当する場合には、その特許権等を受託者又は請負者（以下この条において「受託者等」という。）から譲り受けないことができる。

Article 17 (1) In order to stimulate technology-related research and development activities and prompt persons to use the results of this in their business activities, in a situation that falls under all of the following items, the national government may decide not to acquire a patent right or other right prescribed by Cabinet Order (hereinafter referred to as a "patent right or other right" in this Article) that is associated with the results of technology-related research and development with which it has entrusted another person, or of software development that it has contracted (hereinafter referred to as the "results of specified research or development" in this Article), from the person it has entrusted or the person it has contracted (hereinafter referred to as the "entrusted person or contractor" in this Article):

一 特定研究開発等成果が得られた場合には、遅滞なく、国にその旨を報告することを受託者等が約すること。

(i) the entrusted person or contractor promises that if the results of specified research or development have been obtained, it will report these to the national government without delay;

二 国が公共の利益のために特に必要があるとしてその理由を明らかにして求める場合には、無償で当該特許権等を利用する権利を国に許諾することを受託者等が約すること。

(ii) the entrusted person or contractor promises that it will grant the national government the right to use the patent right or other right at no charge if the national government asks the entrusted person to do this while making it clear that its reason for doing so is that it is particularly necessary for the sake of the public interest;

三 当該特許権等を相当期間活用していないと認められ、かつ、当該特許権等を相当期間活用していないことについて正当な理由が認められない場合において、国が当該特許権等の活用を促進するために特に必要があるとしてその理由を明らかにして求めるときは、当該特許権等を利用する権利を第三者に許諾することを受託者等が約すること。

(iii) the entrusted person or contractor promises that it will grant a third party the right to use the patent right or other right if the entrusted person or contractor is found not to have used the patent right or other right for a considerable period of time and is not found to have a legitimate reason for failing to have used this for a considerable period of time, and if the national government asks the entrusted person to do this while making it clear that its reason for doing so is that it is particularly necessary in order to further the use of the patent right or other right ;

四 当該特許権等の移転又は当該特許権等を利用する権利であつて政令で定めるものの設定若しくは移転の承諾をしようとするときは、合併又は分割により移転する場合及び当該特許権等の活用に支障を及ぼすおそれがない場合として政令で定める場合を除き、あらかじめ国の承認を受けることを受託者等が約すること。

(iv) when intending to transfer the patent right or other right, or intending to give its consent to the establishment or transfer of a right to use a patent right or other right which is prescribed by Cabinet Order, the entrusted person or contractor promises that it will first get the approval of the national government, except when it transfers the patent right or other right as a result of a merger or a split or in a case that Cabinet Order prescribes as one in which the action in question is unlikely to hinder the use of the patent right or other right.

2 前項の規定は、国が資金を提供して他の法人に技術に関する研究及び開発を行わせ、かつ、当該法人がその研究及び開発の全部又は一部を委託する場合における当該法人と当該研究及び開発の受託者との関係及び国が資金を提供して他の法人にソフトウェアの開発を行わせ、かつ、当該法人がその開発の全部又は一部を他の者に請け負わせる場合における当該法人と当該開発の請負者との関係に準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to the relationship between the juridical person in question and the person that it entrusts with conducting the research and development in a case in which the

national government provides the funding and has another juridical person conduct technology-related research and development and that juridical person entrusts another person with conducting all or a part of that research and development; the provisions of the preceding paragraph also apply mutatis mutandis to the relationship between the juridical person in question and the person that it contracts to develop the software in a case in which the national government provides the funding and has another juridical person develop software and that juridical person contracts another person to do all or a part of that software development.

3 前項の法人は、同項において準用する第一項第二号又は第三号の許諾を求めようとするときは、国の要請に応じて行うものとする。

(3) If a juridical person as referred to in the preceding paragraph asks to be granted a right as referred to in paragraph (1), item (ii) or item (iii) as applied mutatis mutandis pursuant to the preceding paragraph, it is to do so in accordance with a request from the national government.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一月を超えない範囲内において政令で定める日から施行する。

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

(国立大学法人等に係る特許料等に関する経過措置等)

(Transitional Measures for Patent Fees Associated with National University Corporations)

第二条 次に掲げる特許権又は特許を受ける権利について特許法（昭和三十四年法律第百二十一号）第百七条第一項の規定により納付すべき特許料、同法第百九十五条第一項若しくは第二項の規定により納付すべき手数料又は工業所有権に関する手続等の特例に関する法律（平成二年法律第三十号）第四十条第一項の規定により納付すべき手数料に関する特許法第百七条第二項の規定、同法第百九十五条第四項及び第五項の規定（これらの規定を特許協力条約に基づく国際出願等に関する法律（昭和五十三年法律第三十号）第十八条第三項において準用する場合を含む。）又は工業所有権に関する手続等の特例に関する法律第四十条第三項及び第四項の規定の適用については、国立大学法人（国立大学法人法（平成十五年法律第百十二号）第二条第一項に規定する国立大学法人をいう。）、大学共同利用機関法人（国立大学法人法第二条第三項に規定する大学共同利用機関法人をいう。第三号において同じ。）又は独立行政法人国立高等専門学校機構（以下この項において「国立大学法人等」という。）は、国とみな

す。

Article 2 (1) With regard to the application of the provisions of Article 107, paragraph (2) of the Patent Act (Act No. 121 of 1959), concerning the patent fees that are to be paid pursuant to the provisions of Article 107, paragraph (1) of the Patent Act; the fees that are to be paid pursuant to the provisions of Article 195, paragraph (1) or paragraph (2) of that Act; or the fees that are to be paid pursuant to the provisions of Article 40, paragraph (1) of the Act on Special Provisions for Procedures Related to Industrial Property Rights; the provisions of Article 195, paragraph (4) and paragraph (5) of that Act (including as applied mutatis mutandis pursuant to Article 18, paragraph (3) 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), a national university corporation (meaning the national university corporation prescribed in Article 2, paragraph (1) of the national university corporation Act (Act No. 112 of 2003)), an inter-university research institute corporation (meaning the inter-university research institute corporation prescribed in Article 2, paragraph (3) of the national university corporation Act; the same applies in item (iii)), or an Institute of National Colleges of Technology, Incorporated Administrative Agencies (hereinafter collectively referred to as a "national university corporation or other such person" in this paragraph) is deemed to be the national government:

一 国立大学法人法附則第九条第一項又は独立行政法人国立高等専門学校機構法（平成十五年法律第百十三号）附則第八条第一項の規定により国立大学法人等が承継した特許権

(i) patent rights that a national university corporation or other such person 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 (Act No. 113 of 2003);

二 国立大学法人法附則第九条第一項又は独立行政法人国立高等専門学校機構法附則第八条第一項の規定により国立大学法人等が承継した特許を受ける権利（平成十九年三月三十一日までにされた特許出願（同年四月一日以後にする特許出願であって、特許法第四十四条第二項（同法第四十六条第六項において準用する場合を含む。）の規定により同年三月三十一日までにしたものみなされるものを除く。以下この項において同じ。）に係るものに限る。）又は当該国立大学法人等が当該特許を受ける権利に基づいて取得した特許権

(ii) the right to obtain a patent which a national university corporation or other such person 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 rights associated with 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 as applied mutatis mutandis pursuant to Article 46, paragraph (6) of that Act); hereinafter the same applies in this Article)) or patent rights that the national university corporation or other such person obtained based on such a right to obtain a patent;

三 国立大学法人等が平成十九年三月三十一日までに当該国立大学法人等の大学等研究者（学校教育法第一条に規定する大学の学長、副学長、学部長、教授、准教授、助教、講師、助手若しくはその他の職員のうち専ら研究に従事する者、同条に規定する高等専門学校の校長、教授、准教授、助教、講師、助手若しくはその他の職員のうち専ら研究に従事する者又は大学共同利用機関法人の長若しくはその職員のうち専ら研究に従事する者をいう。）から承継した特許権若しくは特許を受ける権利（同日までにされた特許出願に係るものに限る。）又は当該国立大学法人等が当該特許を受ける権利に基づいて取得した特許権

(iii) patent rights or the right to obtain a patent which a national university corporation or other such person has succeeded to from a postsecondary-level researcher of the national university corporation or other such person (meaning a university president, vice president, dean, professor, associate professor, assistant professor, lecturer, assistant, or other such staff member exclusively engaged in research at a university as prescribed in Article 1 of the School Education Act; a college president, professor, associate professor, assistant professor, lecturer, assistant, or other such staff member exclusively engaged in research at a college of technology; or a director or staff member exclusively engaged in research at an inter-university research institute corporation) by March 31, 2007 (limited to rights associated with patent applications filed by the same day) or patent rights that the national university corporation or other such person obtained based on such a right to obtain a patent;

四 大学等における技術に関する研究成果の民間事業者への移転の促進に関する法律第四条第一項の承認を受けた者（同法第五条第一項の変更の承認を受けた者を含む。以下この号において「承認事業者」という。）が国立大学法人等から譲渡を受けた特許権若しくは特許を受ける権利（前三号に掲げるものに限る。）又は当該特許を受ける権利に基づいて取得した特許権（平成十九年三月三十一日までにされた特許出願に係るものに限る。）であって、当該国立大学法人等が当該承認事業者から承継したもの

(iv) patent rights or the right to obtain a patent that have been transferred to an accredited person as referred to in Article 4, paragraph (1) of the Act to Facilitate Technology Transfer from Universities to the Private Sector (including one that has received the approval for a change referred to in Article 5, paragraph (1) of that Act; hereinafter referred to as an "accredited enterprise") by a national university corporation or other such person (limited to rights set forth in the preceding three items), or patent rights that an accredited enterprise has obtained based on the rights to obtain a patent (limited to rights associated with patent applications filed by March 31, 2007) and which a national university corporation or other such person has succeeded to from the accredited enterprise.

2 前項各号に規定する特許権又は特許を受ける権利について特許法第百七条第一項の規定により納付すべき特許料又は同法第百九十五条第二項の規定により納付すべき出願審査の請求の手数料については、同法第百九条の二及び第百九十五条の二の二の規定は、適用しない。

(2) The provisions of Article 109-2 and Article 195-2-2 of the Patent Act do not apply to 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 that are to be paid pursuant to the provisions of Article 195, paragraph (2) of that Act in connection with the patent rights or right to obtain a patent prescribed in the items of the preceding paragraph.

附 則 〔平成十四年十二月十一日法律第百四十五号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。ただし、第十五条から第十九条まで、第二十六条及び第二十七条並びに附則第六条から第三十四条までの規定は、平成十五年十月一日から施行する。

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

(政令への委任)

(Provisions Governed by Cabinet Order)

第三十五条 この附則に規定するもののほか、機構の設立に伴い必要な経過措置その他この法律の施行に関し必要な経過措置は、政令で定める。

Article 35 Beyond what is provided for in these Supplementary Provisions, Cabinet Order provides for the necessary transitional measures occasioned by

the establishment of organizations and prescribes other necessary transitional measures connected with this Act's entry into effect.

附 則 〔平成十五年五月二十三日法律第四十七号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十六年一月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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

一 附則第十八条の規定 公布の日

(i) the provisions of Article 18 of Supplementary Provisions: Date of promulgation;

二 第一条中特許法第百七条、第百九十五条並びに別表第一号から第四号まで及び第六号の改正規定、第二条中実用新案法第三十一条及び第五十四条の改正規定、第三条中意匠法第四十二条及び第六十七条の改正規定、第四条中商標法第四十条、第四十一条の二、第六十五条の七及び第七十六条の改正規定、第五条中特許協力条約に基づく国際出願等に関する法律第十八条の改正規定、第六条中工業所有権に関する手続等の特例に関する法律第四十条の改正規定（同条第一項に係る部分を除く。）並びに第七条及び第八条の規定並びに附則第二条第二項から第六項まで、第三条第二項及び第三項、第四条第一項、第五条第一項、第七条から第十一条まで、第十六条並びに第十九条の規定 平成十六年四月一日

(ii) the provisions amending Article 107, Article 195, and items (i) through (iv) and item (vi) of the Appended Table of the Patent Act in Article 1; the provisions amending Article 31 and Article 54 of the Utility Model Act in Article 2; the provisions amending Article 42 and Article 67 of the Design Act in Article 3; the provisions amending Article 40, Article 41-2, Article 65-7 and Article 76 of the Trademark Act in Article 4; the provisions amending Article 18 of the Act on International Applications Under the Patent Cooperation Treaty in Article 5; the provisions amending Article 40 (excluding the parts pertaining to paragraph (1) of that Article) of the Act on Special Provisions for Procedures Related to Industrial Property Rights in Article 6; the provisions of Article 7 and Article 8; and the provisions of Article 2, paragraphs (2) through (6), Article 3, paragraph (2) and paragraph (3), Article 4, paragraph (1), Article 5, paragraph (1), Articles 7 through 11, Article 16 and Article 19 of the Supplementary Provisions: April 1, 2004.

(産業技術力強化法の改正に伴う経過措置)

(Transitional Measures Occasioned by the Amendment of the Industrial
Technology Enhancement Act)

第九条 第八条の規定による改正後の産業技術力強化法第十六条第一項第三号及び第四号に掲げる者に係る特許出願であつて一部施行日前に特許をすべき旨の査定又は審決の謄本の送達があつたものに係る特許料の減免又は猶予については、同項の規定は、適用しない。

Article 9 The provisions of Article 16, paragraph (1) of the Industrial Technology Enhancement Act amended by the provisions of Article 8 do not apply to the reduction of, exemption from, or granting of a grace period for the payment of the patent fees for patent applications involving persons set forth in Article 16, paragraph (1), items (iii) and (iv) of the Industrial Technology Enhancement Act, for which a transcript of examiner's decision to grant a patent for a part of the claimed invention or a trial decision has been served prior to the effective date.

(政令への委任)

(Provisions Governed by Cabinet Order)

第十八条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 18 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with this Act's entry into effect.

附 則 〔平成十五年七月十六日法律第百十七号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十六年四月一日から施行する。

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

(その他の経過措置の政令への委任)

(Other Transitional Measures Governed by Cabinet Order)

第八条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 8 Beyond what is provided in Article 2 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with this Act's entry into effect.

附 則 〔平成十五年七月十六日法律第百十九号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、地方独立行政法人法（平成十五年法律第百十八号）の施行の日から施行する。

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

(その他の経過措置の政令への委任)

(Other Transitional Measures Governed by Cabinet Order)

第六条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 6 Beyond what is provided in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures occasioned by this Act's entry into effect.

附 則 〔平成十七年七月十五日法律第八十三号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十九年四月一日から施行する。

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

(助教授の在職に関する経過措置)

(Transitional Measures Concerning the Tenure of Assistant Professors)

第二条 次に掲げる法律の規定の適用については、この法律の施行前における助教授としての在職は、准教授としての在職とみなす。

Article 2 (1) With regard to the application of the provisions of the following Acts, a period during which a person has worked as an assistant professor before this Act comes into effect is deemed to be a period during which that person has worked as an associate professor:

一～十五 略

(i) to (xv) Omitted;

十六 産業技術力強化法（平成十二年法律第四十四号）附則第二条

(xvi) Article 2 of the Supplementary Provisions of the Industrial Technology Enhancement Act (Act No. 44 of 2000).

附 則 〔平成十九年五月十一日法律第三十六号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

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 its promulgation.

(産業技術力強化法の改正に伴う経過措置)

(Transitional Measures Occasioned by the Amendment of the Industrial Technology Enhancement Act)

第六条 第二条の規定による改正後の産業技術力強化法第十七条第一項第一号から第三号まで、第七号及び第八号に掲げる者に係る特許出願であってこの法律の施行前に特許をすべき旨の査定又は審決の謄本の送達があったものに係る特許料の減免又は猶予については、同項の規定にかかわらず、なお従前の例による。

Article 6 Notwithstanding the provisions of Article 17, paragraph (1) of the Industrial Technology Enhancement Act amended by the provisions of Article 2, prior laws continue to govern the reduction of, exemption from, or granting of a grace period for the payment of the patent fees for patent applications involving persons set forth in Article 17, paragraph (1), items (i) through (iii), item (vii) and (viii) of the Industrial Technology Enhancement Act amended by the provisions of Article 2, for which a transcript of examiner's decision to grant a patent or a trial decision has been served before this Act comes into effect.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第八条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 8 Beyond what is provided in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures occasioned by this Act's entry into effect.

附 則 〔平成二十一年四月三十日法律第二十九号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して三月を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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 its promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each of those items:

一 第一条中産業活力再生特別措置法第二十四条の次に一条を加える改正規定並びに次条及び附則第十三条の規定 公布の日

(i) 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

(その他の経過措置の政令への委任)

(Other Transitional Measures Governed by Cabinet Order)

第十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 13 Beyond what is provided in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures occasioned by this Act's entry into effect.

(見直し)

(Reviews)

第十四条

Article 14 (1)

3 政府は、この法律の施行後五年以内に、新研究組合法及び第三条の規定による改正後の産業技術力強化法の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(3) Within five years after this Act enters into effect, the government is to review the extent of the entry into effect of the Industrial Technology Enhancement Act amended by the New Act on Research and Development Partnership and the provisions of Article 3, and is to take the necessary measures based on the results of its review if it finds this to be necessary.

附 則 〔平成二十三年六月八日法律第六十三号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

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 its promulgation.

(産業技術力強化法の一部改正に伴う経過措置)

(Transitional Measures Occasioned by the Partial Amendment to the Industrial Technology Enhancement Act)

第九条 この法律の施行の日前に既に納付した特許料又は同日前に納付すべきであった特許料の減免又は猶予については、第八条の規定による改正後の産業技術力強化法第十七条第一項及び第十八条第一項の規定にかかわらず、なお従前の例による。

Article 9 Notwithstanding the provisions of Article 17, paragraph (1) and Article 18, paragraph (1) of the Industrial Technology Enhancement Act amended by the provisions of Article 8, prior laws continue to govern 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 were to have been paid prior to that date.

(政令への委任)

(Delegation to Cabinet Order)

第十一条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 11 Beyond what is provided in Article 2 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with this Act's entry into effect.

附 則 〔平成二十六年五月十四日法律第三十六号〕 〔抄〕

Supplementary Provisions [Act No. 36 of May 14, 2014] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

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 its promulgation.

附 則 〔平成三十年五月三十日法律第三十三号〕 〔抄〕

Supplementary Provisions [Act No. 33 of May 30, 2018] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order, within a period not exceeding one year and six months from the date of its

promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified in each of those items:

一 附則第十八条及び第三十四条の規定 公布の日

(i) the provisions of Article 18 and Article 34 of the Supplementary Provisions: the date of promulgation;

二 第三条中特許法第三十条第一項及び第二項の改正規定、第四条中意匠法第四条第一項及び第二項の改正規定並びに第五条中商標法第十条第一項の改正規定並びに附則第十条、第十二条、第十四条、第十六条及び第三十三条の規定 公布の日から起算して十日を経過した日

(ii) the provisions amending Article 30, paragraph (1) and paragraph (2) of the Patent Act in Article 3, the provisions amending Article 4, paragraph (1) and paragraph (2) of the Design Act in Article 4, the provisions amending Article 10, paragraph (1) of the Trademark Act in Article 5, and the provisions of Article 10, Article 12, Article 14, Article 16, and Article 33 of the Supplementary Provisions: the day on which ten days have elapsed from the date of its promulgation;

三 第一条中不正競争防止法第二条第一項第十一号の改正規定（同号を同項第十七号とする部分を除く。）、同項第十二号の改正規定（同号を同項第十八号とする部分を除く。）、同条第七項の改正規定（「（電子的方法、磁気的方法その他の人の知覚によって認識することができない方法をいう。）」を削る部分及び同項を同条第八項とする部分を除く。）及び第十九条第一項第八号の改正規定（「第二条第一項第十一号及び第十二号」を「第二条第一項第十七号及び第十八号」に、「同項第十一号及び第十二号」を「同項第十七号及び第十八号」に改める部分及び同号を同項第九号とする部分を除く。）並びに次条第二項及び附則第六条の規定 公布の日から起算して六月を超えない範囲内において政令で定める日

(iii) in Article 1; the provisions amending Article 2, paragraph (1), item (xi) of the Unfair Competition Prevention Act (excluding the part to alter that item to item (xvii) of that paragraph), the provisions amending item (xii) of that paragraph (excluding the part to alter that item to item (xviii) of that paragraph), the provisions amending paragraph (7) of that Article (excluding the part to delete the phrase "(meaning an electronic means, magnetic means or any other means not recognizable to human perception)" and the part to alter that paragraph to paragraph (8) of that Article), and the provisions amending Article 19, paragraph (1), item (viii) (excluding the part to alter the phrase "Article 2, paragraph (1), item (xi) and item (xii)" to "Article 2, paragraph (1), item (xvii) and item (xviii)" and the phrase "item (xi) and item (xii) of that paragraph" to "item (xvii) and item (xviii) of that paragraph" and the part to alter that item to item (ix) of that paragraph); and the provisions of paragraph (2) of the following Article and the provisions of Article 6 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding six months from the date of its promulgation;

四 第三条中特許法第百七条第三項の改正規定、第百九条の見出しを削り、同条の前に見出しを付し、同条の次に一条を加える改正規定、第百十二条第一項及び第六項の改正規定、第百九十五条第六項の改正規定並びに第百九十五条の二の見出しを削り、同条の前に見出しを付し、同条の次に一条を加える改正規定並びに第六条及び第七条の規定並びに附則第十一条、第十五条、第二十三条及び第二十五条から第三十二条までの規定 公布の日から起算して一年を超えない範囲内において政令で定める日

(iv) in Article 3; the provisions amending Article 107, paragraph (3) of the Patent Act, the provisions to delete the title of Article 109, add a title before that Article and add one Article after that Article, the provisions amending Article 112, paragraph (1) and paragraph (6), the provisions amending Article 195, paragraph (6), the provisions to delete the title of Article 195-2, add a title before that Article and add one Article after that Article; and the provisions of Article 6 and Article 7, and the provisions of Article 11, Article 15, Article 23, and Articles 25 through 32 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of its promulgation.