

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

Act to Facilitate Technology Transfer from Universities to the Private Sector

(平成十年五月六日法律第五十二号)

(Act No. 52 of May 6, 1998)

(目的)

(Purpose)

第一条 この法律は、大学、高等専門学校、大学共同利用機関及び国の試験研究機関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を図るための措置を講ずることにより、新たな事業分野の開拓及び産業の技術の向上並びに大学、高等専門学校、大学共同利用機関及び国の試験研究機関等における研究活動の活性化を図り、もって我が国産業構造の転換の円滑化、国民経済の健全な発展及び学術の進展に寄与することを目的とする。

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.

(定義)

(Definitions)

第二条 この法律において「特定大学技術移転事業」とは、大学（学校教育法（昭和二十二年法律第二十六号）第一条に規定する大学及び高等専門学校並びに国立大学法人法（平成十五年法律第百十二号）第二条第四項に規定する大学共同利用機関をいう。以下同じ。）における技術に関する研究成果（以下「特定研究成果」という。）について、特定研究成果に係る特許権その他の政令で定める権利のうち国以外の者に属するものについての譲渡、専用実施権の設定その他の行為により、特定研究成果の活用を行うことが適切かつ確実と認められる民間事業者に対し移転する事業であつて、当該大学における研究の進展に資するものをいう。

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 この法律において「中小企業者」とは、次の各号のいずれかに該当する者をいう。

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

一 資本金の額又は出資の総額が三億円以下の会社並びに常時使用する従業員の数が三百人以下の会社及び個人であって、製造業、建設業、運輸業その他の業種（次号から第二号の三までに掲げる業種及び第三号の政令で定める業種を除く。）に属する事業を主たる事業として営むもの

(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;

二 資本金の額又は出資の総額が一億円以下の会社並びに常時使用する従業員の数が百人以下の会社及び個人であって、卸売業（第三号の政令で定める業種を除く。）に属する事業を主たる事業として営むもの

(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;

二の二 資本金の額又は出資の総額が五千万円以下の会社並びに常時使用する従業員の数が百人以下の会社及び個人であって、サービス業（第三号の政令で定める業種を除く。）に属する事業を主たる事業として営むもの

(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;

二の三 資本金の額又は出資の総額が五千万円以下の会社並びに常時使用する従業員の数が五十人以下の会社及び個人であって、小売業（次号の政令で定める業種を除く。）に属する事業を主たる事業として営むもの

(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;

三 資本金の額又は出資の総額がその業種ごとに政令で定める金額以下の会社並びに常時使用する従業員の数がその業種ごとに政令で定める数以下の会社及び個人であって、その政令で定める業種に属する事業を主たる事業として営むもの

(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;

四 企業組合

(iv) enterprise cooperatives;

五 協業組合

(v) cooperative partnerships;

六 事業協同組合、事業協同小組合、商工組合、協同組合連合会その他の特別の法律により設立された組合及びその連合会であって、政令で定めるもの

(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.

(実施指針)

(Implementation Guidelines)

第三条 文部科学大臣及び経済産業大臣は、特定研究成果の民間事業者への効率的な移転を促進するため、特定大学技術移転事業の実施に関する指針（以下「実施指針」という。）を定めなければならない。

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 実施指針においては、次に掲げる事項を定めるものとする。

(2) In the implementation guidelines, the following particulars are to be prescribed:

一 特定大学技術移転事業の推進に関する基本的な方向

(i) basic directions concerning promotion of specified university technology transfer operations;

二 特定大学技術移転事業を実施する者の要件に関する事項

(ii) particulars concerning the requirements for persons who implement specified university technology transfer operations;

三 特定大学技術移転事業の内容及び実施方法に関する事項

(iii) particulars concerning the contents and implementation methods of specified university technology transfer operations;

四 大学における学術研究の特性その他特定大学技術移転事業の実施に際し配慮すべき事項

(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 文部科学大臣及び経済産業大臣は、実施指針を定め、又はこれを変更しようとするときは、関係行政機関の長に協議しなければならない。

(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 文部科学大臣及び経済産業大臣は、実施指針を定め、又はこれを変更したときは、遅滞なく、これを公表しなければならない。

(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.

(実施計画の承認)

(Approval of Implementation Plans)

第四条 特定大学技術移転事業を実施しようとする者（特定大学技術移転事業を実施する法人を設立しようとする者を含む。）は、当該特定大学技術移転事業の実施に関する計画（以下「実施計画」という。）を作成し、これを文部科学大臣及び経済産業大臣に提出して、その実施計画が適当である旨の承認を受けることができる。

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 実施計画には、次に掲げる事項を記載しなければならない。

(2) The following particulars must be entered in the Implementation plan;

一 特定大学技術移転事業を実施する者に関する事項

(i) particulars concerning the person(s) who implements the specified university technology transfer operations;

二 特定大学技術移転事業の内容及び実施方法

(ii) contents and means of implementation of the specified university technology transfer operations;

三 特定大学技術移転事業の実施時期

(iii) the implementation period of the specified university technology transfer operations;

四 特定大学技術移転事業の実施に必要な資金の額及びその調達方法

(iv) the amount of funds necessary for implementing the specified university technology transfer operations and the fund procurement method thereof.

3 文部科学大臣及び経済産業大臣は、第一項の承認の申請があった場合において、その実施計画が実施指針に照らして適切なものであり、かつ、当該実施計画が確実に実施される見込みがあると認めるときは、その承認をするものとする。

(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 文部科学大臣及び経済産業大臣は、第一項の承認をしたときは、その旨を公表するものとする。

(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.

(実施計画の変更等)

(Changes to Implementation Plans)

第五条 前条第一項の承認を受けた者（その者の設立に係る同項の法人を含む。）は、当該承認に係る実施計画を変更しようとするときは、文部科学大臣及び経済産業大臣の承認を受けなければならない。

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 文部科学大臣及び経済産業大臣は、前条第一項の承認を受けた実施計画（前項の規定による変更の承認があったときは、その変更後のもの。以下「承認計画」という。）に係る特定大学技術移転事業を実施する者（以下「承認事業者」という。）が当該承認計画に従って特定大学技術移転事業を実施していないと認めるときは、その

承認を取り消すことができる。

(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 前条第三項の規定は第一項の承認に、同条第四項の規定は前項の規定による承認の取消しに準用する。

(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.

(独立行政法人中小企業基盤整備機構の行う技術移転促進業務)

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

第六条 独立行政法人中小企業基盤整備機構は、特定研究成果の民間事業者への移転を促進するため、承認計画に係る特定大学技術移転事業の実施に必要な資金を調達するために発行する社債（社債、株式等の振替に関する法律（平成十三年法律第七十五号）第六十六条第一号に規定する短期社債を除く。）及び当該資金の借入れに係る債務の保証の業務を行う。

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.

第七条 削除

Article 7 Deleted

(中小企業投資育成株式会社法の特例)

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

第八条 中小企業投資育成株式会社は、中小企業投資育成株式会社法（昭和三十八年法律第百一号）第五条第一項各号に掲げる事業のほか、次に掲げる事業を行うことができる。

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:

一 承認事業者が承認計画に従って行う特定大学技術移転事業により特定研究成果の移転を受けて、中小企業者又は事業を営んでいない個人が当該特定研究成果を活用する事業を実施するために資本金の額が三億円を超える株式会社を設立する際に発行する株式の引受け及び当該引受けに係る株式の保有

(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;

二 承認事業者が承認計画に従って行う特定大学技術移転事業により特定研究成果の移転を受けて、中小企業者のうち資本金の額が三億円を超える株式会社が当該特定研究成果を活用する事業を実施するために必要とする資金の調達を図るために発行する株式、新株予約権（新株予約権付社債に付されたものを除く。）又は新株予約権付社債等（中小企業投資育成株式会社法第五条第一項第二号に規定する新株予約権付社債等をいう。以下この条において同じ。）の引受け及び当該引受けに係る株式、新株予約権（その行使により発行され、又は移転された株式を含む。）又は新株予約権付社債等（新株予約権付社債等に付された新株予約権の行使により発行され、又は移転された株式を含む。）の保有

(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 前項第一号の規定による株式の引受け及び当該引受けに係る株式の保有並びに同項第二号の規定による株式、新株予約権（新株予約権付社債に付されたものを除く。）又は新株予約権付社債等の引受け及び当該引受けに係る株式、新株予約権（その行使により発行され、又は移転された株式を含む。）又は新株予約権付社債等（新株予約権付社債等に付された新株予約権の行使により発行され、又は移転された株式を含む。）の保有は、中小企業投資育成株式会社法の適用については、それぞれ同法第五条第一項第一号及び第二号の事業とみなす。

- (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.

（学術の応用に関する研究についての配慮）

(Considerations Concerning Research Regarding the Application of Learning)

第九条 文部科学大臣は、特定研究成果の民間事業者への移転の促進に資するため、大学における学術の応用に関する研究の進展が図られるよう必要な配慮をするものとする。

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.

（大学と民間事業者との連携協力の円滑化等）

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

第十条 文部科学大臣及び経済産業大臣は、特定研究成果の民間事業者への移転を促進するため、研究開発に関し、大学と民間事業者との連携及び協力が円滑になされるよ

う努めるものとする。この場合において、大学における学術研究の特性に常に配慮しなければならない。

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 文部科学大臣及び経済産業大臣は、民間事業者が特定研究成果を活用するために必要な知識及び技術の習得を促進するための施策を効果的に推進するよう努めなければならない。

(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.

(関連施策の推進)

(Promoting Relevant Policies)

第十一条 経済産業大臣は、特定研究成果の活用において中小企業者が果たす重要な役割にかんがみ、研究開発、特定研究成果の活用に関する情報の提供その他の関連施策を効果的に推進するよう努めるものとする。

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.

(特許料の特例等)

(Special Provisions of Patent Fees)

第十二条 国の試験研究機関であつて政令で定めるもの（以下「特定試験研究機関」という。）における技術に関する研究成果について、当該研究成果に係る国有の特許権若しくは特許を受ける権利又は国有の実用新案権若しくは実用新案登録を受ける権利の譲渡を受け、当該特許権若しくは当該特許を受ける権利に基づいて取得した特許権又は当該実用新案権若しくは当該実用新案登録を受ける権利に基づいて取得した実用新案権についての譲渡、専用実施権の設定その他の行為により、当該研究成果の活用を行おうとする民間事業者に対し移転する事業を行う者は、当該特定試験研究機関を所管する大臣に申請して、その事業が次の各号のいずれにも適合している旨の認定を受けることができる。

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:

一 当該事業を適確かつ円滑に実施することができる技術的能力を有するものであること。

(i) the person has the technical capability that will enable them to implement the relevant business correctly and smoothly;

二 当該特許権若しくは当該特許を受ける権利に係る発明又は当該実用新案権若しくは当該実用新案登録を受ける権利に係る考案を自ら実施するものでないこと。

(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;

三 当該特許権若しくは当該特許を受ける権利に係る発明又は当該実用新案権若しくは当該実用新案登録を受ける権利に係る考案に関する民間事業者への情報の提供において特定の民間事業者に対して不当な差別的取扱いをするものでないことその他当該事業を適正に行うに必要な業務の実施の方法が定められているものであること。

(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 特定試験研究機関を所管する大臣は、前項の認定を受けた者（以下「認定事業者」という。）が同項各号のいずれかに適合しなくなつたと認めるときは、その認定を取り消すことができる。

(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 特定試験研究機関を所管する大臣は、第一項の規定による認定をしたとき、及び前項の規定による認定の取消しをしたときは、その旨を特許庁長官に通知しなければならない。

(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 特許法（昭和三十四年法律第百二十一号）第百七条第二項の規定は、次に掲げる特許権であって当該認定事業者に属するものに準用する。

(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:

一 認定事業者が国から譲渡を受けた特定試験研究機関における技術に関する研究成果に係る特許を受ける権利に基づいて取得した特許権

(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;

二 認定事業者が国から譲渡を受けた特定試験研究機関における技術に関する研究成果に係る特許権

(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 特許法第百九十五条第四項の規定は、前項に規定する特許権又は認定事業者が国から譲渡を受けた特定試験研究機関における技術に関する研究成果に係る特許を受ける権利であって当該認定事業者に属するものについて同条第一項から第三項までの規定により手数料（政令で定めるものに限る。）を納付すべき者が当該認定事業者である場合に準用する。

(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) through paragraph (3) of the same Article (limited to fees stipulated by Cabinet Order) is the relevant certified business operator.

6 第四項に規定する特許権又は前項に規定する特許を受ける権利が認定事業者と認定事業者以外の者との共有に係る場合における特許法第百九十五条第一項又は第二項の

規定による手数料（出願審査の請求の手数料以外の政令で定める手数料に限る。）の納付については、認定事業者を国とみなして同条第五項の規定を適用する。

(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 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）第四十条第三項の規定は、第四項に規定する特許権又は第五項に規定する特許を受ける権利について同条第一項の規定により手数料（政令で定めるものに限る。）を納付すべき者が当該認定事業者である場合に準用する。

(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 第四項に規定する特許権又は第五項に規定する特許を受ける権利が認定事業者と認定事業者以外の者との共有に係る場合における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一項の規定による手数料（前項の政令で定めるものに限る。）の納付については、認定事業者を国とみなして同条第四項の規定を適用する。

(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 第四項から前項までの規定は、認定事業者が国から譲渡を受けた特定試験研究機関における技術に関する研究成果に係る実用新案登録を受ける権利、認定事業者が国から譲渡を受けた特定試験研究機関における技術に関する研究成果に係る実用新案登録を受ける権利に基づいて取得した実用新案権及び認定事業者が国から譲渡を受けた特定試験研究機関における技術に関する研究成果に係る実用新案権であって当該認定事業者に属するものに準用する。この場合において、第四項中「特許法（昭和三十四年法律第二百一十一号）第一百七条第二項」とあるのは「実用新案法（昭和三十四年法律第二百二十三号）第三十一条第二項」と、第五項中「特許法第九十五条第四項」とあるのは「実用新案法第五十四条第三項」と、第六項中「特許法第九十五条第一項又は

第二項」とあるのは「実用新案法第五十四条第一項又は第二項」と、「出願審査の請求の手数料」とあるのは「実用新案技術評価の請求の手数料」と、「同条第五項」とあるのは「同条第四項」と読み替えるものとする。

- (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."

第十三条 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。）であつて試験研究に関する業務を行うものとして政令で定めるもの（以下「試験研究独立行政法人」という。）における技術に関する研究成果について、当該研究成果に係る試験研究独立行政法人が保有する特許権又は特許を受ける権利の譲渡を受け、当該特許権又は当該特許を受ける権利に基づいて取得した特許権についての譲渡、専用実施権の設定その他の行為により、当該研究成果の活用を行おうとする民間事業者に対し移転する事業（以下「試験研究独立行政法人技術移転事業」という。）を行う者は、当該試験研究独立行政法人を所管する大臣に申請して、その事業が次の各号のいずれにも適合している旨の認定を受けることができる。

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:

一 当該事業を適確かつ円滑に実施することができる技術的能力を有するものであること。

(i) the person has the technical capability that will enable implementation of the relevant business correctly and smoothly;

二 当該特許権又は当該特許を受ける権利に係る発明を自ら実施するものでないこと。

(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;

三 当該特許権又は当該特許を受ける権利に係る発明に関する民間事業者への情報の提供において特定の民間事業者に対して不当な差別的取扱いをするものでないことその他当該事業を適正に行うに必要な業務の実施の方法が定められているものであること。

(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 前条第二項及び第三項の規定は前項の規定による認定に準用する。

(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 特許庁長官は、第一項の認定を受けた者が同項に規定する試験研究独立行政法人技術移転事業を実施するときは、政令で定めるところにより、特許法第一百七条第一項の規定による第一年から第十年までの各年分の特許料を軽減し若しくは免除し、又はその納付を猶予することができる。

(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 特許庁長官は、第一項の認定を受けた者が同項に規定する試験研究独立行政法人技術移転事業を実施するときは、政令で定めるところにより、自己の特許出願について特許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を軽減し、又は免除することができる。

(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.

(報告の徴収)

(Collection of Reports)

第十四条 文部科学大臣及び経済産業大臣は、承認事業者に対し、承認計画の実施状況について報告を求めることができる。

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 特定試験研究機関又は試験研究独立行政法人を所管する大臣は、この法律の施行に必要な限度において、認定事業者又は前条第一項の認定を受けた者に対し、その業務の状況について報告を求めることができる。

(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,.

(罰則)

(Penal Provisions)

第十五条 前条の規定による報告をせず、又は虚偽の報告をした者は、二十万円以下の罰金に処する。

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 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又

は人の業務に関し、前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対して同項の刑を科する。

- (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.

附 則 [抄]

Supplementary Provisions [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、第十二条、第十三条並びに第十四条第二項及び第三項の規定は、平成十一年四月一日から施行する。

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

(基金の持分の払戻しの禁止の特例)

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

第二条 政府及び日本開発銀行以外の出資者は、基金に対し、この法律の施行の日から起算して一月を経過した日までの間に限り、その持分の払戻しを請求することができる。

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 基金は、前項の規定による請求があったときは、特定施設整備法第十八条第一項の規定にかかわらず、当該持分に係る出資額に相当する金額により払戻しをしなければならない。この場合において、基金は、その払戻しをした金額により資本金を減少するものとする。

(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.

(承認事業者に係る特許料等に関する特例措置等)

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

第三条 承認事業者が国立大学法人（国立大学法人法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（同条第三項に規定する大学共同利用機関法人をいう。）、又は独立行政法人国立高等専門学校機構から譲渡を受けた特許権若しくは特許を受ける権利（産業技術力強化法（平成十二年法律第四十四号）附則第三条第一項各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（同年四月一日以後にする特許出願であつて、特許法第四十四条第二項（同法第四十六条第五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ともみなされるものを除く。）に係るものに限る。）であつて承認事業者に属するものについて特許法第一百七十条第一項の規定により納付すべき特許料、同法第一百九十五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第四十条第一項の規定により納付すべき手数料の納付については、承認事業者を国とみなして特許法第一百七十条第二項、第一百九十五条第四項及び第五項並びに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を適用する。

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.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第四条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

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.

附 則 〔平成十一年十二月三日法律第四百十六号〕 〔抄〕

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

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

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第十四条 この法律（附則第一条ただし書に規定する規定については、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(政令への委任)

(Delegation to Cabinet Order)

第十五条 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て必要となる経過措置は、政令で定める。

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.

附 則 〔平成十一年十二月二十二日法律第百六十号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。
Article 1 This Act (excluding Article 2 and 3) comes into effect as of January 6, 2001.

附 則 〔平成十一年十二月二十二日法律第二百二十号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律（第一条を除く。）は、平成十三年一月六日から施行する。
Article 1 This Act (excluding Article 1) comes into effect as of January 6, 2001.

(政令への委任)

(Delegation to Cabinet Order)

第四条 前二条に定めるもののほか、この法律の施行に関し必要な事項は、政令で定める。

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.

附 則 〔平成十一年十二月二十二日法律第二百二十三号〕〔抄〕

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

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.

附 則 〔平成十三年六月二十七日法律第七十五号〕〔抄〕

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

(施行期日等)

(Effective Date, etc)

第一条 この法律は、平成十四年四月一日（以下「施行日」という。）から施行し、施

行日以後に発行される短期社債等について適用する。

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.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第七条 施行日前にした行為及びこの附則の規定によりなおその効力を有することとされる場合における施行日以後にした行為に対する罰則の適用については、なお従前の例による。

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.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Orders)

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

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.

(検討)

(Review)

第九条 政府は、この法律の施行後五年を経過した場合において、この法律の施行状況、社会経済情勢の変化等を勘案し、振替機関に係る制度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構ずるものとする。

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.

附 則 [平成十三年十一月二十八日法律第百二十九号] [抄]

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

(施行期日)

(Effective Date)

1 この法律は、平成十四年四月一日から施行する。

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

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

2 この法律の施行前にした行為及びこの法律の規定により従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(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.

附 則 [平成十四年六月十二日法律第六十五号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十五年一月六日から施行する。

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

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第八十四条 この法律（附則第一条各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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..

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第八十五条 この附則に規定するもののほか、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 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.

(検討)

(Review)

第八十六条 政府は、この法律の施行後五年を経過した場合において新社債等振替法、新証券取引法及び新金融先物取引法の施行状況、社会経済情勢の変化等を勘案し、新社債等振替法第二条第十一项に規定する加入者保護信託、新証券取引法第二条第三十一項に規定する証券取引清算機関及び新金融先物取引法第二条第十五項に規定する金融先物清算機関に係る制度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。

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.

附 則 〔平成十四年十二月十一日法律第百四十六号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、独立行政法人中小企業基盤整備機構（以下「機構」という。）の成立の時から施行する。

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").

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第五十一条 この法律（附則第一条ただし書各号に掲げる規定については、当該各規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(政令への委任)

(Delegation to Cabinet Order)

第五十二条 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 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.

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, the provisions listed in the following items come into effect as of the date specified in those items:

一 附則第十八条の規定 公布の日

(i) provisions of Article 18 of supplementary provisions: the 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) 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.

(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の改正に伴う経過措置)

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

第八条 第七条の規定による改正前の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（以下「旧大学等技術移転促進法」という。）第十二条第一項の認定を受けた者（第三項において「国立大学関係認定事業者」という。）が一部施行日前に譲渡を受けた国立大学における技術に関する研究成果に係る国有の特許権若しくは実用新案権（以下「特許権等」という。）若しくは特許を受ける権利若しくは実用新案登録を受ける権利（一部施行日前にした特許出願（一部施行日前の特許出願の分割等に係る特許出願を除く。）又は一部施行日前にした実用新案登録出願（一部施行日前の実用新案登録出願の分割等に係る実用新案登録出願を除く。）に係るものに限る。以下「特許を受ける権利等」という。）又はその特許を受ける権利等に基づいて取得した特許権等について納付すべき特許料若しくは登録料又は手数料については、同条第四項、第六項、第八項及び第十項並びに同項において準用する同条第四項、第六項及び第八項の規定は、一部施行日以後においても、なおその効力を有する。

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 旧大学等技術移転促進法第十三条第一項の認定を受けた者（同項に規定する試験研究独立行政法人（以下単に「試験研究独立行政法人」という。）における技術に関する研究成果についてその活用を行おうとする民間事業者に対し移転する事業を行う者に限る。次項において「試験研究独立行政法人関係認定事業者」という。）が一部施行日前に譲渡を受けた試験研究独立行政法人における技術に関する研究成果に係る当該試験研究独立行政法人が保有する特許権等若しくは特許を受ける権利等又はその特許を受ける権利等に基づいて取得した特許権等について納付すべき特許料若しくは登録料又は手数料については、同条第二項及び第三項の規定、同条第二項において準用する旧大学等技術移転促進法第十二条第四項、第六項及び第八項の規定並びに旧大学等技術移転促進法第十三条第三項において準用する旧大学等技術移転促進法第十二条第十項並びに同項において準用する同条第四項、第六項及び第八項の規定は、一部施行日後においても、なおその効力を有する。

(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 第七条の規定による改正後の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十二条第六項及び第八項の規定は、前二項において規定する特許権等又は特許を受ける権利等が国立大学関係認定事業者又は試験研究独立行政法人関係認定事業者とこれらの者以外の者との共有に係る場合に準用する。

(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.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning the Application of Penal Provisions)

第十七条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、それぞれなお従前の例による。

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.

(政令への委任)

(Delegation to 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 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.

(検討)

(Review)

第十九条 政府は、附則第一条第二号に掲げる規定の施行後五年を経過した場合において、新特許法第百七条第一項並びに別表第一号から第四号まで及び第六号の規定の施行の状況について検討を加え、その結果に基づいて必要な措置を講ずるものとする。

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.

附 則 〔平成十五年五月三十日法律第五十四号〕〔抄〕

Supplementary Provisions [Act No. 54 of May 30, 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.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第三十八条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

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

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Orders)

第三十九条 この法律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 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.

(検討)

(Review)

第四十条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度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。

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.

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.

(罰則に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第七条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Orders)

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 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.

附 則 [平成十六年四月二十一日法律第三十五号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、次の各号に掲げる区分に応じ、当該各号に定める日又は時から施行する。

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:

一 第二条、次条（中小企業総合事業団法及び機械類信用保険法の廃止等に関する法律（平成十四年法律第百四十六号）附則第九条から第十八条までの改正規定を除く。）並びに附則第三条から第七条まで、第十一条、第二十二條及び第三十條の規定 公布の日

(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.

附 則 〔平成十六年六月九日法律第八十八号〕〔抄〕

Supplementary Provisions [Act No. 88 of June 9, 2004] [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五年を超えない範囲内において政令で定める日（以下「施行日」という。）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 five years from the date of promulgation (hereinafter referred to as the "effective date").

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第百三十五条 この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Orders)

第百三十六条 この附則に規定するもののほか、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 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.

(検討)

(Review)

第百三十七条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の株式等の取引に係る決済制度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。

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.

附 則 〔平成十七年七月二十六日法律第八十七号〕〔抄〕
Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]

この法律は、会社法の施行の日から施行する。

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

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 promulgation.

(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の一部改正に伴う経過措置)

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

第七条 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、第六条の規定による改正後の大学等における技術に関する法律第十三条第三項の規定にかかわらず、なお従前の例による。

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.

(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 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.