

Act on the Promotion of Technology Transfer from Universities to Private Business Operators

(Act No. 52 of May 6, 1998)

(Purpose)

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

(Definition)

Article 2 (1) In this Act, the term "Specified University Technology Transfer Operations" shall mean, the operation of transfer of the patent rights or other rights provided by Cabinet Order relating to those technological research results (hereinafter referred to as "Specified Research Results") obtained at universities (referring to universities and national colleges of technology provided in Article 1 of the School Education Act (Act No. 26 of 1947) and inter-university research institutes provided in Article 2, paragraph 4 of the National University Corporation Act (Act No. 112 of 2003); the same shall apply hereinafter), which are held by parties other than the State, to private business operators whose utilization of the Specified Research Results is confirmed to be both appropriate and assured, and the transfer of which shall contribute to the advancement of the research being done at the said universities.

(2) In this Act, "Small and Medium Sized Enterprise Operator" shall mean one that falls under any of the following items.

(i) Companies whose amount of stated capital or the total amount of contribution is 300,000,000 yen or less, and companies or individuals whose number of regular employees is 300 or less, and who is engaged in the business of manufacturing, construction, transportation or other business type (excluding the business types listed in the next item 2 through 2-3 and those specified by the Cabinet Order set forth in item 3) as main business.

(ii) Companies whose amount of stated capital or the total amount of contribution is 100,000,000 yen or less, and companies or individuals whose number of regular employees is 100 or less, and who is engaged in a

wholesale business (excluding the business types stipulated in the Cabinet Order of item 3) as main business.

(ii)-2 Companies whose amount of stated capital or the total amount of contribution is 50,000,000 yen or less and companies or individuals whose number of regular employees is 100 or less, and who is engaged in a service business (excluding the business types stipulated in the Cabinet Order of item 3) as main business.

(ii)-3 Companies whose amount of stated capital or the total amount of contribution is 50,000,000 yen or less, and companies or individuals whose number of regular employees is 50 or less, and who is engaged in a retail business (excluding the business types stipulated in the Cabinet Order of the following item) as main business.

(iii) Companies whose amount of stated capital or the total amount of contribution is less than that stipulated by Cabinet Order for each of its business types, and companies or individuals whose number of regular employees is less than that stipulated by Cabinet Order for each of its business types and who is engaged in such a business type as stipulated by that Cabinet Order as main business.

(iv) Enterprise Cooperative

(v) Productivity Improvement Cooperative

(vi) Business cooperatives, small business cooperatives, regional business cooperatives, federation of cooperatives, and such other partnerships and federations of partnership established by special law, and designated by Cabinet Orders

(Implementation Guidelines)

Article 3 (1) In order to efficiently transfer the Specified Research Results to private business operators, the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry shall provide for guidelines concerning the implementation of Specified University Technology Transfer Operations (hereinafter referred to as "Implementation Guidelines").

(2) In the Implementation Guidelines, the following matters shall be prescribed.

(i) Basic directions concerning promotion of Specified University Technology Transfer Operations

(ii) Matters concerning the requirements for persons who implement Specified University Technology Transfer Operations

(iii) Matters concerning the contents and implementation methods of Specified University Technology Transfer Operations

(iv) Matters to be considered when Specified University Technology Transfer Operations are implemented, such as the characteristics of learning and

academic research at the universities, etc.

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

(Approval of the Implementation Plan)

Article 4 (1) A person who intends to implement Specified University Technology Transfer Operations (including those who intend to establish a juridical person to implement said Specified University Technology Transfer Operations) may prepare a plan (hereinafter referred to as an "Implementation Plan") concerning implementation of said Specified University Technology Transfer Operations, and submit this to the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry and receive approval to the effect that said Implementation Plan is appropriate.

- (2) The following matters shall be set forth in the Implementation Plan.
 - (i) Matters concerning the person(s) who shall implement the Specified University Technology Transfer Operations
 - (ii) Contents and implementation methods of the Specified University Technology Transfer Operations
 - (iii) The implementation period of the Specified University Technology Transfer Operations
 - (iv) The amount of funds necessary for implementing the Specified University Technology Transfer Operations and the procurement method thereof
- (3) In the case that the approval set forth in paragraph 1 is applied for, when the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry find that the Implementation Plan is appropriate in light of the Implementation Guidelines, and further that Implementation Plan has good possibility to be certainly implemented, the Ministers shall approve said application.
- (4) When the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry have approved as set forth in paragraph 1, the Ministers shall make a public announcement to that effect.

(Changes, etc. to an Implementation Plan)

Article 5 (1) When a person who has received an approval set forth in paragraph 1 of the preceding Article (including the juridical person referred to in the same paragraph established by said person) intends to change the

Implementation Plan pertaining to said approval, he/she shall obtain the approval of the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry.

- (2) When the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry find that a person who implements Specified University Technology Transfer Operators (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 said Approved Plan, the Ministers may rescind the approval thereof.
- (3) The provisions of paragraph 3 of the preceding article shall apply mutatis mutandis to the approval set forth in paragraph 1 and the provisions of paragraph 4 of same Article shall apply mutatis mutandis to the rescission of the approval set forth in the preceding paragraph.

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

Article 6 In order to promote the transfers of Specified Research Results to private business operators, the Organization for Small & Medium Enterprises and Regional Innovation shall engage 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 1 of the Act Concerning Transfer of Bonds, Shares, etc. (Act No. 75 of 2001)) and for debts arising from borrowing of said funds.

Article 7 Deleted

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

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

- (i) To subscribe shares and hold these subscribed shares, issued by a Small and Medium Sized Enterprise Operator or an individual not engaging in a business who established a business with stated capital exceeding 300,000,000 yen for the purpose to implement the business that utilizes the

said Specified Research Results which is transferred to an Accredited TLO pursuant to the Specified University Technology Transfers Operations to be carried out according to an Approved Plan.

(ii) To subscribe shares, to apply for share options (except for those attached to bond with share option) or to purchase bond with share option, etc. (referring to bonds with share option, etc. as provided in Article 5, paragraph 1, item 2 of the Small and Medium Business Investment & Consultation Companies Act; hereinafter the same shall apply 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 option, etc. (including the shares issued or transferred through the exercise of the share options attached to the bonds with share option, etc.), which have been issued by a corporation that falls within the definition of Small and Medium Sized Enterprise Operators and that has a stated capital exceeding 300,000,000 yen in order to raise the funds required to implement the business utilizing the said Specified Research Results which was transferred to an Accredited TLO pursuant to the Specified University Technology Transfers Operations to be carried out in accordance with an Approved Plan.

(2) For the purpose of the application of the Small and Medium Business Investment & Consultation Companies Act, the subscription for shares and the holding of the shares obtained through said subscription pursuant to the provisions of item 1 of the preceding paragraph and, the subscription for shares, the application for share options (except for those attached to bonds with share option), or the purchase of bonds with share option, 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 option, etc. (including the shares issued or transferred through the exercise of the share options attached to the bonds with share option, etc.), obtained through said subscription pursuant to item 2 of the same paragraph, shall be deemed to be the businesses of item 1 and item 2 respectively of Article 5, paragraph 1 of the Act mentioned above in this paragraph.

(Considerations Concerning Research Regarding the Application of Learning)
Article 9 The Minister of Education, Culture, Sports, Science and Technology shall, in order to contribute to promoting the transfers of Specified Research Results to private business operators, take into consideration matters necessary to promote the advancement of research pertaining to applications of learning at universities.

(Facilitating the Close Cooperation between Universities and Private Business

Operators, etc)

Article 10 (1) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry shall, in order to promote the transfers of Specified Research Results to private business operators, endeavor to facilitate close cooperation between universities and private business operators in regard to research and development. In this case, the Ministers shall always take into consideration the characteristics of learning and academic research at universities.

(2) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry shall endeavor to effectively promote policies to further the acquisition of knowledge and technologies necessary for private business operators to utilize Specified Research Results.

(Promoting Relevant Policies)

Article 11 The Minister of Economy, Trade and Industry shall, in view of the important role played by Small and Medium Sized Enterprise Operator in utilizing Specified Research Results, endeavor to effectively promote the provision of information pertaining to utilizing research and development and Specified Research Results, and other relevant measures.

(Special Provisions, etc. of Patent Fees)

Article 12 (1) Concerning research results related to the technologies of those national research and development institutes stipulated by Cabinet Orders (hereinafter referred to as "Specified Research and Development Institutes"), a person who has received assignment of nationally-owned patent right or right to receive a patent, or nationally-owned utility model right or right to receive registration of a utility model related to said research results, and who is engaged in the operation of transferring said research results to private business operators who intend to utilize these research results, through assignment or the establishment of exclusive licenses of patent, obtained based on said patent right itself or right to receive said patent, or utility model rights obtained based on the utility model right itself or right to receive registration of said utility model, or otherwise, may apply to the Minister having jurisdiction over the said Specified Research and Development Institute and receive an accreditation to the effect that the operation of that person conforms to all of the following items.

- (i) The person shall have the technical capability that will enable it to implement said operation correctly and smoothly.
- (ii) The person is not implementing himself/herself the inventions pertaining to said patent right or the right to receive said patent, or the concept pertaining to the said utility model right or the right to receive the registration of said

utility model.

- (iii) The operation shall not be one which treats certain private business operators in an unjust discriminatory manner, in providing information concerning the invention pertaining to said patent right or the right to receive said patent or the concept pertaining to the said utility model right or the right to receive the registration of said utility model to private business operators, and the operation shall be one whose methods of implementing the work required to carry out said operation properly are well-established.
- (2) When the Minister who has 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 a "Certified Business Operator") no longer conforms to one of the items in the same paragraph, he/she may rescind the accreditation.
- (3) When the Minister who has jurisdiction over the Specified Research and Development Institutes gives the accreditation pursuant to the provisions of paragraph 1 is given, or rescinds the accreditation pursuant to the provisions of the preceding paragraph, the Minister shall notify the Commissioner of Japan Patent Office to that effect.
- (4) The provisions of Article 107, paragraph 2, of the Patent Act (Act No. 121 of 1959) shall apply mutatis mutandis to those patents listed in the following which belong to said Certified Business Operators.
 - (i) Patent rights obtained based on the right to receive 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 State
 - (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 State
- (5) Concerning such patent rights of the preceding paragraph or those rights to receive a 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 said Certified Business Operator, the provisions of Article 195, paragraph 4 of the Patent Act shall apply mutatis mutandis where a person who must pay fees pursuant to the provisions of paragraph 1 thorough paragraph 3 of the same Article (limited to fees stipulated by Cabinet Order) is said Certified Business Operator.
- (6) Concerning payment of fees (limited to the fees stipulated by Cabinet Order other than fees for the request of an application examination) pursuant to the provisions of Article 195, paragraph 1 or paragraph 2 of the Patent Act, in the case the patent right stipulated in paragraph 4 or the right to receive a patent stipulated 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 shall be deemed to be the State and the provisions of paragraph 5 of the same Article shall apply.

- (7) The provisions of Article 40, paragraph 3 of the Act on Special Provisions of Procedures, etc. concerning Industrial Property Rights (Act No. 30 of 1990) shall 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 receive a patent stipulated in paragraph 5 is said Certified Business Operator.
- (8) Concerning the payment of fees (limited to those stipulated by Cabinet Order of the preceding paragraph) pursuant to the provisions of Article 40, paragraph 1 of the Act on Special Provisions of Procedures, etc. concerning Industrial Property Rights, if the patent rights stipulated in paragraph 4 or the right to receive a 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 shall be deemed to be the State and the provisions of paragraph 4 of the same Article shall apply.
- (9) The provisions of paragraph 4 through those of the preceding paragraph shall 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 State 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 State 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 State rights, to the extent that those rights belong to said Certified Business Operator. In this case, "paragraph 2 of Article 107 of the Patent Act (Act No. 121 of 1959)" in paragraph 4 shall read "paragraph 2 of Article 31 of the Utility Model Act (Act No. 123 of 1959)" ; "paragraph 4 of Article 195 of the Patent Act" in paragraph 5 shall read "paragraph 3 of Article 54 of the Utility Model Act" ; "paragraph 1 or paragraph 2 of Article 195 of the Patent Act" in paragraph 6 shall read "paragraph 1 or paragraph 2 of Article 54 of the Utility Model Act" ; "fee to request an application examination" shall read "fee to request a utility model technology evaluation" ; and "paragraph 5 of the same Article" shall read "paragraph 4 of the same Article."

Article 13 (1) Concerning research results related to technologies of an incorporated administrative agency (referring to an Incorporated Administrative Agency as stipulated 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 received assignment of patent right or the right to receive a patent related to said research result owned by a Research and Development Incorporated Administrative Agency, and who is engaged in the operation of transferring said research results (hereinafter "Research and Development Incorporated Administrative Agency Technology Transfer Operations") to private business operators who intend to utilize those research results, through assignment, establishment of exclusive licenses of patent rights obtained based on said patent right itself or right to receive said patent or otherwise, may apply to the Minister having jurisdiction over said Research and Development Incorporated Administrative Agencies and receive an accreditation to the effect that the operation of that person conforms to all of the following items.

- (i) The person shall have the technical capability that will enable him/her to implement said operation correctly and smoothly.
 - (ii) The person is not implementing the inventions pertaining to said patent right or the right to receive said patent or the concept pertaining to the said utility model right or the right to receive the registration of said utility model by itself.
 - (iii) The operation shall not be one which treats certain private business operators in an unjust discriminatory manner, in providing information concerning the invention pertaining to said patent right or the right to receive said patent to private business operators; and the operation shall be one whose methods of implementing the work required to carry out said operation properly are well-established.
- (2) The provisions of paragraph 2 and paragraph 3 of the preceding articles shall apply mutatis mutandis to the accreditation under the provisions of the preceding paragraph.
 - (3) When a person who has received the accreditation of paragraph 1 implements Research and Development Incorporated Administrative Agency Technology Transfer Operations, the Commissioner of the Japan Patent Office may decrease the patent fee thereof set forth in 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 third year, pursuant to provisions of Cabinet Order.
 - (4) When a person who has received the accreditation of 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 the such application examination fee

which should be paid for that person's patent application that is set forth in the provisions of Article 195, paragraph 2 of the Patent Act, or may release thereof, pursuant to provisions of Cabinet Order.

(Collection of Reports)

- Article 14 (1) The Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry may request an Accredited TLO to report on the implementation status of the Approved Plan.
- (2) The Minister who has 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 operation status, to the extent necessary to implement this Act,.

(Penal Provisions)

- Article 15 (1) Business operators who fail to report pursuant to the provisions of preceding article or who file false reports shall be punished by a fine of 200,000 yen or less.
- (2) When a representative of a juridical person, or an agent, employee, or other workers of a juridical person or of an individual, commits a violation of the preceding paragraph concerning the business of the juridical person or of the individual, the actual offender shall be penalized, and said juridical person or said individual shall also be subject to the penalty of the same paragraph.

Supplementary Provisions [Extract]

(Effective Date)

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

(The Special Provisions of the Prohibition on Return of Fund Share)

- Article 2 (1) Investors other than the Government and the Japan Development Bank may request the return of their share to the fund, only during the period up to the elapse of one month calculated from the date of effectuation of this act.
- (2) When there is a request pursuant to the provisions of the preceding paragraph, the fund shall return corresponding to the amount of contribution for said share notwithstanding the provisions of Article 18, paragraph 1 of the Act on Designated Facility Improvement. In this case, the fund shall decrease

its stated capital by the returned amount.

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

Article 3 Concerning the payment of patent fees to be paid pursuant to the provisions of paragraph 1 of Article 107 of the Patent Act, the fees to be paid pursuant to the provisions of paragraph 1 or paragraph 2 of Article 195 of the same Act, or the fees to be paid pursuant to the provisions of paragraph 1 of Article 40 of the Act on Special Provisions of Procedures, etc. concerning Industrial Property Rights, with respect to patent rights or the right to receive a 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 receive said patent (limited to those pertaining to patent application filed on or before March 31, 2007 (excluding those 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 those cases that paragraph 5 of Article 46 of the same Act apply mutatis mutandis thereto), 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 (referring to a National University Corporation provided 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 provided in paragraph 3 of the same Article), or from a Institute of National Colleges of Technology [Incorporated Administrative Agency], and said rights belonging to the Accredited TLO, under these conditions the Accredited TLO shall be deemed to be the State 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 Provisions for Procedures, etc. concerning Industrial Property Rights shall be applied.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

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

(Effective Date)

Article 1 This Act shall come into effect as from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 14 When applying Penal Provisions to acts committed before the enforcement of this Act (in the case of provisions listed in the proviso of the Supplementary Provisions, Article 1, said provisions; hereinafter the same shall apply in this Article) and acts committed after the enforcement of this Act for which the penal provisions then in force are to remain applicable by virtue of the provisions of the Supplementary Provisions, the laws then in force shall remain applicable.

(Delegation to Cabinet Order)

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

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

(Effective Date)

Article 1 This Act (excluding Article 2 and 3) shall come into effect as from January 6, 2001.

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

(Effective Date)

Article 1 This Act (excluding Article 1) shall come into effect as from January 6, 2001.

(Delegation to Cabinet Order)

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

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

(Effective Date)

Article 1 This Act shall come into effect as from the date specified by Cabinet Order within the period not exceeding 3 months from the day of promulgation.

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

(Effective Date, etc)

Article 1 This Act shall come into effect as from April 1, 2002 (hereinafter referred to as "Effective Date") and shall be applied to short term bonds, etc. issued after the Effective Date.

(Transitional Measures Concerning Application of Penal Provisions)

Article 7 With regard to the application of penal provisions to acts committed prior to the Effective Date of this Act and to acts committed after the Effective Date with respect to which the old penal provisions are to remain applicable by virtue of provisions of this Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

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

(Review)

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

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

(Effective Date)

(1) This Act shall come into effect as from April 1, 2002.

(Transitional Measures Concerning Application of Penal Provisions)

(2) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and to acts committed after the enforcement of this Act with respect to which the old penal provisions are to remain applicable by virtue of provisions of this Act, the provisions then in force shall remain applicable.

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

(Effective Date)

Article 1 This Act shall come into effect as from January 6, 2003.

(Transitional Measures Concerning Application of Penal Provisions)

Article 84 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (or, in the case of provisions listed in the each item of Article 1 of the Supplementary Provisions, said provisions; hereinafter the same shall apply in this Article) and to acts committed after the enforcement of this Act with respect to which the old penal provisions are to remain applicable by virtue of provisions of this Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

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

(Review)

Article 86 When five years have passed since the enforcement of this Act, the government shall review systems pertaining to protective trusts prescribed in Article 2, paragraph 11 of the New Act on the Storage 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 shall, when it finds it necessary, take necessary measures based on the results of the review.

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

(Effective Date)

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

(Transitional Measures Concerning Application of Penal Provisions)

Article 51 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (or, in the case of provisions listed in each item of Proviso of Article 1 of the Supplementary Provisions, said provisions;

hereinafter the same shall apply in this Article) and to acts committed after the enforcement of this Act with respect to which the old penal provisions are to remain applicable by virtue of provisions of this Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 52 In addition to those provided for in this Supplementary Provisions, the transitional measures necessary for an enforcement of this Act shall be specified by Cabinet Order.

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

(Effective Date)

Article 1 This act shall come into effect as from January 1, 2004; provided, however, the provisions listed in the following items shall come into effect as from the date specified in those items.

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

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

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 receive a 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 Receive Patent, etc.") or Patent Rights, etc. obtained based on the right to receive said patent, these rights being owned by the State 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 Private Business Operators prior to its revision 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 shall have effect even on or after the date of partial enforcement.

- (2) Concerning the patent fee, registration fee or other charge to be paid with respect to Patent Rights, etc. or the Rights to Receive Patent, etc. or the Patent Rights, etc. obtained based on the Right to Receive 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 said 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 business operators 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 shall remain in

effect, even after the partial effective date.

- (3) Pursuant to the provisions of Article 7, the provisions of paragraph 6 and paragraph 8 of Article 12 of the revised Act on the Promotion of Technology Transfer from Universities to Private Business Operators shall apply mutatis mutandis to the case in which Patent Right, etc. or the Rights to Receive Patent, etc. provided in the preceding paragraph 2 involve joint ownership between either a National University Related Certified Business Operators or a Research and Development Incorporated Administrative Agency related Certified Business Operators and a party other than those.

(Transitional Measures Concerning Application of Penal Provisions)

Article 17 When applying Penal Provisions to acts committed before the enforcement of this Act and acts committed after the enforcement of this Act pertaining to matters for which the provisions then in force are to remain applicable under the provisions of the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

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

(Review)

Article 19 When five years have elapsed since the enforcement of the provisions listed in item 2 of Article 1 of the Supplementary Provisions, the government shall study concerning the status of enforcement of the provisions of the New Patent Act, Article 107, paragraph 1 and item 1 to item 4 and item 6 of the Appended Table, and shall take necessary measures based on those results.

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

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2004.

(Transitional Measures Concerning Application of Penal Provisions)

Article 38 Concerning the application of penal provisions to acts committed before the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 39 In addition to what is provided for in these Supplementary Provisions,

the transitional measures necessary for enforcement of this Act shall be specified by Cabinet Order.

(Review)

Article 40 When five years have elapsed since the enforcement of this Act, the government shall, 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 the review results where it finds it necessary.

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

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2004.

(Transitional Measures Concerning Application of Penal Provisions)

Article 7 When applying Penal Provisions to acts committed before the enforcement of this Act and acts committed after the enforcement of this Act for which the provisions then in force are to remain applicable under the provisions of the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

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

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

(Effective Date)

Article 1 This Act shall come into force according to the classifications listed in the following items and as from the date or time specified in each said item.

- (i) Provisions of Article 2 and the next article (excluding the revised 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 day of promulgation

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

(Effective Date)

Article 1 This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding five years from the day of promulgation (hereinafter referred to as "Effective Date")

(Transitional Measures Concerning Application of Penal Provisions)

Article 135 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and to acts committed after the enforcement of this Act, but regarding which provisions of the Supplementary Provisions are deemed to have been in force, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

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

(Review)

Article 137 When five years have elapsed since the enforcement of this Act, the government shall, while taking into account the status of implementation of respective provisions revised 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 the review results where it finds it necessary.

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

This Act shall come into force as from the date of enforcement of the Companies Act.