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A study on Effective Patent Circulation System in Industry-University Cooperation

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Technology transfer of industry-university cooperation has become a critical issue to solve the serious economic depression of Japan. The technology transfer from university to industry has also become important the view point of university management at this time of privertizing the national universities in Japan, as an independent administrative corporation.

In the background of such a view, there is a success of the industry-university cooperation measure especially after the "Bayh-Dole act" in U.S. "pro-patent policy." However, it is hard to say that the "patent circulation system" in Japanese industry-university cooperation was successful now, and the success as expected hasn't achieved for the enforcement consent which Recognition TLO performs. The purpose of this study is under such problems recognition to find the effective patent circulation system in the National Universities.

In the patent circulation in the present industry-university cooperation, the "right to obtain a patent" before becoming a right usually circulates. Moreover, there is a move application which has before and after application in the transfers of "right to obtain a patent". Then, this paper, investigate the

stage of circulation by classifying into "before application" and "after application."

Moreover, there are two types of technology transfers from precedence research. One is a "technology-push-type" which licensing of technical university seeds, and the another is the "demand-pull-type" by recommending joint research etc. from the needs of a company. And the result of the investigation is that the latter system is usually effective.

This research classified the patent into, the "technology-push-type" invented independently and the "demand-pull-type" invented in collaboration with the company. And it was investigated under a hypothesis, "demand-pull-type" is also effective in the case of patent circulation.

Using these four classifications, the difference between former type of circulation and circulation of a technology licensing organization is clarified, and an effective circulation system is.

First, this paper investigated the reversion of the right at "the researcher of Japan Advanced Institute of Science and Technology, Hokuriku", a National University about. Consequently, a half of patent circulation was conventionally invented by joint research with a company. Moreover, the circulation was performed through the "joint research point" or "an university instructor" by large companies before application. In precedence research, the result was, "the instructor side has not much interest in the contract to the result of joint research." So, the systematic management is necessary for the present effective patent circulation in the result of joint research.

The second investigation researched the patent for which Recognition TLO has applied. Consequently, the rate of joint application with a company has is twenty percent or less in the patents for which Recognition TLO has applied, independent TLO in a University and wide area type TLO, the rate of it is much fewer", and the rate by which the result of the joint research in the National Universities is managed systematically is low". In order to inherit former type patent circulation and for a university side to return a suitable fund, "a share patent" with a company is one means. However, especially in the present patent circulation system, it became clear that the systematic management to the result of joint research is not made.

Furthermore, in this study, the well-informed person of Yamaguchi TLO who recommends joint application was interviewed, and investigation of a

merits and demerits about joint application with a company were performed.

Consequently, Large companies which have performed joint research, put up strong resistance of systematic management, so they need a long period to negotiate. It is necessary to treat the circulation before application and after application in total for an effective patent circulation system. However, in the present condition, the management is not systematically made in the circulation before application. In order this point corporationizing of the National University is required. Moreover, it could be said that full-scale patent circulation starts after the change.

However "a share patent" which is a way stage of an effective patent circulation system as the example of Yamaguchi TLO sees, it is required to establish flexibly a custom effective in both industrial world and the universities instead of a uniform system in negotiation.