

Kyushu University Rules for Management on Trade Secret

Kyushu University Rule No. 49 of 2016

Effective date: October 31, 2016

Last amended: September 29, 2025

(Kyushu University Rule No. 37 of 2025)

(Purpose)

Article 1 The purpose of these rules is to establish the necessary provisions regarding the management of trade secrets at Kyushu University (hereinafter referred to as “the University”), thereby ensuring the proper management and utilization of trade secrets.

(Scope of Application)

Article 2 These rules shall apply to the officers (excluding the President and Auditors) specified in Article 18 of the Regulations of Kyushu University (Kyushu University Regulation No. 1 of 2004) and to the employees specified in Article 22 thereof (hereinafter referred to as “officers and employees”).

(Definitions)

Article 3 In these Rules, the meanings of the terms set forth in the following items are as provided respectively in those items:

- (i) trade secret: technical or business information useful for business activities, such as manufacturing or marketing methods, that is kept secret and not publicly known, and has been designated pursuant to Article 6, paragraph (1);
- (ii) documents, etc.: documents, drawings, photographs, books, magnetic tapes, CD-ROMs, DVDs, hard disk drives, and other items that contain or record information;
- (iii) electronic information: information recorded electromagnetically on magnetic tape, CD-ROM, DVD, hard disk drives, or other electronic media, in a form that can be processed by an information system;
- (iv) tangible objects: items other than goods, products, equipment, and documents; and
- (v) division: each undergraduate school, each graduate school, each faculty, Faculty of Arts and Science, Institute for Advanced Study, each Attached Research Institute, International Institute for Carbon-Neutral Energy Research, Hospital, Attached Library, Research Institute for Information Technology, Platform of Inter/Transdisciplinary Energy Research, Institute for Asia and Oceania Studies, Quantum and Spacetime Research Institute, each Center for Common Education and Research, Attached facilities of each faculty, Information Infrastructure Initiative, Academic

Research and Industrial Collaboration Management Office, the Integrated Initiative for Designing Future Society, Data-Driven Innovation Initiative, Promoting Organization for Future Creators, each office, etc., Administrative Bureau, Administrative Office of each Faculty and Audit and Compliance Office, and each center stipulated in Article 2 of Kyushu University Rules on Centers for Specified Large-Scale Education and Research Projects (Kyushu University Regulation No. 11 of 2007).

(Trade Secret Classification)

Article 4 In order to manage as trade secrets, the following trade secret classifications shall be established.

(i) top secret (confidential): the following items and any other trade secrets whose disclosure would cause, or is likely to cause, extremely serious loss or detriment to the University, which shall not, in principle, be disclosed to anyone other than designated individuals; and

(a) Research results information that has been designated as confidential

(b) Joint research, sponsored research, and other research agreements

(c) Non-disclosure agreements entered with companies, etc.

(d) Technical data, agendas, minutes, and other meeting materials designated as confidential by companies, etc.

(ii) internal use only: the following items and other trade secrets other than top secret (confidential), and confidential information generated through the University's independent research activities, etc., and which shall not be disclosed to any person other than relevant parties.

(a) Information regarding inventions, etc. created independently by officers and employees that must be kept confidential prior to obtaining intellectual property rights

(b) Unpublished research information that may violate the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949)

(Management System)

Article 5 (1) In order to oversee the management of trade secrets at the University, an Executive Trade Secret Management Manager (hereinafter referred to as the "Executive Manager") shall be appointed.

(2) An Executive Manager shall be an Executive Vice President designated by the President.

(3) In order to oversee the management of trade secrets at the division, a Division's Trade Secret Management Manager (hereinafter referred to as the "Division Manager") shall be appointed.

(4) A Division Manager shall be the head of each division.

(Designation of Trade Secret Management)

Article 6 (1) The Division Manager shall, in accordance with the manual for trade secret management (hereinafter referred to as the “management manual”) established separately, designate the information held within each operational unit as a trade secret, specify its trade secret classifications, and define its retention period and the scope of persons authorized to access it (hereinafter referred to as “authorized users”).

(2) The Division Manager shall clearly indicate that the documents, etc., electronic information, and tangible objects containing the information designated pursuant to the preceding paragraph constitute trade secrets, by affixing red seals or labels prescribed separately in accordance with the trade secret classifications, embedding data indicating the trade secret classifications, setting passwords, or other appropriate methods.

(3) The Division Manager shall, with respect to the information designated pursuant to paragraph (1), change the trade secret classifications or cancel the designation as a trade secret, as appropriate, each time the confidentiality thereof is reduced or lost due to the passage of time or other circumstances.

(Handling of Trade Secrets)

Article 7 Officers and employees must handle trade secrets in accordance with the management manual.

(Disposal)

Article 8 Officers and employees must, when disposing of various recording media and tangible objects on which trade secrets are recorded, dispose of them in accordance with the management manual.

(Report)

Article 9 Officers and employees shall, when they obtain or create, in the course of their duties, information that falls within the scope of information designated as trade secrets, promptly report the details thereof to the Division Manager (or, in the case of officers, the Executive Manager; the same shall apply hereinafter in the following Article, Article 11, and Article 13), and the Division Manager shall make the designation set forth in Article 6, paragraph (1).

(Management of Trade Secrets)

Article 10 (1) Officers and employees shall not disclose trade secrets to anyone other than authorized users without the permission of the Division Manager.

(2) Officers and employees shall not use trade secrets for any purpose other than their designated duties without the permission of the Division Manager.

(3) Officers and employees shall not remove any trade secrets from the designated location without the permission of the Division Manager.

(4) Officers and employees shall not copy any trade secrets without the permission of the Division Manager.

(5) With respect to the trade secrets set forth in the items of Article 4, if a request for disclosure is made pursuant to Article 3 of the Act on Access to Information Held by Independent Administrative Agencies (Act No. 140 of 2001), such request shall be processed in accordance with the standards for disclosure of corporate documents of the University.

(Written Pledge)

Article 11 (1) When accepting transferees, including newly hired personnel, sponsored researchers from corporations, etc., and foreign researchers, the Division Manager shall clarify the confidentiality obligations owed to their previous employers or dispatching organizations and the handling of research outcomes created at the University, and require them to submit a written pledge to comply with trade secret management, etc.

(2) When officers and employees retire as provided for in Article 13 of the National University Corporation Kyushu University General Regulations of Employment (Kyushu University Employment Regulation No. 1 of FY 2004), are dismissed as provided for in Article 17 thereof, or are seconded outside the University or transferred to another department (hereinafter referred to as “retirement, etc.”), the Division Manager shall confirm the content of the confidentiality obligations and other responsibilities borne by such officers and employees, including identifying the trade secrets that they became aware of during their employment. In addition, where necessary, the Division Manager shall require such officers and employees to submit a written pledge to continue complying with trade secret management even after their retirement, etc.

(Obligations upon Retirement, etc.)

Article 12 (1) Officers and employees shall, upon their retirement, etc., delete trade secrets that are recorded or otherwise stored in their own documents, etc., in accordance with the management manual.

(2) If, after their retirement, etc., officers and employees discover any trade secrets that have not been returned or deleted due to negligence, they shall promptly take the measures prescribed in the preceding paragraph.

(Education)

Article 13 The Division Manager shall provide appropriate education to officers and employees in order to ensure that the contents of these Rules and the management manual are thoroughly disseminated and understood, and shall endeavor to enhance and maintain officers’ and employees’ awareness of trade secret protection.

(Audits)

Article 14 The Executive Manager may conduct audits of trade secrets management operations in order to implement management of trade secrets at the University properly pursuant to the related laws and regulations, these Rules and the management manual.

(Agreements, etc. Related to Industry–Academia–Government Collaboration)

Article 15 (1) The Executive Manager or the Division Manager shall, when entering into non-disclosure agreements, joint research agreement, etc., stipulate the methods for handling trade secrets.

(2) When students of the University and research students, etc. accepted under various programs of the University (hereinafter referred to as “students, etc.”) participate in joint research, etc., the Executive Manager or the Division Manager shall identify the trade secrets to be disclosed to or used by such students, etc., and require them to submit a written pledge, etc. to the effect that they will be subject to confidentiality obligations equivalent to those imposed on officers and employees.

(Contracts, etc. Involving the Disclosure of Trade Secrets)

Article 16 When outsourcing manufacturing, business operations, etc. related to the University’s operations to personnel dispatch companies, contract processing companies, contractors, etc., or when conducting licensing, joint development, etc. involving the disclosure of trade secrets, the Executive Manager or the Division Manager shall, regardless of the transaction amount, impose confidentiality obligations on the counterparty under the contract between the University and such corporation, etc., and shall give due consideration to ensuring adequate confidentiality.

(Handling of Trade Secrets by Person outside the University)

Article 17 (1) When officers and employees receive disclosure of information from person outside the University, they shall confirm whether such information constitutes a trade secret, and, if such information constitutes a trade secret, shall confirm that the person outside the University has legitimate authority to disclose such information.

(2) In the case set forth in the preceding paragraph, officers and employees shall not receive disclosure of such information if the person outside the University does not have legitimate authority, or if there is any doubt as to whether the person outside the University has such legitimate authority.

(3) With respect to any trade secrets disclosed pursuant to paragraph (1), the University shall clearly specify, with the relevant person outside the University, the restrictions imposed on the University regarding the use or disclosure of such trade secrets.

(4) When using or disclosing any trade secrets disclosed pursuant to paragraph (1), the University shall comply with the restrictions imposed on the University as set forth in the preceding paragraph, and such trade secrets shall be handled in

the same manner as the University's own trade secrets.

(Measures to Be Taken in Case of Violation of These Rules by Officers and Employees)

Article 18 Where it is considered that an act in violation of these Rules has occurred intentionally or due to gross negligence, the President shall conduct an investigation, and if, as a result of such investigation, it is found that the relevant officer or employee has committed an act in violation of these Rules, the President shall take necessary measures.

(Administration of Affairs)

Article 19 Affairs relevant to trade secrets management are administered by the Research and Industrial Collaboration Promotion Department Industrial Collaboration Promotion Division, with the cooperation from each of the related divisions, etc. of the Administrative Bureau.

(Miscellaneous Provisions)

Article 20 Beyond what is provided in these Rules, necessary matters for trade secrets management are specified separately.

Supplementary Provisions

These Rules come into effect as of November 1, 2016.

Supplementary Provisions (Kyushu University Rule No. 129 of 2016)

These Rules come into effect as of April 1, 2017.

Supplementary Provisions (Kyushu University Rule No. 44 of 2017)

These Rules come into effect as of November 1, 2017.

Supplementary Provisions (Kyushu University Rule No. 66 of 2017)

These Rules come into effect as of February 1, 2018.

Supplementary Provisions (Kyushu University Rule No. 136 of 2018)

These Rules come into effect as of April 1, 2019.

Supplementary Provisions (Kyushu University Rule No. 79 of 2020)

These Rules come into effect as of April 1, 2021.

Supplementary Provisions (Kyushu University Rule No. 162 of 2021)

These Rules come into effect as of April 1, 2022.

Supplementary Provisions (Kyushu University Rule No. 38 of 2022)

These Rules come into effect as of December 7, 2022.

Supplementary Provisions (Kyushu University Rule No. 103 of 2022)

These Rules come into effect as of April 1, 2023.

Supplementary Provisions (Kyushu University Rule No. 37 of 2025)

These Rules come into effect as of October 1, 2025.