

Policy for Confidential Information Management in Industry-Academia Collaboration

1. Purpose

The enforcement of the revised Unfair Competition Prevention Act (Act No. 47 of 2015) has expanded the scope of the parties who could be subject to criminal penalties for specific trade secret infringements at universities to legal entities, in addition to persons including faculty and staff members. Any inappropriate handling of research information identified at Nagoya University (hereinafter referred to as the “University”) can severely affect the social reputation of the entire University.

Managing confidential information, which is important knowledge from corporations and other institutions that the University has gained through industry-academia collaboration activities (hereinafter referred to as “Confidential Information”), would protect faculty and staff members as well as students from violating laws and employment regulations if they leak such information either intentionally or unintentionally.

To allow corporations and other institutions to provide important knowledge in a safe and secure manner and to maximize the achievements obtainable by researchers through collaborative research in consideration of the effects on the public benefits provided by the University and our education and research, the University herein defines the Policy for Confidential Information Management in Industry-Academia Collaboration that sets forth the basic principles in managing Confidential Information systematically to promote industry-academia collaboration activities and contribute to society.

2. Definition of Terms

In this Policy, the terms shall be defined as follows:

1. “Trade secrets” refers to “technical or business information useful for business activities, such as manufacturing or marketing methods, that is kept secret and that is not publicly known.” (Unfair Competition Prevention Act; Article 2, Clause 6)
2. “Leakage” refers to external leakage of secret information by willful misconduct or negligence.
3. “Collaborative research” refers to collaborative research, contract research, and collaborative research that involve obtainment of Confidential Information, provided that collaborative research only with universities or public institutions is excluded.

3. Parties and Scope

(1) Faculty and staff members and students at Nagoya University are subject to this Policy. The faculty and staff members refer to faculty members, staff members, and researchers at the University, and any other persons who are employed by the University or persons who are given job titles by the University. The faculty and staff members shall be defined separately in the Guidelines for Confidential

Information Management in Industry-Academia Collaboration (hereinafter referred to as the “Guidelines”).

The students refer to students (of legal age) who participate in collaborative research and have obtained or are to obtain Confidential Information.

(2) The Policy shall cover the scope defined below, provided that Confidential Information including personal information used in clinical or other research is excluded.

1. Confidential Information obtained from partner corporations through collaborative research.
2. Collaborative research agreements entered in collaborative research etc. (only those agreed as confidential)
3. Know-how achieved through collaborative research etc., including Confidential Information obtained from the partners, of which the content and the ownership are designated

(3) This Policy shall be implemented to appropriately address requests for the disclosure of information in accordance with the Act on Access to Information Held by Independent Administrative Agencies.

4. Basic Principles

The matters necessary to implement this Policy shall be defined by the Guidelines, and specific management methods of the Policy shall be defined in the “Confidential Information Management Operation Manual in Industry-Academia Collaboration.”

The University shall limit the management of information that falls within the scope of the Confidential Information defined in Article 3: Parties and Scope, and shall give due consideration to avoid our excessive confidentiality management for research information until it would degrade the fundamental mission of the University, considering that our research achievements must basically be made available to the public.

Confidential Information shall be managed basically by grading, in which confidential information shall be identified by faculty and staff members etc. and managed in accordance with its grade in compliance with the Guidelines considering the level of importance of the information and management burden.

When students participate in industry-academia-government collaboration activities, adequate attention shall be paid so that the students can exercise the right to receive education and publish the achievements of their research, and also participate in recruiting activities. The University shall also respect voluntary intention of the students not to give the students excessive responsibility.

5. Management of Confidential Information

To manage Confidential Information properly, the grading of Confidential Information and the management method in accordance with the grading shall be defined separately in the Guidelines.

6. Administrative Structure

(1) Head Director

The University shall designate the Head Director for Confidential Information management who shall make the final decision on important matters in managing Confidential Information. The President shall serve as the Head Director.

(2) Confidential Information General Manager

The University shall designate the Confidential Information General Manager (hereinafter referred to as the “General Manager”) who shall be in charge of management of Confidential Information. The President shall appoint a trustee responsible for international industry-academia collaboration or international academic exchange activities or a Vice President as the Manager.

(3) Confidential Information Management Committee

The University shall designate the Confidential Information Management Committee to discuss important matters in managing Confidential Information. The President shall appoint a trustee responsible for risk management or a Vice President as the chair of the Committee.

(4) Confidential Information Operating Manager

The General Manager shall appoint the Confidential Information Operating Manager who manages Confidential Information. The Confidential Information Operating Manager shall conduct operations for disseminating directions, communication, and requests by the General Manager and consultations on Confidential Information management with faculty and staff members.

(5) Confidential Information Management Supervisor

The Confidential Information Management Supervisor shall be designated in departments that handle Confidential Information. The Confidential Information Management Supervisor shall manage Confidential Information notified by faculty and staff members. The Confidential Information Management Supervisor shall be a person responsible for a laboratory or research group of the University (a professor or an associate professor) designated by the head of the relevant department.

7. Compliance with Laws

The University shall comply with the Unfair Competition Prevention Act, establish a system for consulting with experts, promote industry-academia collaboration activities, and prevent disputes associated with infringements of Confidential Information.

8. Penalties

A person who leaks Confidential Information by willful misconduct or gross negligence and persons involved in such leakage of the information shall receive punishment according to the employment regulations or other rules.

9. Amendment or Abolition

Amendment or abolition of this Policy shall be conducted by the board of management.