

Exception for transferring the Technology

Supplying Technology specified separately by the Director of Export Control (i.e. exception) in accordance with Article 3, paragraph (2), section (ii) of the Guidelines of Kyushu University for Securities and Export Control is listed in the following.

- (i) Supplying the international students with Technology through a textbook, etc.

An *international student* refers to a student of foreign nationality who has been enrolled in KU separately from Japanese students, and it includes international researchers. A *textbook, etc.* refers to a book, thesis, chart, data or similar object that is available to the general public or to a large number of people and unspecified number.

- (ii) Supplying Technology for educational purposes, in providing advice for a thesis that is expected to be put into the public domain.

Providing advice for a thesis refers to a case in which international students in an undergraduate, master or doctoral program, are being provided with an advice they need to write a thesis that will be submitted for a degree, appear in a magazine or be presented at an academic conference. *Put into the public domain* refers to the subject matter being accessible to a large number of people and unspecified number, including being stored in a digital archive provided by a library.

- (iii) Supplying the minimum amount of Technology apply for or register an industrial property right to the Technology

This exception applies if the Technology is expected to be put into the public domain in due course (e.g. Technology disclosed in a description attached to a patent application).

- (iv) Supplying Technology during joint research with a foreign firm or entity, if there is clearly no strict restriction against putting into domain the Technology or research outcomes.

A *strict restriction* means that, according to a joint research agreement concluded with

a firm or entity, it strictly restricts KU researchers from disclosing the Technology even though he or she has retained it in that research. Although, it includes following events that KU researchers will never be able to make the Technology available or the partner firm or entity is very likely refuse KU researchers' making it public without a good reason.

(v) Supplying Technology for the purpose of allowing a large number of people and unspecified number to obtain or see the Technology through the distribution of papers written for presentation at an academic conference, the distribution of brochures at exhibitions, etc., or the submission of articles to journals, etc.

This exception applies if it is clear that the Technology will become available to a large number of people and unspecified number, such as when a paper for presentation at an academic conference is sent to the foreign steering committee of the academic conference, a brochure to be distributed at an exhibition, etc. is sent to the foreign venue of the exhibition, or an article is submitted to a foreign journal.

(vi) Supplying Technology to a large number of people and unspecified number by making a presentation at an international academic conference or submitting an article to an overseas publication.

This exception applies if the Technology will be made available to a large number of people and unspecified number through a presentation at an international academic conference or through a submission of an article to an overseas publication.

(vii) Supplying Technology at a place or event in or outside Japan in which the Technology may be obtained or learned about by a large number of people and unspecified number, such as a tour, lecture, and exhibition at a factory or research facility.

This exception applies if a large number of people and unspecified number will be able to obtain the Technology by participating in a tour, lecture, or exhibition at a factory or research facility affiliated with a university or any other entity.

(viii) Supplying Technology that the Director of Export Control determines such transaction is based on Technology is provided for "basic scientific research" as

prescribed in Article 9, paragraph (2), item (i) of the Ministerial Ordinance on Trade Relation Invisible Trade, etc. (last revised as of September 28, 2007; Ordinance of the Ministry of Economy, Trade and Industry No. 10).

A transaction in which *Technology is provided for basic scientific research* as prescribed in Article 9, paragraph (2), item (i) of the Ministerial Ordinance on Trade Relation Invisible Trade, etc. refers to a research activity conducted using a theoretical or experimental method, with the primary purpose of discovering the principles of phenomena in the field of natural science, which is not conducted for the purpose of designing or producing certain products (1(3)H, Service Directive (Directive of the Trade Bureau No. 1, 20120814); last revised as of August 28, 2012;) and judged whether the Transaction in question falls under this exception by the approval of the Director of Export Control. If you will not be supplying Technology falls under any of (i) to (vii) but you consider that the Transaction may be qualified as “basic scientific research”, you should notify the Department for Supervision of Export Control (KU International Legal Office) of this.