

(The original bylaws are in Japanese; This English version is a translation for convenience.)

Institute for Integrated Cell-Material Sciences (iCeMS) Analysis Center,
Kyoto University Institute for Advanced Study (KUIAS)

Bylaws for Shared Use

Decision of the Director-General of KUIAS as of August 30, 2017

Partial Revision as of March 30, 2020

Partial Revision as of November 30, 2020

Partial Revision as of July 1, 2021

Partial Revision as of January 28, 2022

Article 1 Intent

These Bylaws stipulate necessary provisions concerning shared use of equipment managed and operated by Institute for Integrated Cell-Material Sciences (iCeMS) Analysis Center (the “Center”), Kyoto University Institute for Advanced Study (KUIAS).

Article 2 Equipment

The target equipment of these Bylaws (the “Equipment”) shall be as specified in Appendix 3 of the Bylaws for User Fees, etc. of Institute for Integrated Cell-Material Sciences (iCeMS) Analysis Center, Kyoto University Institute for Advanced Study (KUIAS) (March 31, 2020, decision by the Director of iCeMS Analysis Center, KUIAS).

Article 3 Chief Administrator

In order to properly manage the equipment, a Chief Administrator shall be assigned to the Center, and the position will be given to the Director of iCeMS Analysis Center, KUIAS (hereinafter referred to as the “Center Director”).

Article 4 User Qualification

A user of the Equipment must correspond to any of the following items:

- (1) A faculty or staff or student of Kyoto University (hereinafter referred to as the “University”)
- (2) A member of a national or local government, or a national university corporation, an inter-university research institute, an independent administrative institution, or any other corporation or organization aimed at education or research other than the University
- (3) A person engaged in research and development at a business enterprise or other organization
- (4) Any other person deemed eligible by the Chief Administrator

Article 5 Availability

1. The Equipment may be used on any day, except for the days specified in the following items:

- (1) Saturdays and Sundays

- (2) Statutory public holidays of Japan stipulated by the Act on National Holidays (Act No. 178 of 1948)
 - (3) December 29 through January 3 of the following year
 - (4) June 18 (University's Foundation Day)
 - (5) Monday, Tuesday and Wednesday of the third week of August (summer holidays)
2. Notwithstanding the provisions of the preceding paragraph, the Chief Administrator may permit the use of the Equipment on any of the days listed in the preceding paragraph, or prohibit the use on any of the originally available days, whenever he or she acknowledges any exceptional need.

Article 6 Form of use

The form of use of the equipment shall be as follows:

- (1) Use of the equipment
- (2) Technical consultation (this means that users of the equipment will have to consult with the Center for specific matters such as technical advice)

Article 7 Hours and Unit of Use

1. The Equipment shall be available for use between 9:30 a.m. and 5:00 p.m.
2. Notwithstanding the provisions of the preceding paragraph, the hours of use may be extended or shortened by the Chief Administrator whenever he or she acknowledges any exceptional need.
3. The unit of use of the equipment shall be as set forth in Appendix 3 of the Bylaws for User Fees, etc. of Institute for Integrated Cell-Material Sciences (iCeMS) Analysis Center, Kyoto University Institute for Advanced Study (KUIAS).
4. Notwithstanding the provisions of the preceding paragraph, the unit of use may be changed by the Chief Administrator whenever he or she acknowledges any exceptional need.

Article 8 Application for Registration of Use

1. Application for Registration of Use shall be made on a group-by-group basis (laboratory, department, etc.), and the research representative of the group will be the one to process the application.
2. A research representative of the group wishing to use the equipment must submit an Application for Registration of Use to the Chief Administrator in each fiscal year, and obtain approval by the day he or she intends to use the equipment.
3. Any changes made in the content of the Application for Registration of Use must be promptly reported to the Chief Administrator for approval.

Article 9 Approval for Registration of Use

When receiving an Application for Registration of Use pursuant to the preceding Article, the Chief Administrator shall decide upon approval or disapproval and notify the applicant to that effect.

Article 10 Application for Use

A person who has been notified for the approval for the Registration of Use pursuant to the preceding Article must separately apply for the use of each equipment and obtain approval thereof when the person intends to use the equipment.

Article 11 Approval of Use

A person who manages the equipment shall, when receiving an application for the use of such equipment

pursuant to the preceding Article, decide on whether to approve/disapprove its use and notify the applicant to that effect.

Article 12 User Fees, etc.

1. The research representative of the group shall bear the registration fee, and the user fee according to the usage record of the group by the methods listed in the following items.
 - (1) University operating expenses shall be based on budget transfers.
 - (2) Contract research expenses, donations, and subsidies granted to the University shall be by replacing expenses.
 - (3) Subsidies to be granted to researchers managed by the University shall be requested by a Notice of User Fee.
 - (4) Persons belonging to organizations other than the University shall be transferred to the designated account by the date specified in the invoice issued by the University.
2. If the Chief Administrator especially acknowledges that the cost cannot be borne properly in the manner as set forth in the preceding paragraph, the Chief Administrator may determine a different method of sharing the burden.
3. The amount of registration fees and user fees shall be separately determined by the Center Director.
4. Notwithstanding the provisions of paragraph 1, the Chief Administrator may exempt a user from all or part of the registration fee and user fee whenever he or she acknowledges any particular reason.
5. Registration fees and user fees shall be nonrefundable once they are paid.

Article 13 Rules to be Observed by User

1. Each user must observe the rules listed below in connection with his or her use of the Equipment.
 - (1) The user may not use the equipment for any purpose other than the approved purpose.
 - (2) The user may not allow any third party to use the equipment.
 - (3) The user must attend a preliminary lecture by a person appointed by the Chief Administrator prior to his or her first use of the equipment, except for a case in which the person who manages the equipment considers it unnecessary.
 - (4) The user may not make any special arrangement on the equipment or change the existing conditions, except for a case in which the Chief Administrator considers it necessary.
 - (5) The user must endeavor to preserve the facilities and equipment of the Center.
 - (6) The user must observe any other instructions to be given by the Chief Administrator.
2. If the user finds any damage to the equipment, the user must promptly notify, as per instructions, the person who manages the equipment.

Article 14 Suspension of Use

1. The Chief Administrator may revoke his or her approval for a user's registration of the equipment or suspend the use of the equipment, in any of the following events:
 - (1) The Chief Administrator recognizes the fact or a risk of the user's violation of these Bylaws
 - (2) The user made a false entry into his or her Application for Registration of Use
 - (3) The user has failed to pay a user fee or any other cost by its due date designated by the University
 - (4) The Chief Administrator acknowledges any inconvenience to be caused by the use of the Equipment for a reason attributable to the administration of the University

2. The University shall bear no responsibility to the user for any damage resulting from the withdrawn approval for a user's registration of the equipment or suspended use of the equipment for the reasons (1), (2), or (3) in the preceding paragraph.

Article 15 Restoration to Original State

After using the equipment (including a case of withdrawn approval or suspended use pursuant to the provisions of paragraph 1 of the preceding Article), the user must promptly restore the equipment into its original state, and Chief Administrator will do an inspection, except for cases in which the Chief Administrator considers it unnecessary.

Article 16 Compensation for Damage

A user must make appropriate compensation for any loss or damage to the facilities, the equipment, etc. of the Center for a reason attributable to the user.

Article 17 Disclaimer

1. The Center shall offer cooperation and support to each user so that his or her goals will be achieved, provided that the Center shall provide no assurance of any subsequent result from his or her use of the equipment and assume no responsibility for his or her use of the equipment or any damage incidental to the use.
2. The Center shall assume no responsibility for any accident or injury caused by users using the equipment of the Center.

Article 18 Confidentiality

Each faculty or staff member of the Center, as well as each user, may not disclose or divulge to a third party, without prior written consent of the other party, any information acquired through the use the equipment of the Center, except those falling under any of the following items:

- (1) Information which is already in the public domain
- (2) Information which was obtained lawfully from a duly authorized third party without assuming secrecy obligations
- (3) Information which was in the receiving party's possession at the point of receipt from the disclosing party
- (4) Information which was independently developed by the receiving party without using the information disclosed by the disclosing party
- (5) Information which becomes available to the public through no fault of the receiving party after receipt from the disclosing party
- (6) Information which is required to be disclosed by order from a court, an administrative authority or any other public agency under the laws

Article 19 Intellectual Property Rights

The intellectual property rights resulting from the use of the equipment of the Center shall be determined by the Center and the research representative of the group after separate consultation, taking into consideration the present conditions and the regulations of the University.

Article 20 Specification and Reporting of Use

When publishing the results, the user shall clearly state in the paper that the equipment of the Center was used.

Article 21 Health and Safety

With regard to the Center's safety management, users must comply with relevant laws and regulations as well as various regulations of the University (hereinafter referred to as "Laws and Regulations, etc."), and he or she must follow the instructions given by the Chief Administrator in accordance with Laws and Regulations, etc.

Article 22 Compliance with Provisions

Users must comply with the matters specified by the University and the Center.

Article 23 Affairs

Affairs concerning shared use shall be handled by KUIAS and Yoshida South Administration Office

Article 24 Settlement of Questions, etc.

Any matter not stipulated in these Bylaws, or any question arising from their interpretation, shall be settled on a case-by-case basis upon consultation between the Chief Administrator and the user.

Article 25 Change of Bylaws

1. The Director-General of KUIAS may decide to change certain regulations without the consent of the research representative of the group and the user in the following cases:
 - (1) When the change in the Bylaws conforms to the general interests of the research representative of the group and the user.
 - (2) When the change in the Bylaws is not contrary to the purpose for which the contract was concluded and is reasonable in light of the necessity of equipment management and other circumstances pertaining to the change.
2. When changing the Bylaws pursuant to the preceding paragraph, the effect that the Bylaws will be changed, the content of the Bylaws after the change, and its effective date shall be made known to the research representative of the group and users by posting them on the Center's website, notifying them by e-mail, or by other appropriate means no later than the effective date.

Article 26 Miscellaneous

Other than those specified in these Bylaws, necessary matters concerning the shared use shall be determined by the Chief Administrator.

Supplementary Provision

These Bylaws shall be effective from September 1, 2017.

Supplementary Provision

These Bylaws shall be effective from April 1, 2020.

Supplementary Provision

These Bylaws shall be effective from December 1, 2020.

Supplementary Provision

These Bylaws shall be effective from July 1, 2021.

Supplementary Provision

These Bylaws shall be effective from February 1, 2022.