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4. Application number(s) or patent number(s):

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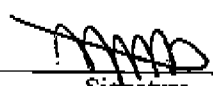
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| <p>A. Patent Application No.(s)<br/>10/252,093</p>  | <p>B. Patent No.(s)<br/>5,342,778</p> |
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*Translation of the Law Concerning Japan Agency for Marine-Earth Science and Technology  
(Law Number 95 of June 18, 2004)*

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## LAW NUMBER 95

### LAW CONCERNING JAPAN AGENCY FOR MARINE-EARTH SCIENCE AND TECHNOLOGY

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#### Supplementary Provisions

#### Chapter 1. General Provisions

##### Article 1. (Purpose)

The purpose of this Law is to establish such matters as the name, purposes, scope of activities, and other matters of the Japan Agency for Marine-Earth Science and Technology.

##### Article 2. (Definitions)

1. For the purpose of this Law, the term "Marine Science and Technology" means science and technology concerning oceans.
2. For the purpose of this Law, the term "Fundamental Research and Development" means research and development (hereinafter referred to as "Research and Development") to which any of the following items applies.
  - 1) Common Research and Development concerning science and technology;
  - 2) Research and Development concerning science and technology requiring facilities and equipment that are deemed not appropriate to be established due to high cost, and which overlap with national experimental research institutes or independent administrative institutions conducting Research and Development;
  - 3) Integrated Research and Development concerning science and technology requiring the collaboration of multiple fields.

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**Article 3. (Name)**

The name of the independent administrative institution to be established pursuant to this Law and the General Provisions Law concerning Independent Administrative Institutions (Law Number 103 of 1999; hereinafter referred to as the "General Provisions Law") which is prescribed in Article 2, Item 1 of the General Provisions Law shall be the Japan Agency for Marine-Earth Science and Technology.

**Article 4. (Objectives of Agency)**

The objectives of the Japan Agency for Marine-Earth Science and Technology (hereinafter referred to as the "Agency") are, based on the principle of peace and welfare, to strive for the improvement of the standards of Marine Science and Technology, and to contribute to the development of academic research by comprehensively conducting such activities as the Fundamental Research and Development concerning oceans, and cooperation with academic research concerning oceans.

**Article 5. (Office)**

The Agency shall have its main office in Kanagawa prefecture.

**Article 6. (Capital)**

1. The capital of the Agency shall consist of the total sum of the amounts that are determined to have been contributed by the Government and non-government entities under the provisions of Paragraph 1, Paragraph 3, and Paragraph 4 of Article 11 of the Supplementary Provisions.
2. The Agency, when necessary, may increase its capital with permission of the Ministry of Education, Culture, Sports, Science, and Technology.
3. In the event that the Agency is to increase its capital under the provisions of the preceding paragraph, the Government may make a capital contribution to the Agency within the limit of the amount determined under the budget.
4. In the event that the Government makes a capital contribution to the Agency, it may provide land, fixtures such as buildings on land, or vessels (all referred to as "Land" in the next paragraph) for that purpose.
5. The value of the Land to be contributed under the provisions of the preceding

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paragraph shall be the value determined by the appraisal committee based on the market value as of the day of the contribution.

6. The appraisal committee referred to in the preceding paragraph and other necessary matters regarding the appraisals shall be stipulated under a cabinet order.

**Article 7. (Prohibition of Refunding Equity Interest)**

1. The agency shall not refund their equity interests to the contributors.
2. The agency shall not acquire the contributor's equity interests, nor receive their equity interests for the purpose of pledging them.

**Article 8. (Transfer of Equity Interests)**

1. The capital contributors other than the Government may transfer their equity interests.
2. With regard to transfer of the equity interest of a contributor other than the Government, the transaction may not be asserted against a third party such as the Agency until the matters listed in each item of Paragraph 2 of Article 19 are entered in the original register of capital contributors.

**Article 9. (Restrictions on Use of Name)**

No persons or entities other than the Agency shall use the name, "Agency for Marine-Earth Science and Technology."

**Chapter 2. Executives and Employees**

**Article 10. (Executives and Employees)**

1. The Agency shall have, as its executives, one president as the head of the Agency and two General Auditors.
2. The Agency may have up to three Executive Directors as executives.

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**Article 11. (Duties and Authorities of Executive Directors)**

1. The Executive Director shall assist the President and manage the Agency's activities under the President's directions.
2. The executives set forth in the respective law in Article 19, Paragraph 2 of the General Provisions Law shall be Executive Directors. However, in the event that no Executive Directors have been appointed, the executive shall be the General Auditor.
3. In the case of the proviso in the proceeding paragraph, the General Auditor who acts on behalf of the President or carries out the duties of the President pursuant to Article 19, Paragraph 2 of the General Provisions Law shall not perform the duties of the General Auditor during such period.

**Article 12. (Term of Office of Executives)**

1. The term of office of the President shall commence on the day of his/her appointment and expire on the last day of the Agency's mid-term goal period including the day of his/her appointment, which is set forth in Article 29, Paragraph 2, Item 1 of the General Provisions Law (hereinafter referred to as the "Mid-Term Goal Period").
2. In the event that the Mid-Term Goal Period set forth in the provisions of Article 29, Paragraph 1 of the General Provisions Law is changed by the provisions of latter part of said paragraph, the terms of office of the President shall expire at the end of the Mid-Term Goal Period as changed.
3. The term of office of the Executive Director shall be the period defined by the President (provided that the last day of the term so defined shall be prior to the last day of the President's term of office).
4. In the event that the term of office of the President is changed pursuant to Paragraph 2, and the last day of the Executive Director's term of office thus comes after the last day of the President's term of office, the term of office of the Executive Director shall expire on the last day of the President's term of office as changed.
5. The term of office of the General Auditor shall be two years.

**Article 13. (Special Case of Disqualification of Executives)**

Other than those persons designated in Article 22 of the General Provisions Law, any

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person to whom any of the following items applies shall not serve as an Executive Director of the Agency:

- 1) Any person who is engaged in the business of manufacturing or selling goods, contracting construction, or running vessels, and has close interests in business relationships with the Agency, or, if such person is a corporation, its executives (including those who, regardless of their title, have official authority or controlling power which is equal to or higher than that of such executives); or
- 2) Any executive of the organizations to which the person referred to in the preceding item belongs (including those who, regardless of their title, have official authority or controlling power which is equal to or higher than that of such executives).

Article 14.

For the purpose of the application of Article 23, Paragraph 1 of the General Provisions Law concerning the removal of an executives, "the preceding article" in that paragraph shall be read as "the preceding article and Article 13 of Law Concerning the Japan Agency for Marine-Earth Science and Technology."

Article 15. (Duty of Confidentiality of Executives and Employees)

The executives and employees of the Agency shall not disclose any confidential matters acquired in the course of performing their duties. Their duty of confidentiality shall survive and continue after their retirement from the Agency.

Article 16. (Status of Executives and Employees)

With regard to application of penal codes including the Criminal Code (Law Number 45 of 1907), the executives and employees of the Agency shall be regarded as employees who are engaged in public services by law.

Chapter 3. Operations

Article 17. (Scope of Operations)

In order to accomplish the objectives stated in Article 4, the Agency shall conduct the

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following activities.

- 1) Conducting Fundamental Research and Development concerning oceans;
- 2) Disseminating the results of the activities stated in the preceding item and promoting the applications of the results;
- 3) Providing cooperation such as running a vessel for academic research concerning oceans by universities and inter-university research institutes,
- 4) Providing the Agency's facilities and equipment for use by entities conducting research and development or academic research concerning science and technology;
- 5) Training and educating researchers and technicians in the field of marine science and technology, and trying to improve their capabilities;
- 6) Collecting, organizing, maintaining, and providing information and reference materials concerning marine science and technology domestically and internationally; and
- 7) Conducting activities which are incidental to the activities stated in each of the preceding items.

**Article 18. (Disposition of Reserve Funds)**

1. After the Agency has made adjustments under Article 44, Paragraph 1 or Paragraph 2 of the General Provisions Law for the last fiscal year of the Mid-Term Goal Period, if reserve funds remain as set forth in Paragraph 1 of said Article, the Agency may allocate the amount equal to the amount that has been approved by the Minister of Education, Culture, Sports, Science, and Technology for the revenue sources for the activities set forth in the preceding article which is scheduled for the subsequent mid-term goal period as defined in the mid-term plan (or, in the event of approval of a change pursuant to the latter part of said paragraph, the plan so changed) in the following Mid-term Goal Period, which is approved for the period under Article 30, Paragraph 1 of the General Provisions Law.
2. In the event that the Minister of Education, Culture, Sports, Science, and Technology is to issue approval as set forth in the preceding paragraph, the Minister shall obtain the opinion of the Evaluation Commission for Independent Administrative Institutions and discuss the issue with the Ministry of Finance.
3. After the Agency deducts the amount approved as set forth in Paragraph 1 from the amount equal to the amount of the reserve funds set forth in said paragraph, if a

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surplus still remains, the Agency shall pay it to the National Treasury.

4. Other than set forth in the preceding three paragraphs, the procedures for payment and other matters necessary for disposition of the reserve funds shall be stipulated by a cabinet order.

#### Chapter 4. Miscellaneous Provisions

##### Article 19. (Original Register of Capital Contributors)

1. The Agency shall keep the original register of capital contributors.
2. The following information about each capital contributor shall be stated in the original register of capital contributors.
  - 1) Name and address;
  - 2) Dates of subscription, and payment of capital contribution, or provisions of property other than funds for the purpose of capital contribution, or date of the transfer of the capital contributor's equity interests; and
  - 3) Amount of capital contribution.
3. The capital contributors may request access to the original register of capital contributors.

##### Article 20. (Distribution of Remaining Assets at Dissolution of Agency)

In the event of dissolution of the Agency, if assets remain after the Agency has paid off its liabilities, the Agency shall distribute them to each contributor up to the amount of the contributor's capital contribution.

##### Article 21. (Competent Minister)

The competent Minister, the competent Ministry and the competent ministerial ordinance in relation to the Agency under the General Provisions Law shall be, respectively, the Minister of Education, Culture, Sports, Science, and Technology, the Ministry of Education, Culture, Sports, Science, and Technology, and the ministerial ordinance of Education, Culture, Sports, Science, and Technology, respectively.



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**Article 22. (Special Exceptions to Application of the National Public Service Personnel Mutual Aid Association Law)**

For the purpose of application of the provisions of the National Public Service Personnel Mutual Aid Association Law (Law Number 128 of 1958), the executives and employees of the Agency shall not fall within those employees set forth in Article 2, Paragraph 1, Item 1 of said Law. Any necessary matters related to this shall be stipulated in a cabinet order.

**Article 23. (Exception to Application of the National Public Service Personnel Accommodation Law)**

The provisions of the National Public Service Personnel Accommodation Law (Law Number 117 of 1949) shall not apply to the executives and employees of the Agency.

**Chapter 5. Penalties**

**Article 24.**

Those who have disclosed confidential information in violation of the provisions of Article 15 shall be subject to imprisonment for a term not exceeding one year or a fine in the amount not exceeding 500,000 yen.

**Article 25.**

In the event that any of the following items applies to any executive of the Agency, the executive committing such violation shall be subject to a fine not exceeding 200,000 yen.

- 1) Failure to obtain permission or approval when permission or approval by the Minister of Education, Culture, Sports, Science, and Technology is required under the provisions of this Law;
- 2) Engaging in activities other than those set forth in Article 17.

**Article 26.**

Any person who has committed a violation set forth in the provisions of Article 9 shall

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be subject to a fine not exceeding 100,000 yen.

#### SUPPLEMENTARY PROVISIONS

##### Article 1. (Effective Date)

This Law shall become effective on the day of its promulgation. However, the provisions of Article 15 through Article 17, Article 19, and Article 20 shall become effective on the first day of April, 2004.

##### Article 2. (Succession of Employees)

Employees who are actually employed by any of the following organizations as of the establishment of the Agency shall, unless a special notice of appointment is given to them, become employees of the Agency on the day of establishment of the Agency:

- 1) Employees of research institutes attached to the national universities set forth in Article 4, Paragraph 1 of the National School Establishment Law (Law Number 150 of 1949) before the Law was repealed by the provisions of Article 2 of the Law concerning Adjusting Related Laws in relation to Enforcing the National University Foundation Law (Law Number \_\_ of 2003) (hereinafter referred to as the "Research Institutes") and that are designated by a cabinet order (and, within the Research Institutes, it is limited to the employees in the internal organization designated by the Minister of Education, Culture, Sports, Science, and Technology); or
- 2) Employees of the Center of Marine Science and Technology (hereinafter referred to as the "Center").

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Article 3.

For the purpose of application of the provisions of Article 82, Paragraph 2 of the National Public Service Personnel Law (Law Number 120 of 1947) concerning employees of the Research Institutes who have become employees of the Agency under the provisions of the preceding article, the employees of the Agency shall be treated as special service national public service personnel set forth in said paragraph, and loss of their status as national public service personnel pursuant to the preceding article shall be regarded as a retirement in order to become special service national public service personnel set forth in said paragraph upon request by the person with appointive power.

Article 4

1. In the event that employees of the Research Institutes become employees of the Agency pursuant to Article 2 of the Supplementary Provisions, they shall not be eligible to receive payment of retirement allowances under the Law concerning Retirement Allowances of National Public Service Personnel (Law Number 182 of 1953).
2. In the event that the Agency intends to pay a retirement allowance upon retirement of any of its employees to whom the provisions of the preceding paragraph apply, the Agency shall treat the period that the employee continuously served as an employee set forth in Article 2, Paragraph 1 of the Law concerning Retirement Allowances of National Public Service Personnel (including those who are regarded an employee under the provisions of Paragraph 2 of said Article) as the period of service as an employee of the Agency.
3. In the event that any person serving as an employee of the Research Institutes as of the day immediately preceding the day on which the Agency is established becomes an employee of the Agency as set forth in Article 2 of the Supplementary Provisions, and continuously serves as an employee of the Agency, and then becomes an employee set forth in Article 2, Paragraph 1 of the Law concerning Retirement Allowances of National Public Service Personnel, the period of said person's service as an employee of the Agency, for the purpose of calculation of the continuous service period which is the basis of calculation of the retirement allowance payable to said person, shall be treated as the period of continuous service set forth in said paragraph, except in cases where that person has received a retirement allowance (including any benefits equivalent thereto) upon retirement from the Agency.
4. To those who have served as employees of the Research Institutes as of the day

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immediately preceding the day on which the Agency is established, and become employees of the Agency as set forth in Article 2 of the Supplementary Provisions, and retire from the Agency during a time period from the day on which the Agency is established up to the time when they become eligible to receive unemployment benefits under the Employment Insurance Law (Law Number 116 of 1974), and who could have been eligible to receive a retirement allowance under the provisions of Article 10 of the Law concerning Retirement Allowances of National Public Service Personnel if they had served as employees of the Research Institutes until the day of such retirement, the Agency shall pay them the amount equal to the amount of retirement allowance calculated in accordance with the provisions of said article as retirement allowance.

Article 5.

In the event that employees of the Research Institutes who become employees of the Agency as set forth in Article 2 of the Supplementary Provisions and are approved as being eligible under Article 7, Paragraph 1 of the Children's Allowance Law (Law Number 73 of 1971) (including the cases that are applied mutates mutandis in Paragraph 2 of Article 6, Paragraph 4 of Article 7, or Paragraph 4 of Article 8 of the Supplementary Provisions of said Law; this applies throughout this article) by the Minister of Education, Culture, Sports, Science, and Technology or any person authorized by said Minister on the day immediately preceding the day on which the Agency is established, meet the requirements for payment of childcare benefits or the benefits under Paragraph 1 of Article 6, Paragraph 1 of Article 7, or Paragraph 1 of Article 8 of the Supplementary Provisions of said Law (hereinafter in this article referred to as the "Special Benefits") as of the day on which the Agency is established, payment of childcare benefits or Special Benefits to those employees shall be regarded to having been authorized by the relevant municipal heads as set forth in Article 7, Paragraph 1 of said Law (including heads of special wards) as of the day on which the Agency is established. In this case, the payment of childcare benefits or Special Benefits so authorized shall begin in the month immediately following the month in which the day immediately preceding the day on which the Agency is established falls, notwithstanding the provisions of Article 8, Paragraph 2 of said Law (including the cases that are applied mutates mutandis in Paragraph 2 of Article 6, Paragraph 4 of Article 7, or Paragraph 4 of Article 8 of the Supplementary Provisions of said Law).

Article 6.

1. If employees set forth in Article 2, Paragraph 1, Item 1 of the National Public

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Service Personnel Mutual Aid Association Law who are members of a national public service personnel mutual aid association comprising the employees set forth in said item who belong to the Ministry of Education, Culture, Sports, Science and Technology and the employees of independent administrative institutions under the control of said Ministry (hereinafter in this article referred to as the "Mutual Aid Association of the Ministry of Education, Culture, Sports, Science and Technology") pursuant to the provisions of Article 3, Paragraph 1 of said Law as of the day immediately preceding the day on which the Agency is established (limited to those belonging to the Research Institute on that day) become executives and employees of the Agency (limited to those individuals who come under employees prescribed in said item; hereinafter in this article referred to as "Executives/Employees") on the day on which the agency is established, and continue to serve as the Executives/Employees of the Agency thereafter, those Executives/Employees shall, notwithstanding the provisions of Article 22, be considered to be employees set forth in said item comprising the Mutual Aid Association of the Ministry of Education, Culture, Sports, Science, and Technology while they continue to serve as such on and after the day on which the Agency is established, for the purpose of application of the provisions of said Law, provided that they make requests to the Mutual Aid Association of the Ministry of Education, Culture, Sports, Science, and Technology within 20 days after that day (or, if the Mutual Aid Association of the Ministry of Education, Culture, Sports, Science, and Technology agrees that there is any reasonable cause, any day approved by it).

2. In the event that any of the Executives/Employees set forth in the preceding paragraph dies without making the request stated therein within the designated period of time, such request may be made by his/her survivors within said designated period of time (limited to those who come under the survivors prescribed in Article 2, Paragraph 1, Item 3 of the National Public Service Personnel Mutual Aid Association Law; this also applies to the following paragraph).
3. If employees set forth in Article 2, Paragraph 1, Item 1 of the National Public Service Personnel Mutual Aid Association Law who are members of the Mutual Aid Association of the Ministry of Education, Culture, Sports, Science, and Technology as of the day immediately preceding the day on which the Agency is established (limited to those belonging to the Research Institute as of that day) become the Executives/Employees of the Agency as of the day on which the Agency is established, and such Executives/Employees or their survivors fail to make the request as set forth in Paragraph 1, such Executives/Employees shall be considered to have retired (which refers to the retirement set forth in Item 4 of Paragraph 1 of said Article) as of the day immediately preceding the day on which the Agency is established.

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**Article 7. (Transitional Measures for Employee Organizations Comprising Those  
Becoming Employees of the Agency)**

1. The employee organizations set forth in Article 108-2, Paragraph 1 of the National Public Service Personnel Law which actually exist at the time the Agency is established, a majority of whose members will become the employees of the Agency as set forth in Article 2 of the Supplementary Provisions, shall become labor unions to which the Labor Union Law (Law Number 174 of 1949) applies upon the establishment of the agency. For this purpose, if those employee organizations are corporations, they shall become corporate labor unions.
2. Unless an organization that has become a corporate labor union pursuant to the provisions of the preceding paragraph receives a certification from the Labor Commission to the effect that it complies with the provisions of Article 2, and Article 5, Paragraph 2 of the Labor Union Law and has registered in the location where its principal office is located within 60 days from the day on which the Agency is established, it shall be dissolved upon the passage of that period of time.
3. The provisions of the proviso of Article 2 of the Labor Union Law (limited to the portion relating to Item 1) shall not apply to those that become labor unions as set forth in Paragraph 1 until the passage of 60 days from the day on which the Agency is established.

**Article 8. (Succession of Rights and Duties of Government)**

Upon its establishment, the Agency shall succeed to the rights and duties actually owned by the Government that are stipulated in a cabinet order with respect to the activities set forth in Article 17.

**Article 9. (Use of Government's Properties without Compensation)**

The Government may allow the Agency, without any compensation, to use Government owned properties that are actually used for the residences of the employees stipulated in Article 2, Paragraph 1 of the Supplementary Provisions and that are designated by a cabinet order, for the purpose of conducting the activities of the Agency in a manner set forth in the cabinet order.

**Article 10. (Dissolution of Center)**

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1. The Center shall be dissolved when the Agency is established. At that time, the Agency shall succeed to all of the rights and duties of the Center other than those assets to be succeeded to by the Government pursuant to the following paragraph.
2. Among the rights actually owned by the Center upon the establishment of the Agency, the Government shall succeed to all assets other than those necessary for the Agency to carry out its activities without fail.
3. The scope of the assets to be succeeded to by the Government pursuant to the preceding paragraph and other matters necessary for the succession of those assets by the Government shall be stipulated by a cabinet order.
4. The settlement of accounts, inventory of property, balance sheet, and income statement of the Agency in the fiscal year commencing on April 1, 2003 shall be handled in the manner in effect prior thereto.
5. Upon the dissolution of the Center, no distribution of the remaining assets pursuant to the provisions of Article 36, Paragraph 1 of the Marine Science and Technology Center Law (Law Number 63 of 1971; referred to as the "Former Center Law" in Article 16 of the Supplementary Provisions) before it was repealed by the provisions of Article 15 of the Supplementary Provisions, shall take place.
6. Registration of the dissolution of the Center when it is dissolved pursuant to Paragraph 1 shall be stipulated by a cabinet order.

Article 11. (Capital Investment to Agency)

1. When the agency has succeeded to the rights and duties owned by the Government pursuant to Article 8 of the Supplementary Provisions, an amount equal to the total sum of the values of the properties including land and buildings stipulated by a cabinet order shall be regarded as having been contributed to the Agency by the Government upon succession.
2. The rights resulting from the contribution under the preceding paragraph shall be attributable to the general account.
3. When the agency has succeeded to the rights and duties of the Center pursuant to the provisions of Paragraph 1 of the immediately preceding article, the amount obtained by multiplying the total amount of the values of assets attributable to the Center which are succeeded to by the Government and the Agency minus the amount of liabilities to be succeeded to by the Agency (or, if the amount so deducted exceeds the capital amount of the Center, the amount equal to such capital amount) by the percentage of investments in the Center by entities other than the Government shall

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- be deemed to be contributed to the Agency by such entities other than the Government succession,
4. When the agency has succeeded to the rights and duties of the Center pursuant to the provisions of Paragraph 1 of the immediately preceding article, the values of assets attributable to the Center succeeded to by the Agency minus the amount of liabilities, and the amount contributed by entities other than the Government pursuant to the immediately preceding paragraph shall be deemed to be contributed to the Agency by the Government upon such succession.
  5. The value of properties set forth in Paragraph 1 and the value of assets set forth in the preceding two paragraphs shall be as evaluated by the Appraisal Committee, based on the market values as of the day on which the Agency is established.
  6. Members of the Appraisal Committee referred to in the immediately preceding paragraph and other matters necessary for the appraisal shall be stipulated by a cabinet order.

**Article 12. (Refund of Equity Interests)**

1. With respect to the amounts determined to be contributed to the Agency by entities other than the Government pursuant to Paragraph 3 of the immediately preceding article, those entities other than the Government shall have the right to request that the Agency refund their capital contribution only within one month from the day on which the Agency is established.
2. Notwithstanding the provisions of Article 7, Paragraph 1, upon a request as set forth in the preceding paragraph, the Agency shall refund the amount equal to the amount of the capital investment. In such case, the Agency shall reduce its capital amount by the amount so refunded.

**Article 13. (Special Case of Term of Office of President)**

With respect to the term of office of the President who is appointed pursuant to Article 14, Paragraph 2 of the General Provisions Law upon the establishment of the Agency, the reference to the "day of his/her appointment" in Article 12, Paragraph 1 shall mean the "day on which the Agency is established."

**Article 14. (Transitional Measures Concerning Restriction of Use of Name)**



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With respect to any entities which are actually using the name, "Agency for Marine-Earth Science and Technology" on the day when this Law becomes effective, the provisions of Article 9 shall not apply for six months from the day this Law becomes effective.

Article 15. (Abolition of the Marine Science and Technology Center Law)

The Marine Science and Technology Center Law shall be abolished.

Article 16. (Transitional Measures in Connection with Abolition of the Marine Science and Technology Center Law)

Actions such as dispositions and proceedings which were taken pursuant to the provisions of the Former Center Law (except for Paragraph 3 of Article 16, Paragraph 3 of Article 20, and Article 21) prior to the enforcement of the provisions of the immediately preceding article shall be deemed to be actions such as dispositions and proceedings which were taken pursuant to the corresponding provisions of the General Provisions Law or this Law.

Article 17. (Transitional Measures Concerning Penalties)

Application of Penalties for any actions taken prior to the enforcement of the provisions of Article 15 of the Supplementary Provisions, as well as for any actions taken after the enforcement of this Law in connection with matters deemed to be handled in the way in effect prior thereto as set forth in Article 10, Paragraph 4 of the Supplementary Provisions shall still be handled in the way in effect prior thereto.

Article 18. (Delegation to Cabinet Order)

Other than those set forth in Article 2 through Article 14, Article 16, and the preceding article of the Supplementary Provisions, any transitional measures required in connection with the establishment of the Agency and any other transitional measures necessary for the enforcement of this Law shall be stipulated by a cabinet order.

Article 19. (Partial Amendment of Income Tax Laws)

The tables concerning the Marine Science and Technology Center in the following laws

*Translation of the Law Concerning Japan Agency for Marine-Earth Science and Technology  
(Law Number 95 of June 18, 2004)*

shall be deleted.

- 1) Income Tax Law (Law No. 33 of 1965): Table of the Attached Table No. 1, Item 1.
- 2) Corporate Income Tax Law (Law No. 34 of 1965): Table of the Attached Table No. Item 1.
- 3) Consumption Tax Law (Law No. 108 of 1988): Table of the Attached Table No 3, Item 1.
- [ 4. Law concerning Release of Information held by Independent Administrative Institutions (Law No. 140 of 2001): Attached Table No. 1.]

Article 20. (Partial Amendment of Revenue Stamp Law)

The following provisions of the Revenue Stamp Law (Law Number 23 of 1967) shall be amended as follows:

The following section is inserted immediately after the paragraph concerning the documents relating to the activities set forth in Article 20, Paragraph 1, Item 3 and Item 4 (Scope of Activities) of the Law concerning Promoting Disposition of Information, Attached Table No. 3 (Law Number 90 of 1970).

|   |  |
|---|--|
| Documents concerning the activities set forth in Article 17, Item 3 (Scope of Activities) of the Law Concerning the Japan Agency for Marine-Earth Science and Technology (Law Number 95 of 2003). | Japan Agency for<br>Marine-Earth Science<br>and Technology |
|---|--|

## ○独立行政法人海洋研究開発機構法

(平成15年法律第95号 平成15年6月18日公布)

D1

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## 第1章 総則

## (目的)

第1条 この法律は、独立行政法人海洋研究開発機構の名称、目的、業務の範囲等に関する事項を定めることを目的とする。

## (定義)

第2条 この法律において「海洋科学技術」とは、海洋に関する科学技術をいう。  
2 この法律において「基盤的研究開発」とは、研究及び開発（以下「研究開発」という。）であって次の各号のいずれかに該当するものをいう。  
(1) 科学技術に関する共通的研究開発  
(2) 科学技術に関する研究開発であって、国の試験研究機関又は研究開発を行う独立行政法人に重複して設置することが多額の経費を要するため適当でないと認められる施設及び設備を必要とするもの  
(3) 科学技術に関する研究開発であって、多数部門の協力を要する総合的なもの

## (名称)

第3条 この法律及び独立行政法人通則法（平成11年法律第103号。以下「通則法」という。）の定めるところにより設立される通則法第2条第1項に規定する独立行政法人の名称は、独立行政法人海洋研究開発機構とする。

## (機構の目的)

第4条 独立行政法人海洋研究開発機構（以下「機構」という。）は、平和と福祉の理念に基づき、海洋に関する基盤的研究開発、海洋に関する学術研究に関する協力等の業務を総合的に行うことにより、海洋科学技術の水準の向上を図るとともに、学術研究の発展に資することを目的とする。

## (事務所)

第5条 機構は、主たる事務所を神奈川県に置く。

## (資本金)

第6条 機構の資本金は、附則第11条第1項、第3項及び第4項の規定により政府及び政府以外の者から出資があったものとされた金額の合計額とする。  
2 機構は、必要があるときは、文部科学大臣の認可を受けて、その資本金を増加することができる。  
3 政府は、前項の規定により機構がその資本金を増加するときは、予算で定める金額の範囲内において、機構に出資することができる。  
4 政府は、機構に出資するときは、土地、建物その他の土地の定着物又は船舶（次項において「土地等」という。）を出資の目的とすることができる。  
5 前項の規定により出資の目的とする土地等の価額は、出資の日現在における時価を基準として評価委員が評価した価額とする。  
6 前項の評価委員その他評価に関し必要な事項は、政令で定める。

## (持分の払戻し等の禁止)

第7条 機構は、出資者に対し、その持分を払い戻すことができない。  
2 機構は、出資者の持分を取得し、又は質権の目的としてこれを受けることができない。

## (持分の譲渡等)

第8条 政府以外の出資者は、その持分を譲渡することができる。  
2 政府以外の出資者の持分の移転は、第19条第2項各号に掲げる事項を出資者原簿に記載した後でなければ、機構その他の第三者に対抗することができない。

## (名称の使用制限)

第9条 機構でない者は、海洋研究開発機構という名称を用いてはならない。

## 第2章 役員及び職員

## (役員)

第10条 機構に、役員として、その長である理事長及び監事2人を置く。  
2 機構に、役員として、理事3人以内を置くことができる。

## (理事の職務及び権限等)

第11条 理事は、理事長の定めるところにより、理事長を補佐して機構の業務を掌理する。  
2 通則法第19条第2項の個別法で定める役員は、理事とする。ただし、理事が置かれていないときは、監事とする。  
3 前項ただし書の場合において、通則法第19条第2項の規定により理事長の職務を代理し又はその職務を行う監事は、その間、監事の職務を行ってはならない。

## (役員任期)

第12条 理事長の任期は、任命の日から、その日を含む機構に係る通則法第29条第2項第1号に規定する中期目標の期間

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- 2 通則法第29条第1項後段の規定により同項に規定する中期目標が変更された場合において中期目標の期間が変更されたときは、理事長の任期は、変更後の中期目標の期間の末日までとする。
- 3 理事の任期は、当該理事について理事長が定める期間（その末日が理事長の任期の末日以前であるものに限る。）とする。
- 4 第2項の規定により理事長の任期が変更された場合において、理事の任期の末日が理事長の任期の末日後となるときは、当該理事の任期は、変更後の理事長の任期の末日までとする。
- 5 監事の任期は、2年とする。

(役員の下格条項の特例)

- 第13条 通則法第22条に定めるもののほか、次の各号のいずれかに該当する者は、役員となることができない。
- (1) 物品の製造若しくは販売、工事の請負若しくは船舶の運航を業とする者であつて機構と取引上密接な利害関係を有するもの又はこれらの者が法人であるときはその役員（いかなる名称によるかを問わず、これと同等以上の職権又は支配力を有する者を含む。）
  - (2) 前号に掲げる事業者の団体の役員（いかなる名称によるかを問わず、これと同等以上の職権又は支配力を有する者を含む。）

第14条 機構の役員に関する通則法第23条第1項の規定の適用については、同項中「前条」とあるのは、「前条及び独立行政法人海洋研究開発機構法第13条」とする。

(役員及び職員秘密保持義務)

第15条 機構の役員及び職員は、職務上知ることのできた秘密を漏らしてはならない。その職を退いた後も、同様とする。

(役員及び職員の地位)

第16条 機構の役員及び職員は、刑法（明治40年法律第45号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

第3章 業務等

(業務の範囲)

- 第17条 機構は、第4条の目的を達成するため、次の業務を行う。
- (1) 海洋に関する基礎的研究開発を行うこと。
  - (2) 前号に掲げる業務に係る成果を普及し、及びその活用を促進すること。
  - (3) 大学及び大学共同利用機関における海洋に関する学術研究に關し、船舶の運航その他の協力をを行うこと。
  - (4) 機構の施設及び設備を科学技術に関する研究開発又は学術研究を行う者の利用に供すること。
  - (5) 海洋科学技術に関する研究者及び技術者を養成し、及びその資質の向上を図ること。
  - (6) 海洋科学技術に関する内外の情報及び資料を収集し、整理し、保管し、及び提供すること。
  - (7) 前各号の業務に附帯する業務を行うこと。

(積立金の処分)

- 第18条 機構は、中期目標の期間の最後の事業年度に係る通則法第44条第1項又は第2項の規定による整理を行った後、同条第1項の規定による積立金があるときは、その額に相当する金額のうち文部科学大臣の承認を受けた金額を、当該中期目標の期間の次の中期目標の期間に係る通則法第30条第1項の認可を受けた中期計画（同項後段の規定による変更の認可を受けたときは、その変更後のもの）の定めるところにより、当該次の中期目標の期間における前条に規定する業務の財源に充てることができる。
- 2 文部科学大臣は、前項の規定による承認をしようとするときは、あらかじめ、文部科学省の独立行政法人評価委員会の意見を聴くとともに、財務大臣に協議しなければならない。
  - 3 機構は、第1項に規定する積立金の額に相当する金額から同項の規定による承認を受けた金額を控除してなお残余があるときは、その残余の額を国庫に納付しなければならない。
  - 4 前3項に定めるもののほか、納付金の納付の手続その他積立金の処分に関し必要な事項は、政令で定める。

第4章 雑則

(出資者原簿)

- 第19条 機構は、出資者原簿を備えて置かなければならない。
- 2 出資者原簿には、各出資者について次の事項を記載しなければならない。
    - (1) 氏名又は名称及び住所
    - (2) 出資の引受け及び出資金の払込み若しくは出資の目的たる金銭以外の財産の給付の年月日又は出資者の持分の移転の年月日
    - (3) 出資額
  - 3 出資者は、出資者原簿の閲覧を求めることができる。

(機構の解散時における残余財産の分配)

第20条 機構は、解散した場合において、その債務を弁済してなお残余財産があるときは、これを各出資者に対し、その出資額を限度として分配するものとする。

(主務大臣等)

第21条 機構に係る通則法における主務大臣、主務省及び主務省令は、それぞれ文部科学大臣、文部科学省及び文部科学省令とする。

(国家公務員共済組合法の適用に関する特例)

第22条 機構の役員及び職員は、国家公務員共済組合法（昭和33年法律第128号）の規定の適用については、同法第2条第1項第1号に規定する職員には該当しないものとする。この場合において必要な事項は、政令で定める。

(国家公務員宿舎法の適用除外)

第23条 国家公務員宿舎法（昭和24年法律第117号）の規定は、機構の役員及び職員には適用しない。

第5章 罰則

第24条 第15条の規定に違反して秘密を漏らした者は、1年以下の懲役又は50万円以下の罰金に処する。

(1) この法律の規定により文部科学大臣の認可又は承認を受けなければならない場合において、その認可又は承認を受けなかったとき。  
(2) 第17条に規定する業務以外の業務を行ったとき。

第26条 第9条の規定に違反した者は、10万円以下の過料に処する。

附 則

(施行期日)

第1条 この法律は、公布の日から施行する。ただし、附則第15条から第17条まで、第19条及び第20条の規定は、平成16年4月1日から施行する。

(職員の引継ぎ等)

第2条 機構の成立の際現に次に掲げる職員である者は、別に辞令を発せられない限り、機構の成立の日において、機構の職員となるものとする。

- (1) 国立大学法人法等の施行に伴う関係法律の整備等に関する法律（平成15年法律第117号）第2条の規定による廃止前の国立学校設置法（昭和24年法律第150号）第4条第1項の国立大学に附置する研究所のうち政令で定めるもの（以下「研究所」という。）の職員（その内部組織のうち文部科学大臣が定めるものの職員に限る。）  
(2) 海洋科学技術センター（以下「センター」という。）の職員

第3条 前条の規定により機構の職員となった研究所の職員に対する国家公務員法（昭和22年法律第120号）第82条第2項の規定の適用については、機構の職員を同項に規定する特別職国家公務員等と、前条の規定により国家公務員としての身分を失ったことを任命権者の要請に応じ同項に規定する特別職国家公務員等となるため退職したこととみなす。

第4条 附則第2条の規定により研究所の職員が機構の職員となる場合には、その者に対しては、国家公務員退職手当法（昭和28年法律第182号）に基づく退職手当は、支給しない。

2 機構は、前項の規定の適用を受けた機構の職員の退職に際し、退職手当を支給しようとするときは、その者の国家公務員退職手当法第2条第1項に規定する職員（同条第2項の規定により職員とみなされる者を含む。）としての引き続いた在職期間を機構の職員としての在職期間とみなして取り扱うものとする。

3 機構の成立の日の前日に研究所の職員として在職する者が、附則第2条の規定により引き続いて機構の職員となり、かつ、引き続き機構の職員として在職した後引き続き国家公務員退職手当法第2条第1項に規定する職員となった場合におけるその者の同法に基づいて支給する退職手当の算定の基礎となる勤続期間の計算については、その者の機構の職員としての在職期間を同項に規定する職員としての引き続いた在職期間とみなす。ただし、その者が機構を退職したことにより退職手当（これに相当する給付を含む。）の支給を受けているときは、この限りでない。

4 機構は、機構の成立の日の前日に研究所の職員として在職し、附則第2条の規定により引き続いて機構の職員となった者のうち機構の成立の日から雇用保険法（昭和49年法律第116号）による失業等給付の受給資格を取得するまでの間に機構を退職したものであって、その退職した日まで研究所の職員として在職したものとしたならば国家公務員退職手当法第10条の規定による退職手当の支給を受けることができるものに対しては、同条の規定の例により算定した退職手当の額に相当する額を退職手当として支給するものとする。

第5条 附則第2条の規定により機構の職員となった研究所の職員であって、機構の成立の日の前日において文部科学大臣又はその委任を受けた者から児童手当法（昭和46年法律第73号）第7条第1項（同法附則第6条第2項、第7条第4項又は第8条第4項において準用する場合を含む。以下この条において同じ。）の規定による認定を受けているものが、機構の成立の日において児童手当又は同法附則第6条第1項、第7条第1項若しくは第8条第1項の給付（以下この条において「特例給付等」という。）の支給要件に該当するときは、その者に対する児童手当又は特例給付等の支給に関しては、機構の成立の日において同法第7条第1項の規定による市町村長（特別区の区長を含む。）の認定があったものとみなす。この場合において、その認定があったものとみなされた児童手当又は特例給付等の支給は、同法第8条第2項（同法附則第6条第2項、第7条第4項又は第8条第4項において準用する場合を含む。）の規定にかかわらず、機構の成立の日の前日の属する月の翌月から始める。

第6条 機構の成立の日の前日において国家公務員共済組合法第3条第1項の規定により文部科学省に属する同法第2条第1項第1号に規定する職員及びその所管する独立行政法人の同号に規定する職員をもって組織された国家公務員共済組合（以下この条において「文部科学省共済組合」という。）の組合員である同号に規定する職員（同日において研究所に属する者に限る。）が機構の成立の日において機構の役員及び職員（同号に規定する職員に相当する者に限る。以下この条において「役員」という。）となり、かつ、引き続き同日以後において機構の役員である場合において、その者が同日から起算して20日を経過する日（正当な理由があるとして文部科学省共済組合が認めた場合には、その認めた日）までに文部科学省共済組合に申出をしたときは、当該役員は、第22条の規定にかかわらず、同法の規定の適用については、機構の成立の日以後引き続き当該役員である期間文部科学省共済組合を組織する同号に規定する職員に該当するものとする。

2 前項に規定する役員が同項に規定する申出をその期限内に行うことなく死亡した場合には、その申出は、当該期限内に当該役職員の遺族（国家公務員共済組合法第2条第1項第3号に規定する遺族に相当する者に限る。次項において同じ。）がすることができる。

3 機構の成立の日の前日において文部科学省共済組合の組合員である国家公務員共済組合法第2条第1項第1号に規定する職員（同日において研究所に属する者に限る。）が機構の成立の日において機構の役員となる場合において、当該役員又はその遺族が第1項の規定による申出を行わなかったときは、当該役員は、機構の成立の日の前日に退職（同条第1項第4号に規定する退職をいう。）をしたものとみなす。

(機構の職員となる者の職員団体についての経過措置)

第7条 機構の成立の際現に存する国家公務員法第108条の2第1項に規定する職員団体であって、その構成員の過半数が附則第2条の規定により機構に引き継がれる者であるものは、機構の成立の際労働組合法（昭和24年法律第174号）の適用を受ける労働組合となるものとする。この場合において、当該職員団体が法人であるときは、法人である労働組合となるものとする。

2 前項の規定により法人である労働組合となったものは、機構の成立の日から起算して60日を経過する日までに、労働組合法第2条及び第5条第2項の規定に適合する旨の労働委員会の証明を受け、かつ、その主たる事務所の所在地において登記しなければならない。その日の経過により解散するものとする。

3 第1項の規定により労働組合となったものについては、機構の成立の日から起算して60日を経過する日までは、労働組合法第2条ただし書（第1号に係る部分に限る。）の規定は、適用しない。

(国の有する権利義務の承継等)

第8条 機構の成立の際、第17条に規定する業務に関し、現に国が有する権利及び義務のうち政令で定めるものは、機構の成立の時に機構が承継する。

第9条 国は、機構の成立の際現に附則第2条第1号に掲げる職員の住居の用に供されている国有財産であつて政令で定めるものを、政令で定めるところにより、機構の用に供するため、機構に無償で使用させることができる。

(センターの解散等)

- 第10条 センターは、機構の成立の時に於いて解散するものとし、次項の規定により国が承継する資産を除き、その一切の権利及び義務は、その時に於いて機構が承継する。
- 2 機構の成立の際現にセンターが有する権利のうち、機構がその業務を確実に実施するために必要な資産以外の資産は、機構の成立の時に於いて国が承継する。
- 3 前項の規定により国が承継する資産の範囲その他当該資産の国への承継に関し必要な事項は、政令で定める。
- 4 センターの平成15年4月1日に始まる事業年度に係る決算並びに財産目録、貸借対照表及び損益計算書については、なお従前の例による。
- 5 センターの解散については、附則第15条の規定による廃止前の海洋科学技術センター法(昭和46年法律第63号、附則第16条において「旧センター法」という。)第36条第1項の規定による残余財産の分配は、行わない。
- 6 第1項の規定によりセンターが解散した場合における解散の登記については、政令で定める。

(機構への出資)

- 第11条 附則第8条の規定により機構が国の有する権利及び義務を承継したときは、その承継の際、承継される権利に係る土地、建物その他の財産で政令で定めるものの価額の合計額に相当する金額は、政府から機構に出資されたものとする。
- 2 前項の出資による権利は、一般会計に帰属するものとする。
- 3 前条第1項の規定により機構がセンターの権利及び義務を承継したときは、その承継の際、国及び機構が承継するセンターに属する資産の価額の合計額から機構が承継する負債の金額を差し引いた額(当該差し引いた額がセンターの資本金の額を超えるときは、当該資本金の額に相当する金額)に、センターに対する政府以外の者の出資額の割合を乗じて得た額は、当該政府以外の者から機構に出資されたものとする。
- 4 前条第1項の規定により機構がセンターの権利及び義務を承継したときは、その承継の際、機構が承継するセンターに属する資産の価額から負債の金額を差し引いた額から、前項の規定により政府以外の者から機構に出資があったものとされた額を差し引いた額は、政府から機構に出資されたものとする。
- 5 第1項に規定する財産の価額及び前2項に規定する資産の価額は、機構の成立の日現在における時価を基準として評価委員が評価した価額とする。
- 6 前項の評価委員その他評価に関し必要な事項は、政令で定める。

(持分の払戻し)

- 第12条 前条第3項の規定により政府以外の者が機構に出資したものとされた金額については、当該政府以外の者は、機構に対し、その成立の日から起算して1月を経過する日までの間に限り、当該持分の払戻しを請求することができる。
- 2 機構は、前項の規定による請求があったときは、第7条第1項の規定にかかわらず、当該持分に係る出資額に相当する金額により払戻しをしなければならない。この場合において、機構は、その払戻しをした金額により資本金を減少するものとする。

(理事長の任期の特例)

- 第13条 通則法第14条第2項の規定により機構の成立の時に理事長に任命されたものとされる理事長の任期については、第12条第1項中「任命の日」とあるのは、「機構の成立の日」とする。

(名称の使用制限に関する経過措置)

- 第14条 この法律の施行の際現に海洋研究開発機構という名称を使用している者については、第9条の規定は、この法律の施行後6月間は、適用しない。

(海洋科学技術センター法の廃止)

- 第15条 海洋科学技術センター法は、廃止する。

(海洋科学技術センター法の廃止に伴う経過措置)

- 第16条 前条の規定の施行前に旧センター法(第16条第3項、第20条第3項及び第21条を除く。)の規定によりした処分、手続その他の行為は、通則法又はこの法律中の相当する規定によりした処分、手続その他の行為とみなす。

(罰則に関する経過措置)

- 第17条 附則第15条の規定の施行前にした行為及び附則第10条第4項の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(政令への委任)

- 第18条 附則第2条から第14条まで、第16条及び前条に定めるもののほか、機構の設立に伴い必要な経過措置その他この法律の施行に関し必要な経過措置は、政令で定める。

(消費税法等の一部改正)

- 第19条 次に掲げる法律の表海洋科学技術センターの項を削る。
- (1) 所得税法(昭和40年法律第33号)別表第1第1号の表
  - (2) 法人税法(昭和40年法律第34号)別表第2第1号の表
  - (3) 消費税法(昭和63年法律第108号)別表第3第1号の表
  - (4) 独立行政法人等の保有する情報の公開に関する法律(平成13年法律第140号)別表第1

(印紙税法の一部改正)

- 第20条 印紙税法(昭和42年法律第23号)の一部を次のように改正する。  
別表第3情報処理の促進に関する法律(昭和45年法律第90号)第20条第1項第3号及び第4号(業務の範囲)の業務に関する文書の項の次に次のように加える。

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| 独立行政法人海洋研究開発機構法(平成15年法律第95号)第17条第3号(業務の範囲) | 独立行政法人海洋研究開発機構の業務に関する文書 |
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