

## Notification

Ref. No. SU/RO/2018-19/001

Date: 09.11.2018

With the objective of creating fair system of IPR to safeguard the lawful interest of the innovators and creators to uphold IP wealth of the University, Intellectual Property Policy has been framed by the university under the regulations and approved by the Academic Council during the 3<sup>rd</sup> meeting held on 09.10.2018, which is to be implemented at the university level with effect from the notification.

## INTELLECTUAL PROPERTY RIGHT POLICY

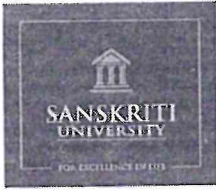
### **Introduction**

Intellectual property right is the legally protected tool in the form of patent, copyright, design, etc. It is the framework to recognize the efforts of the innovator. Sanskriti University aims to protect the original creation of the faculty, staff, research scholars and students. The R & D programmes create intellectual property (IP) in various forms such as patents, know-how, copyrights, designs, instruments, devices, processes, specimens, software and other inventions, which can be commercially exploited to bring considerable socio-economic benefit to the country. Sanskriti University, therefore, encourages the protection and licensing of such IP through initiating Intellectual Property Policy as a strong document, subject to the IPR laws in India and outlines university's policy towards ownership of Intellectual Property.

### **Objectives of IPR policy**

- To lay down a fair system which nurtures the innovation and research in areas of medical science, applied science, technology and humanities etc.
- To safeguard the lawful interests of the stakeholders including the faculty members, research scholars, students and other member of the University





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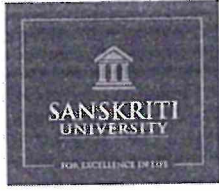
- To assert organized and transparent process for ownership, regulation and assignment of IP rights
- To encourage innovative research leading to the generation of new knowledge, ideas and inventions
- To provide faculty members, researchers and students the university assistance in assessing the patentability and commercial potential of their inventions
- To put down a mechanism by which the innovative work created by researchers are to be disseminated to the public through the channels of transfer of technology
- To strengthen the research quality and academic standard

## Definitions

The meanings of the terms in this policy are given below:

- Intellectual property (IP)** used herein broadly means any property generated out of creations of the mind or intellectual effort of the creator, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce, either having proprietary value or is protected by any statute. IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.
- Intellectual property Rights (IPR)** means the rights derived from the IP, e.g. patents, industrial designs, copyright, trademark, geographical indications, etc. can be protected legally in an organized and transparent process for ownership.
- Patents** - A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.
- Copyright**- Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music,



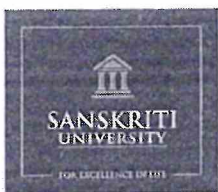


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- paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.
- e. **Trademark** - A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.
  - f. **Industrial Designs**- An industrial design constitutes the ornamental or aesthetic aspect of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color.
  - g. **Geographical Indications** - Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods.
  - h. **Plant Variety**- It is governed by the Protection of Plant Variety and Farmers Rights Act, 2001. It recognizes the contributions of both commercial plant breeders and farmers in plant breeding activity and also supports the specific socio-economic interests of all the stakeholders including private, public sectors and research institutions, as well as resource constrained farmers.
  - i. **Collaborative Activity**- Is the research undertaken by the personnel in academic institution, in cooperation with industry and/or another researcher(s), who are not the personnel from the academic institution.
  - j. **Creator**- Means the researcher who contributed to the creation of the Intellectual Property (IP) (essentially copyrights, designs, etc.).
  - k. **External Partners**- Includes Government of India, State Government(s), Local Self-Governments, Government Departments, Foreign Governments, International Organizations, Public Sector Undertakings (PSUs), all types of Private Sector Organizations, Multinational Corporations, Non-Governmental Organizations, and/or other institutions that provide research projects or consultancy assignments to researchers on regular or irregular basis; or any combination(s) of the above.
  - l. **Researcher**- Persons employed by the University, including faculty, staff, research scholars and students who use the resources of the university and perform any research





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task or participate in any research project(s) administered by the university including those funded by external sponsors.

## **Scope & Applicability of the IPR Policy**

This IPR Policy regulate the ownership, distribution, and commercial development of technology by the University faculty, staff members, and students, other partaking organizations and Government funding Agencies in the programs taken up by the University. This document will equally be applicable for the research works carried out by the University with other organizations at their Premises. Moreover, it covers Technology Transfer Policy and the incentives for the inventors.

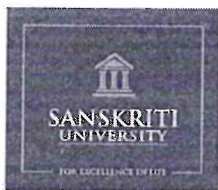
## **Ownership of IP**

University shall seek to protect all IP generated by its faculty members, staff, research scholar and students as part of their obligation to the university. This is however subject to conditions that in the case of sponsored or collaborative research the specific provisions relating to IPR made in contracts governing the collaborative /sponsored activity shall determine the ownership of IP. Usually where there has been external funding of any project, the IP generated from such a project shall be jointly owned by the University, creator of IP and the funding agency which has provided funding under a specific agreement with the University. The right to ownership may be retained by the creator of the intellectual property.

## **Technology Transfer**

The commercial exploitation of IP shall be done through the transfer of technology agreement or by licensing, which can be exclusive, non-exclusive or sole, including the revenue sharing clauses. In case of commercialization of IP, on the recommendation of IPR Cell, the university shall enter into revenue sharing agreement. The revenue earned through commercialization of IP shall be shared reasonably between the inventor and the university.





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## Dispute resolution

In the circumstances of any dispute, the inventor or any aggrieved person may appeal to the IPR Cell. All efforts shall be made to address the issue of the aggrieved party. The decision of the IPR Cell shall be considered final and binding.

## Regulation of IPR Policy

The IPR Policy shall be regulated by the University through the IPR Cell. In case of any issues relating to the interpretation of this policy, the IPR Cell is solely responsible to interpret. IPR Cell is responsible for the effective application of the policy in the university. It can also recommend any changes which is required in the policy to the chancellor of the university, who shall consider such changes/recommendations.

## Revenue sharing

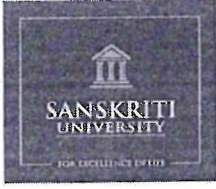
The University and Inventors/researchers, all share in the revenue earned from the licensing of patents for their inventions. Under the Current Policy the net earnings from the commercialization of IP owned by Sanskriti University would be shared as follow:

Sr. No.	Net earnings	Inventor(s)	Sanskriti University (Share)
1	For the first amount 'X'	60%	40%
2	For the Next amount 'X'	50%	50%
3	For amount more than 'X'	40%	60%

## Liability in case of contravention of IPR

In the event of any contravention of IP rights by faculty, staff or collaborator the university will not be liable for any claim or civil suit or criminal action initiated by the third party.





## Jurisdiction

All agreements signed by the university and dispute arising there shall be subject to the jurisdiction of District Court of Lucknow and shall be governed by appropriate laws of India.

## Operating Guidelines of IPR Policy

Sanskriti University aims to impart futuristic and high quality technical, management and medical education to the young and talented Indian and International students. We strive to become the front runner in the field of education in India by attracting and nurturing the best talent and providing them a platform where they can strengthen and grow their core competencies and build their career as world class professionals.

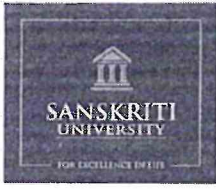
Every member of our university wishes to enjoy diverse opportunity for personal intellectual and professional growth learning and working at Sanskriti University will foster quick, well-rounded minds, well-equipped to succeed in our fast-changing world.

There shall be an Intellectual Property Cell (IPC) for the management of the intellectual property in which the Sanskriti University has stake/share, technology transfer activities and for the implementation of the IP Policy. Particular attention shall be paid by the IPC to the preservation of intellectual property, management, budget, division of intellectual property income and the resolution of disputes.

**The IPR Committee for approval for patent filing would consist of:**

S. No.	Position	Member (IPR)
1	Vice Chancellor	Chairperson
2	Dean, Research	Convener
3	HODs (Two) Nominated by Vice Chancellor	Members
4	Associate Professors (Two) Nominated by Vice Chancellor	Member
5	Registrar	Member Secretary





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## Responsibilities of IPR Cell

- IPR Cell has responsibility of framing of IP policy and amendments from time to time.
- The IPR Cell has responsibility of filing, maintaining and monitoring of patents.
- The IPR Cell shall bring coordination between attorneys, inventor, and Sanskriti University authorities.
- IPR Cell is responsible for advising, drafting and monitoring of all IP related MoUs of Sanskriti University.
- The IPR Cell shall strive to promote awareness of IP rights in the Sanskriti University.
- The Cell shall identify specific industries and direct marketing of these technologies and promote advertising in-house technologies of Sanskriti University via electronic media / newspapers and magazines.
- The IPR shall conduct workshops/seminars/conferences at national and international level based on IPR.
- The Cell shall administer the transfer of all technologies developed at Sanskriti University. IPR Cell will submit periodically reports on IP assets and current status to Vice Chancellor and the Board of Management of the University for Consideration and advice.

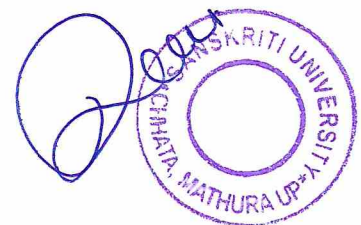
## Application Procedure

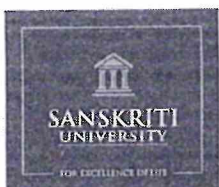
Every application relating to Intellectual Property shall be forwarded to IPR Cell through the Dean/Head of the respective school.

## Record Keeping

All data and details generated should be systematically recorded in the concerned School with particular reference the following:

- a) No abbreviations or terms, except their use is a standard practice in that particular discipline, should be used, unless clearly explained in a table at the front or back of the book.





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- b) Crucial data or descriptions or experiments, which relate to valuable inventions or discoveries should be signed and dated by the creator, supervisor, or coordinator of the project.
- c) Modifications, if any, should be made by drawing a line through the deleted matter and writing cancelled beside it. The corrected data (clearly marked as such) should be entered immediately below, authenticated by the creator with his/her initials and date.
- d) Samples of new products by a new method should be preserved, if possible, and photographed for the record. All photographs should be dated and signed by the creator on the reverse.

## **When Should Faculty Approach IPR Cell to Discuss a Possible Patent?**

Any faculty, who believes to be in possession of a potential intellectual property generated while in service of the University may approach and set up discussions with the IPR Cell at any mutually convenient time. In any case, the chosen time for discussion should be sufficiently in advance of maturation of the idea into a process or product. When the invention is only at the conception stage, it is still possible to file a provisional specification, which has to be followed up with a complete specification within 12 months. If it is not done, the patent application is deemed to have been abandoned. On the other hand, if the inventor has at his hand an inventive product, which can be marketed immediately, then complete specification can be lodged straightaway.

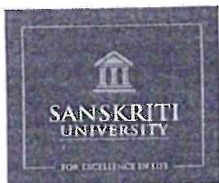
## **Evaluation of Patent/Copyright applications**

The IPR Cell may seek help of professors as domain experts to preliminarily evaluate the proposals for the prima-facie patentability. The domain experts would be required to enter into a Non-Disclosure Agreement.

The inventors may be requested, if necessary, to make a presentation of their case before the IPR Cell. In case the Cell recommends for filing of patents, the IPR Cell will process the application through one of the approved attorneys from the panel maintained at the IPR Cell.







## Assistance in Filing

Once the IPR Cell approves protecting the Intellectual output, a patent Attorney shall be identified by the Cell for drafting the IP application. The following aspects need to receive attention:

- Adequate information is to be given to the Attorney to enable him prepare a draft claim.
- In order to ensure good protection, it is necessary that the attorney understands the invention.
- A good patent specification should have synergetic efforts of the inventor and the patent attorney.

## Filing of Applications for IPR and Support

- All applications for IPR shall be filed by the Registrar in the name of the University as owner of the IPR. Inventor's name will be filled in the application at appropriate places. Inventors will assign the exclusive right of ownership to the University in order to facilitate file, secure and commercialize the IPRs without any encumbrance.
- The IPR Cell would meet the expenses i.e. the statutory fee and patent attorney's fee, for processing the patent applications.
- If an inventor decides to withdraw the application for a patent at some mid-stage of processing, prior approval of the IPR Cell is required.

