



SRI MANAKULA VINAYAGAR ENGINEERING COLLEGE

(An Autonomous Institution)

Puducherry - 605 107



INTELLECTUAL PROPERTY RIGHTS (IPR)

POLICY

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PREAMBLE

Sri Manakula Vinayaga Educational Trust was founded to provide quality and affordable education to the weaker sections of society. The trust established Sri Manakula Vinayagar Engineering College (SMVEC) in 1999. SMVEC is an autonomous institution affiliated to Pondicherry University. It offers a variety of undergraduate, postgraduate, and research programs in Engineering, Arts and Science, Allied Health sciences, School of Agriculture, Centre of Legal Education, School of Physiotherapy and School of Pharmacy. SMVEC has been accredited by NAAC and NBA.

1.1 Need for IPR Policy

Intellectual property plays an important role in providing a competitive edge with respect to tangible assets like inventions, designs, software, brand and innovative ideas. It is necessary to protect these creations in order to enable organizations to earn recognition or financial benefits. The rationale for this IPR Policy lies in the need to create awareness about the importance of IPRs as a marketable financial asset and economic tool among the researchers, faculty and students of this College.

1. OBJECTIVES

The objectives of this Intellectual Property Right (IPR) Policy are to:

1. Create a conducive environment in SMVEC for development of IPs.
2. Provide a single window reference system for all the activities relating to IP generated through various activities carried out inside and outside on behalf of SMVEC.

3. Safeguard the inventor's intellectual property and provide incentives to the investors with fair IP management and culture.
4. Provide legal support, wherever necessary / possible, to defend and protect the intellectual property rights obtained by the SMVEC against any infringement/ unauthorized use.
5. Ensure that once the Inventors decide to explore the prospects of commercialization of IP, Inventors must disclose the same to the Institute, while continuing to keep the information confidential while / until patent application(s) is (are) being processed.
6. Enable SMVEC to make beneficial implementation of such developed IPs for the benefit of the inventors, the College, and the Nation at large.

2. INTELLECTUAL PROPERTY (INDIA)

Definition:

Intellectual Property : Intellectual Property (IP) is an intangible knowledge product and shall mean and include all results, conclusions, deductions, inventions, ideas, improvements, discoveries, enhancements, solutions, processes, modifications, know-how, data and information of every kind and description conceived, generated, made or reduced to practice as the case may be, designs, software programmes, genetically engineered microorganisms, business models and copyrightable work, resulting from the intellectual output of the faculty, staff, students, research scholars and other employees of the College.

Intellectual property Rights: means the rights derived from the IP e.g. Patents, registered designs, copyright etc.

Indian Government has revised the National IPR Policy in May 2016 and its vision, Mission and objectives are given as follows.

- **VISION STATEMENT**

An India where creativity and innovation are stimulated by Intellectual Property for the benefit of all; an India where intellectual property

promotes advancement in Science and Technology, arts and culture, traditional knowledge and biodiversity resources; an India where knowledge is the main driver of development, and knowledge owned is transformed into knowledge shared.

- **MISSION STATEMENT**

Stimulate a dynamic, vibrant and balanced intellectual property rights system in India to foster creativity and innovation and thereby, promote entrepreneurship and enhance socio-economic and cultural development and

Focus on enhancing access to healthcare, food security and environmental protection, among other sectors of vital social, economic and technological importance.

The National IPR Policy lays down seven Objectives which are briefly mentioned below.

- 1. IPR Awareness: Outreach and Promotion** - To create public awareness about the economic, social and cultural benefits of IPRs among all sections of society
- 2. Generation of IPRs** - To stimulate the generation of IPRs
- 3. Legal and Legislative Framework** - To have strong and effective IPR laws, which balance the interests of rights owners with larger public interest
- 4. Administration and Management** - To modernize and strengthen service-oriented IPR administration
- 5. Commercialization of IPR** - Get value for IPRs through commercialization
- 6. Enforcement and Adjudication** - To strengthen the enforcement and adjudicatory mechanisms for combating IPR infringements
- 7. Human Capital Development** - To strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs.

3. Types of IP:

The intellectual properties can be broadly listed as follows:

- a) **Patent:** is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something or offers a new technical solution to a problem.
- b) **Copyright:** is an exclusive right given to the author of the original literary, architectural, dramatic, musical and artistic works; cinematograph films; and sound recordings.
- c) **Trade/Service Mark:** means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours.
- d) **Industrial Design:** means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device.
- e) **IC Layout Designs:** means a layout of transistors and other circuitry elements and includes lead wires connecting such elements and expressed in any manner in a semiconductor integrated circuit.
- f) **New Plant Variety:** a plant variety that is novel, distinct and shows uniform and stable characteristics.
- g) **Biotechnology Inventions:** include recombinant products such as vectors, nucleotide sequences and micro- organisms.
- h) **Traditional Knowledge:** The knowledge developed by the indigenous or local communities for the use of a natural resource with respect to agriculture, food, medicine etc. over a period of time and has been passed from one generation to another traditionally.
- i) **Geographical Indications:** means an indication which identify such goods as agricultural goods, natural goods as originating or manufactured in the

territory of a country or manufactured in the territory of a country or a region or locality in that territory where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, regions or locality as the case maybe.

4. IPR Committee

4.1 IPR management Committee

The IPR Management Committee is constituted for formulating the policies for adoption by SMVEC after due approval by the Governing Council of the Institute and to carry out executive actions for their implementation through the Intellectual property cell.

Committee Constitution:

Director cum Principal (Chairman)

Dean Research (Member)

HODs of all Department (Members)

Research Coordinators (Member)

Head incubation Unit (Member)

Head IPR cell (Secretary)

4.2 IPR Evaluation Committee

IPR Evaluation Committee is constituted for examining/evaluating the Invention Disclosure Form (IDF) submitted by the inventors and recommending for IP filing process.

Committee Constitution:

Head IPR cell

Dean Research

Head incubation Unit

Subject Expert1 (Mechanical)

Subject Expert2 (EEE)

Subject Expert3 (ECE)

Subject Expert4 (Computing)

IPR Attorney

4.3 Dispute Resolution Committee

In case of any disputes between SMVEC and inventors regarding the implementation of the IP Policy, the aggrieved party may appeal to the Dispute Resolution Committee of the SMVEC. The Dispute Resolution Committee's decision in this regard would be final and binding.

Committee Constitution:

Director cum Principal (Chairman)

Head incubation Unit (Member)

Two faculty members (having developed IPR and translated to commercialization) (Members)

Two of the institute's alumni/ industry experts (having experience in commercialization) (Members) Legal advisor with experience in IPR (Member)

Head IPR cell (Secretary)

5. IPR POLICY

5.1 Policy Statement

SMVEC is committed to encourage, protect, manage and commercialize Intellectual Property consistent with the recognition that among its primary objects and functions are teaching, research and meeting the needs of the community and society. It supports the commercialization and exploitation of IP, which can provide appropriate recognition and revenue generation possibilities to the SMVEC and the Inventors, while recognizing traditional academic values and expectations.

5.2 Scope of the Policy

This Policy shall be applicable to all the SMVEC personnel (regular / contractual), as well as external personnel associated with any activity of the

SMVEC such as, but not limited to, outcomes of research, consultancy or continuing education programmes, and covers different classes of Intellectual Property - Patents, Designs, Trade Marks/Service Marks, Copyright, Integrated Circuits Layout, Trade Secret and Undisclosed Information.

5.3 Ownership of IP

5.3.1 Self-funded Research

All rights in respect of the intellectual property generated out of investigations carried out at SMVEC making use of its resources shall vest in and be the absolute property of the SMVEC except in the cases where such investigations are carried out by the inventor either jointly with other institutions and agencies or under sponsorship by an outside agency, where utilization of SMVEC resources may not be evident.

5.3.2 Collaborative Research

Intellectual Property Rights (IPR) of inventions arising out of collaborative research undertaken jointly by SMVEC with external Industries, organizations, agencies, individuals, the IP will be owned by SMVEC jointly with collaborators. However, specific provisions related to IP made in contracts/agreements governing the collaborative activity shall determine the ownership of IP. The cost of IPR filing, cost of IPR maintenance and the revenue generated by its commercial exploitation will be shared by the SMVEC and collaborators according to an agreed formula. If the collaborators are not either forthcoming or agreeing to share the cost, the Institute, at its discretion, may decide to file and maintain the IPR at its cost. In this case, the sharing of revenue accruing out of the commercial exploitation of the IPR will be solely decided by SMVEC.

5.3.3 Research without using SMVEC resources

The Inventions created by SMVEC personnel, without using SMVEC resources, created outside their assigned/normal duties/areas of research / teaching and wanted to file through SMVEC IPR cell shall be owned by the inventors and the revenue generated out of such creations shall be shared in the ratio of 75:25 between the Inventors and SMVEC respectively.

5.3.4 Any IP generated when an Inventor from the person(s) employed at SMVEC on regular / contractual basis for any of the academic programmes works in another Institute or company abroad/in India on EOL/sabbatical leave/earned leave, will be jointly owned by SMVEC and the respective Institute/Company.

5.3.5 Any IP generated during UG/PG project work and PhD work, the inventors (faculty guide & students) along with SMVEC will be filing for IP rights. In case, project work or PhD work or internship carried out collaboratively with external Industries, organizations, agencies, individuals, startup, the IP will be owned by the inventors (faculty guide & students) along with SMVEC and collaborators.

5.3.6 Under special conditions, case to case basis and recommendation from IPR management committee, the ownership of IP technology owned by SMVEC will be transferred conditionally to inventors or startup company for utilizing the benefits offered by the Government to promote the innovation and Entrepreneurship culture.

COPYRIGHT

5.3.7 As the exception, SMVEC shall not claim ownership of copyright on books and publications authored by the person(s) employed on regular / contractual basis for any of the academic programmes.

5.3.8 SMVEC shall be the owner of copyright on proceedings (hard copy or soft version) of International or National Conferences / Seminars / Technical Gatherings organized by SMVEC.

5.3.9 If SMVEC foresees a gainful return from copyrights, it may initiate steps to file and protect such copyrights and share the financial benefits with the inventor on terms and conditions of SMVEC.

5.3.10 IPR Evaluation committee shall decide whether or where to file an IP. Once the decision to protect the creative work is taken, the Committee will provide an IPR Advisor/Patent Attorney for drafting the IP application. Inventor(s) shall provide necessary inputs to assist in the drafting of the IP application. SMVEC shall bear the costs of drafting and filing Indian IP application.

5.3.11 If SMVEC chooses to file IP applications in other countries like US or PCT (Patent Cooperation Treaty) applications, then it shall bear the cost of application and other associated costs. SMVEC shall be free to enter into agreements with overseas institutions for protection and licensing of the IP.

5.4 Disclosure

When the inventors believe that they have generated patentable or commercializable IP using SMVEC resources, they shall report it promptly in writing along with relevant documents, data and information, to the college through the appropriate authority using the Invention Disclosure Form (IDF). Disclosure is a critical part of the IP protection process for claiming the inventorship. The information shall constitute a full and complete disclosure of the nature, particulars and other details of the intellectual property, identification of all persons who constitute the inventor(s) of the property, and a statement of whether the inventor believes he or she owns the right to the intellectual property disclosed, or not, with reasons. Where there are different inventors of components that make up a system, the individual inventors and their contributions must be identified and treated separately. In case of the sponsored and/or collaborative work the provisions of the contract pertaining to disclosure of the creative work is applied. By disclosure the inventor(s) shall assign the rights of the disclosed invention to the college.

5.5 Confidentiality

All college personnel and external personnel associated with any activity of the SMVEC shall treat all IP related information which has been disclosed to the SMVEC, and/or whose rights are assigned to SMVEC, or whose rights rest with the SMVEC personnel, as confidential and shall be maintained till such date as is demanded by the relevant contract, if any, between the concerned parties unless such knowledge is in the public domain or is generally available to the public. Having filled the Disclosure Form, the inventor shall maintain confidentiality i.e. refrain from disclosing the details, unless authorized otherwise in writing by the college, until the college has assessed

the possibility of commercialization of the intellectual property. Subject to the right of academic freedom the college staff shall not directly, except in the proper course of their duties, either during or after a period of their appointment, disclose to any third party or use for their own purposes or benefit or purposes of any third party, any confidential information about the business of the college unless that information is public knowledge or he/she is required by law to disclose it.

5.6 Powers to Amend IPR Policy

SMVEC will have the full power to make changes / amendments to the IPR Policy or bring out a new / revised policy as and when it is felt necessary. This can happen in view of changes in government policies or other national and international developments including treaties and legal judgments. The changes or the new policy shall be applicable to all faculty/students//project staff/ supporting staff /visitors.

5.7 IP Infringement

In case of violation/infringement of any intellectual property rights such as patent infringement by the SMVEC faculty /students/project staff/ supporting staff/visitors or any third-party infringing upon the IPR of SMVEC inventor, SMVEC would create an appropriate administrative body, which would first investigate the matter and make recommendations to the Principal / Person Authorised, for resolution of such violation/infringement.

In case of any third-party infringing upon IPR of SMVEC, the above administrative body would investigate and make recommendations to the principal including need for any legal course of action.

5.8 IP Technology Transfer and Start up

5.8.1 The Intellectual Property of SMVEC held either in the name of SMVEC or jointly with other Institutions/Industry will be marketed for commercial exploitation under agreements involving technology transfer, licensing and

revenue sharing models. The inventor(s) shall support this process, whatever form required.

5.8.2 IPR Cell shall identify potential licensee(s) for the IP to which SMVEC has ownership. In case of joint ownership, the Organization/Industry which has sponsored the activity, will have the first right to commercially utilize and exploit Intellectual Products emanating from the collaboration activity, whether or not the same have been formally protected by patent(s). The licensing to commercially exploit would involve technology transfer fee and also royalty payment from the first date of such commercial exploitation for a period that will be as mutually agreed upon.

5.8.3 In the event of the other collaborating organization/industry not undertaking the commercial exploitation within a reasonable period of one year or as stated in the agreement if any, from the first date of development of the technology, SMVEC reserves the right to transfer the said know-how to a Third Party for its commercial purpose and use. In such instance, however, SMVEC shall share the net proceeds from such commercial assignments, in equal measure with the collaborating organization/industry in the ratio 1:1 or as agreed earlier through signed documents if any.

5.8.4 If one or more of the inventors wish to incubate a company and license the product to this company, the royalties would be no more than 4% of sale price, preferably 1 to 2%, unless it is pure software product. If it is shares in the company, shares will again be 1% to 4%. For a pure software product licensing, there may be a revenue sharing to be mutually decided between the institute and the incubated company.

5.9 IPR Fee

The SMVEC shall bear 100% of the IPR filing fee including consultant charges. If the Intellectual Property is emerged with sponsoring/funding agency, then the filing cost will be equally shared or may be decided by the Funding Agency. If the other agency does not show interest in such process, SMVEC can either continue by paying the fees for its full term or withdraw application for the patent protection, at its discretion.

The IPR fees for the first seven years in all cases if the IP/patent is applied through SMVEC will be borne by the SMVEC.

5.10 Revenue Sharing

Revenue accruing out of the commercial exploitation of IP (i.e. the technology transfer fee and subsequent royalty payments) would be shared appropriately between the inventor(s) and the SMVEC. Currently this ratio is 50:50 [Inventor(s): College].

5.11 Publication Based on IP

For patentable IP, it is essential that the patent protection is filed before the publication or disclosure of it in any other form of public domain.

5.12 Conflict of Interest

The inventor(s) is / are required to disclose any conflict of interest or potential conflict of interest. If the inventor(s) and/or their immediate family members have a stake in a licensee or potential licensee company then they are necessarily required to disclose the same.

A license or an assignment of rights for a patent to a company in which the inventors have a stake shall be subject to the approval of the IPR committee taking into consideration this fact.

5.13 Legal jurisdiction

As a policy, all agreements signed by the college and dispute(s) arising there from, will be subject to the legal jurisdiction of the Court of Adjudication at Coimbatore and shall be governed by the appropriate Rules / Laws of India.

6. IPR Filing process

- i. Inventor(s) has / have to submit Invention Disclosure form / Copyright Disclosure Form to IPR Cell after completing and ensuring the prior-art search in free database.
- ii. IPR Cell will call for presentation before the Evaluation Committee.

- iii. After evaluation, the qualified application will be considered for IPR filing through IPR Cell.

7. Definitions

a. **'Inventor'** means faculty, students, staff or visiting faculty who has/have written or created a creative work. It also includes any person who signs an agreement or MOU with SMVEC for any work that results in IP creation.

b. **'Invention'** includes but is not limited to any new and useful design, process, formula or machine conceived or first reduced to practice in whole or in part, defined within the purview of the Patent Act. The inventions result in but not limited to Patent, copyright works, software, designs, PCB and circuit layouts. Inventor(s) are person(s) who produce an invention.

c. **'Patent'** means the exclusive right granted by law for making, using or selling an invention.

d. **'Copyright'** means the exclusive right granted by law for a certain period of time to an author to reproduce, print, publish and sell copies of his or her creative work.

e. **'Design Registration'** is Registration of the novel non-functional features such as shape, or ornamentation of a product.

f. **'IPR Management Committee'** is a committee formed by SMVEC and is the sole authorized body to handle all IPR related issues and conflicts

g. ' SMVEC personnel' includes but is not limited to the faculty, students, staff or visiting faculty, researchers and scientists at Sri Manakula Vinayagar Engineering College, Puducherry.

h. 'Intellectual Property' includes but is not limited to copyrights and copyrightable materials, database rights, patented and patentable inventions, tangible research results, trademarks, service marks and trade secrets.

i. 'Licensing' is the practice of renting the intellectual property to a thirdparty

j. 'PCT Application' A PCT (Patent Cooperation Treaty) is a system of filing a patent application in several countries through a single application keeping the priority of the first filing in any of the countries within the PCT system. This is administered by the World Intellectual Property Organization (WIPO) in Geneva. It is not a patent granting system.

k. 'Conflict of Interest' or a 'Potential Conflict of Interest' exists when an inventor/author is or may be in a position to use either creative work or influence for unmerited personal or family gain.
