



TEERTHANKER MAHAVEER UNIVERSITY

(Established under Govt. of U. P. Act No. 30, 2008)

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Circular

With the objective of promoting excellence in research in various departments/colleges of the University and support an ecosystem for research, the University has framed the regulations "Teerthanker Mahaveer University Regulations on Financial Assistance to faculty for promotion of research and students' participation in extra-curricular activities" which were approved by the Executive Council during its 19th meeting held on 12.06.2021. Under these regulations, following schemes are implemented with effect from the date of this circular:

3. Schemes and Nature of Assistance:

3.1 Incentives for Research publications:

To encourage the faculty for contributing towards the research publications, the University shall provide incentives as per the following scheme:

S.No.	Database/level of journals for publication	Incentive (Rs)
1.	Publication in journals indexed in UGC CARE list, Indian Citation Index	3000
2.	Publication in journals indexed in Scopus, PubMed, Web of Science	5000
3.	Book by National publisher with established peer review system	6000
4.	Book by International publisher with established peer review system	8000
5.	Chapter in a book of National publisher with established peer review system	1500
6.	Chapter in a book of International publisher with established peer review system	2500
7.	Full Paper publication in conference proceedings with ISBN numbers	1500

The faculty has to properly acknowledge the name of Department/College and University in the research paper and a copy of the research paper shall have to be submitted in the University. The total amount fixed for funding per annum in research activities in this category be such as decided by the Executive Council which can be reviewed from time to time. If the paper is contributed by more than one author, then the incentive shall be shared equally amongst all the authors. It is expected to avoid publications in predatory journals. Faculty should be cautious of such journals before submitting their work for publishing. There shall be a committee to give its recommendations for the sanction of the incentive to the faculty for research publications as above. The constitution of the committee shall be such as may be decided by the Vice Chancellor. The meetings of the Committee shall be held at least

twice in a year preferably during the months of August and February. All such proposals should reach to the Chairman of the Committee at least 15 days in advance according to the schedule of meeting.

3.2 Promotion for Intellectual Property (IP) from Research like patents/Start-ups/Industrial Designs/Copy Rights:

Description of Terms

Author: An author is as defined under Section 2(d) of the Copyright Act, 1957*.

**Section 2(d) defines author, it says "Author" means –*

(1) In relation to a literary or dramatic work, the author of the work;

(2) In relation to a music work, the composer;

(3) In relation to artistic work other than a photograph, the artist;

(4) In relation to photograph, the person taking the photograph, the artist;

(5) In relation to a cinematograph film or sound recording, the producer; and

(6) In relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created.

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.

Creator: means the researcher who contributed to the creation of the Intellectual Property (IP) (essentially copyrights, designs, etc.).

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.

Intellectual Property: Intellectual Property, as provided under Article I of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), refers to all categories of intellectual property that are subject of Sections 1 to 7 of Part II of the **TRIPS Agreement**.

Intellectual Property Rights: means ownership and associated rights relating to aforementioned Intellectual Property, either registered or unregistered, and including applications or rights to apply for them and together with all extensions and renewals of them, and in each and every case, all rights or forms of protection having equivalent or similar effect anywhere in the world.

The IPRs recognized in India are broadly listed below:

Patent: As defined under Section 2(m) of the Patents Act, 1970.

Copyright: Copyright is a right given to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. Works are as defined under the Copyright Act, 1957.

Inventor: means the researcher who contributed to the creation of the Intellectual Property (essentially patents).

Research: Ownership rights over IP generated in the University may vary as per source of funding, for the research through which IP was generated. Hence, it is important to understand the different contexts in which IP may be generated within the University. Some of the important contexts in which they produce IP are:

1. Research undertaken by a researcher in the normal course of his/her engagement/appointment with the University, utilising resources of the University. This includes, but is not limited to, use of space, facilities, materials, or other resources of the University, specific monetary support for research through grants or fellowships, funds for procuring books/ equipment or materials for specific research projects, and creation/ modification of infrastructure like labs for the specific needs of research.
2. Research undertaken by a researcher in collaboration with an external partner. This support from external partners includes, but is not limited to, specific monetary support given for research through grants or fellowships.

Researcher: means;

- i) persons employed by the University, including student employees and technical staff;
- ii) students, including undergraduate, postgraduate, doctoral and post-doctoral students of the University;
- iii) any persons, including visiting scientists;
- iv) who use the resources of the University and who perform any research task at the University or otherwise participate in any research project(s) administered by the University, including those funded by external sponsors. Wherever different conditions are applicable for any of the sub-categories of researchers, they are specifically mentioned in the guidelines.

Research Agreement: Refers to Research Service Agreement, Cooperative Research and Development Agreement, Material Transfer Agreement, Confidentiality Agreement, Consultancy Agreement and any other type of agreement concerning research pursued by researchers and/or IP created at the University.

Royalty: It is the payment made to an inventor/author or an institution for legal use of a patented invention or any intellectual property when licensed.

Sufficient Disclosure: It means providing a detailed description of features essential for carrying out the invention, in order to render it apparent how to put the invention into practice to a person skilled in the art.

3.2.1 Patents/Industrial Designs:

i. All inventions made by the students/researcher/faculty (in furtherance of the knowledge creation by the University), developed by utilizing the resources of the University, or with the mix of funds, resources, and/or facilities of the University, shall ordinarily be vested with the University.

ii. If the University determines that an invention was made by individual (s) on his/her own time and unrelated to his/her responsibilities towards the University and was conceived or reduced to practice without the use of resources of the University, then the invention shall vest with the individual (s)/inventor.

i. **Financial support** in the form of re-imbusement of patent filing fee on actuals as per the government charges for patent filing. Incentive in the form of award of Rs 2500/- (Total Rs 5000=2500 on publishing+2500 on award of the patent) each for every published/award of the patent. If more than one faculty is involved in the invention then the amount shall be shared equally amongst them.

3.2.2 Copy Rights:

i. The ownership rights in scholarly and academic works generated utilizing resources of the University, including books, articles, student projects/dissertations/ theses, lecture notes, audio or visual aids for giving lectures shall ordinarily be vested with the author(s).

ii. The ownership rights in lecture videos or Massive Open Online Courses (MOOCs), films, plays, and musical works, institutional materials including, but not limited to, course syllabi, curricula, exam questions, exam instructions, and papers/ reports specifically commissioned by the University, shall ordinarily be vested with the University. The moral rights shall continue to vest with the author(s) wherever applicable.

3.2.3 IP generated in collaboration with the External partners:

i. With regard to research conducted in collaboration with external partners, ownership of IP shall be determined as per the terms and conditions in the agreement signed between the concerned parties. However, unless agreed upon explicitly, the University shall normally retain perpetual, royalty free license to use the IP for research and educational purposes.

ii. In the absence of a specific agreement between the University, and the external partner, who is providing support for research, the IP rights shall be shared amongst the concerned parties, similar to the royalty proportion set out under "Licensing and Revenue Sharing" section in these model guidelines.

3.2.4 Commercialization and Benefit Sharing:

a. Types of Licensing and assignment:

Licensing and assignment of IPRs to a third party are the most common modes of IP transfer that can lead towards commercialization of IP. While both licensing and assignment involves giving certain rights to another party, the key difference is that assignment involves transfer of ownership, while licensing is limited to permitting certain uses.

In general, it is recommended that the University should try to use the mechanism of licensing, so that ownership rights on the IP may be retained without hindering the prospects of commercialization. Given below are some types of licensing that may be used:

1. **Exclusive licensing:** The licensor licenses the IP solely to one licensee. In other words, the licensee will be the only one authorized by the licensor to use and exploit the IP in question. To the extent possible, exclusive licenses should be avoided.

2. **Non-exclusive licensing:** The licensor is permitted to enter into agreements with more than one entity for use and exploitation of the IP. In other words, the same IP may be used by different licensees at the same time for the same purpose or for different purposes.

3. **Sub-licensing:** This is applicable when a licensee wishes to further license the IP to another party(s). Permissions pertaining to sub-licensing need to be clarified explicitly in the agreement between the University/ researchers and licensee(s).

b. Licensing Agreements & Revenue Sharing:

i. The University is free to enter into revenue sharing agreement(s) with the researcher(s), in cases of commercialization of innovation(s), creation(s), etc., as per the advice of the Standing Committee constituted for the purpose. The details

of revenue sharing may be decided, based on the type of IP and the nature of commercialization. The University may adopt various models for royalty sharing amongst creator(s)/ inventor(s) and institution/ organization; a suggestive arrangement is given below:

60:40 ratio of revenue sharing: 60% of the royalty/ technology transfer amount with the researcher and 40% with the University.

ii. In case the IP filing costs were not borne by the University, the researcher may be allowed to first deduct the costs incurred for filing of applications and maintenance of such IP, from any income accruing from the commercial exploitation of the IP. This is particularly relevant, as provisional patent applications may have to be filed by the innovators before any disclosure of the innovation. Only the income beyond such costs needs to be shared with the University.

iii. The researcher's share may continue to be paid, irrespective of whether or not the individual continues as a researcher at the University.

iv. If more than one researcher is involved in the generation of IP, all the researchers who qualify for benefit sharing in that IP may sign at the time of filing the application (for example, at the time of filing of patent application), an agreement outlining the proposed distribution of any IP-related earnings based on their contribution. The agreement should specify the proportional percentage of distribution of earnings from IP to each of the researchers. The researcher(s) may, at any time, by mutual consent, revise the distribution of IP earnings agreement, and the University, may approve the revised agreement, subject to the advice of the IP cell.

v. With regard to the IP-related revenues earned by the University, 50% of the revenue may be used for creating the University IP management fund. This fund may be utilized for any activity relating to commercialization and maintenance of IPR or obtaining IPR in any other country, or for capacity building in the area of IP protection. Further, 10% of the share may be paid to the University as administrative charges, and 40% may be made available to the concerned department for the purchase of equipment or materials, including Annual Maintenance Contracts (AMC), or for any other academic/research activity, including promotion of science and innovation.

vi. In the case where the copyright vests with the author(s) [as mentioned under clause 3.2.2, "IP generated from research conducted by utilising resources of the University>II. Copyright"], the University shall have a non-exclusive, royalty free, irrevocable, and worldwide license to use the IP for research, non-commercial and educational purposes. Additionally, in cases where the University is the owner of copyright in lecture videos and/or MOOCs, the author(s) shall have a non-exclusive, royalty free, irrevocable, and worldwide license to use the IP for research, non-commercial and educational purposes.

3.2.5 Encouraging Entrepreneurship and Start-ups:

To promote and encourage entrepreneurial activities by its staff, the University, may reassign, under an agreement, its ownership of an intellectual property to the inventor(s) or creator(s) of the property, who opt to market, protect and license it on their own with minimal involvement of the University. The fees to be paid to the University by the assignee consist of all patenting and licensing expenses and appropriate amount of royalties, equity or other value received by the inventor(s) or creator(s).

The University would endeavor to exploit the IP either by itself or by commissioning an agency to bring to fruition the IP produced by its personnel. The

inventor(s)/creator(s) may seek the University, to assign the rights to them after a certain holding period.

To promote a start-up/ venture set up by a researcher, it may be exempted from any upfront fee and/or royalty accrued to the University for a certain period.

This is issued with the approval of Hon'ble Vice Chancellor.



(Aditya Sharma)
Registrar

Copy to:

1. P.S. to Hon'ble Chancellor
2. P.S. to Hon'ble Vice Chairman
3. P.S. to Hon'ble Vice Chancellor
4. P.S. to Hon'ble Pro Vice Chancellor
5. Director-Students' Welfare
6. Dy. Director (A/c)
7. Joint Registrar (R&D)
8. Guard file

- II.
1. Dean-Academics
 2. Associate Dean (Academics)
 3. Principal-All above colleges