



## INTELLECTUAL PROPERTY RIGHT POLICY

TMU

### ABSTRACT

A Goal of the University is to encourage innovation and creativity by recognizing and rewarding each faculty and student. The commitment to develop new knowledge includes facilitating the practical application of that knowledge for public use.

## **PREAMBLE**

Teerthanker Mahaveer University is dedicated to research, teaching, and extension of knowledge to its students and researchers. One of its very important missions of the Teerthanker Mahaveer University is to develop the human intellectual capability to its fullest potential. Inherent in this responsibility is the need to encourage the innovation and creativity within the scholars and researchers. Faculty, students and researchers of Teerthanker Mahaveer University are engaged in Research & Development work of diverse nature. Many of these R&D Programs lead to creation of intellectual property (IP) in the form of patents, know-how, copyrights, designs, instruments, devices, processes, specimens, software and other inventions, which can be commercially exploited either with or without registration under the Patents Act/Copyright Act. Such a commercial exploitation can be of considerable socio-economic benefit to the country. The University, therefore, encourages the protection and licensing of such IP to organizations, which can effectively utilize the same for commercial exploitation. This would yield financial returns to the University, and partially support the R & D efforts. The pace of modern Research and Development, resulting in new and useful inventions, initiated a need for a central policy in determining the ways of the creation, protection, and commercialization of intellectual property at Teerthanker Mahaveer University. This has resulted in establishment of the Intellectual Property Right (IPR) Cell and the Intellectual Property Policy to encourage creation and protection of intellectual property in the University.

## **PURPOSE AND OBJECTIVE**

The principal objectives of the University's IPR Policy are:

- o To encourage innovative research leading to the generation of new knowledge, ideas and inventions.
- o To facilitate the transfer of University-developed research results and new knowledge to commerce and industry.
- o To provide faculty members, researchers and students of the University assistance in assessing the patentability and commercial potential of their inventions.
- o To facilitate the protection of invention and technology and also facilitating its commercialization.
- o To train faculty members, researchers and students about patent filing procedures (National and International).
- o Lay down a transparent administration system for the ownership control and assignment of intellectual properties and sharing of the revenues generated by the intellectual properties generated and owned by the University.

## DEFINITIONS

The meaning of the terms in this policy are as given below, unless the context otherwise required.

- a) "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.
- b) "Creator" means any employee of the Teerthanker Mahaveer University and includes those who are on probation, those who are employed on temporary basis either in the university and / or in projects and those who are research workers, research scholars or students who are responsible for the creation of an Intellectual Property, using the facilities of the university.
- c) "Vice Chancellor" means the Vice Chancellor of the IPR cell of Teerthanker Mahaveer University.
- d) "University" means the Teerthanker Mahaveer University.
- e) "Intellectual Property" broadly includes any property generated out of intellectual effort of the creator(s). It includes but not limited to
  - (i) New and useful scientific and technical advancement in the form of innovations, inventions, products and processes, computer hardware and software, materials, biological varieties etc. Which are patentable?
  - (ii) Industrial and architectural designs, models, drawings, software, creative, artistic and literary works teaching resource materials generated, records of research etc., which are copyrightable.
  - (iii) Trademarks, service marks, logos etc.
- f) "IPR Committee" The committee constituted by the Director from time to time to evaluate and make recommendations regarding IP related issues.
- g) "Patent" means a patent granted under the provisions of the Indian Patents Act, 1970.
- h) "Patentee" means the person for the time being entered on the Register of Patents kept under the Indian Patents Act, 2002 as the generator or proprietor of the patent.
- i) "Principal Investigator (PI)" means A Principal Investigator who is the primary individual responsible for the preparation, conduct, and administration of a research grant, cooperative agreement, training or public service project, contract, or other sponsored project in compliance with applicable laws and regulations and institutional policy governing the conduct of sponsored research.
- j) "Revenue" is any payment received as per an agreement by the University usually for legal use of an Intellectual Property through a license.

## SCOPE OF THE POLICY

1. IPR cell shall facilitate and help the members of faculty, researchers and students of Teerthanker Mahaveer University in identification, protection and commercialization of various IPRs such as Invention(s), Designs, Integrated Circuit Layouts and other creative & artistic works.
2. The faculty members desirous of filing a patent or any other IPR application would be given the necessary advice and guidance by the IPR cell.
3. An internal approval form (available at IPR cell) filled by the Principal Investigator (PI) wherein the names of the Inventors/Authors shall be mentioned, is to be signed by the Inventor and forwarded by the HoD or Head for approval of the Chairman IPR Cell Committee.
4. Invention disclosure description (in invention disclosure format) is to be forwarded along with the duly signed approval form to the IPR cell for further action.
5. Invention disclosure Patent/Trademark and similar documents are to be treated as confidential and would be maintained confidentially by the signing of a Non-Disclosure Agreement by the IPR cell.
6. All the expenses for filing patents and other IP will be paid by the University.
9. The IPR Cell shall correspond with the authority/agency and the inventors on IP matters.
10. The IPR cell committee for approval for patent filing would consist of:

Vice Chancellor	Chairman
Associate Dean (Academic)	Member
Principal of the College concerned	Member
Joint Registrar ( R&D)	Member
Registrar	Member Secretary

11. The inventors would be required to cooperate with the IPR cell to expedite the furnishing of information for timely actions since delay would mean payment of extra fee to the patent office.
12. Any work sought to be filed by a faculty member and or student(s) arising out of R&D work done at the University will be filed in joint names as inventors or authors while University shall be the applicant and owner of Intellectual Property (IP).
14. The IPR Cell and inventors in collaboration with Research Advisory Committee shall work together for commercialization of the newly created knowledge.
15. 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 Teerthanker Mahaveer University would be shared as follows:

16. IPR cell shall of emulate its short tern & long term goals by quantifying its out comes in terms of no. of patents (trilled/awarded/granted), no of ToTs prevents and revenue generated.

The net earnings from the commercialization of IP owned by TeerthankerMahaveer University (TMU) would be shared as follows:

S.no.	Net earnings	Inventor(s)	TMU Share
1	For the first amount 'X'	60%	40%
2	For the next amount X	50%	50%
3	For amounts more than X	40%	60%

It is suggested that amount 'X' be initially fixed at Rs. 25 lakhs. The creator(s) share would be declared annually and disbursement will be made to the inventors & creator(s), their legal heir, whether or not the creators are associated with TMU at the time of disbursement. The inventors may at any time by mutual consent revise the Distribution of IP Earnings Agreement. If any student has a significant part in the development of intellectual properly, he/she should be given due credit and be mentioned in the Income Distribution Form.

16. Infringements, Damages, Liability and Indemnity Insurance: As a matter of policy, TMU shall, in any contract between the licensee and TMU , seek indemnity from any legal proceedings, including, without limitation manufacturing defects, production problems, design guarantee, up-gradation and debugging obligation. TMU shall also ensure that TMU personnel have an indemnity clause built-into the agreements with licensee(s) while transferring technology or copyrighted material to licensees. TMU shall retain the right to engage or not in any litigation concerning patents and license infringements.

17. Conflict of Interest: The inventor(s) TMU are required to disclose any conflict of interest or potential conflict of interest. If the inventor(s) and/or their immediate family have a stake in a licensee or potential licensee company then they TMU are required to disclose the stake they and/or their immediate family have in the company.

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

18. Dispute Resolution: In case of any disputes between Teerthanker Mahaveer University and the inventors regarding the implementation of the IP policy, the aggrieved party may appeal to the Vice-Chancellor of Teerthanker Mahaveer University. Efforts shall be made to address the concerns of the aggrieved party. The Vice-Chancellor's decision in this regard would be final and binding.

19. Jurisdiction: As a policy, all agreements to be signed by Teerthanker Mahaveer University will have the jurisdiction of the courts in Moradabad, U.P and shall be governed by appropriate laws in India.

20. These guidelines do not constitute legal advice. In case of any legal problem, an intellectual property lawyer may be consulted.

**(Dr Aditya Sharma)**  
**Registrar**