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Shri G.S. Institute of Technology & Science, Indore Intellectual Property Right Cell (IPRC) Policy Framework and Guidelines

Definitions :-

For purposes of this document, the following terms shall have the following meanings:

Shri G. S. Institute of Technology & Science, Indore referred to as **institute** herein after **Faculty, staff, student and research scholar** of the Institute who individually or jointly with others makes an Invention referred to as **inventor(s)** herein after.

Intellectual Property means the property represented by the product emanating from creativity of the human mind, human intellect and creative idea i.e. property which is created by human mind and having commercial value. It can be an Invention, original Design, Trademarks, Artistic creation etc.

Patents are granted for inventions; Patent is an exclusive right granted by the Government to the applicant for his disclosed invention of industrial product or process which should be new, non-obvious, useful and patentable as per the patentability criteria laid down in the national Patent law. A patent offers technical solution to a technical problem. In lieu of disclosure of invention, the Government provides legal protection for 20 years for his invention and gives the territorial right in the country where it is granted.

Designs for creations determining the appearance of industrial products; Design means only the features of shape, configuration, pattern, ornament, composition of colour or line or a combination thereof applied to article.

Trademarks are issued for identification of the manufacturer or vendor of the product. A Trade Mark is a visual symbol in the form of word, name, logo, label etc., as applied to an article of commerce, with a view to indicate origin of manufacture or service or vendor in that respect and enable customers to distinguish the product of one manufacturer from the goods of the other.

Geographical Indications of Goods are referring to a country or to a place situated therein as being the country or place of origin of that product. Typically, such a name conveys an assurance of quality and distinctiveness which is essentially attributable to the fact of its origin in that defined geographical locality, region or country.

Copyright relates to artistic and literary creation such as poem, novel, painting, computer software etc.

Applicant means as person who apply for Patent/IP and he will own the IP rights

Invention means a new product or process involving an inventive step and capable of industrial application. Any patentable concrete idea, process, device, apparatus, method, knowhow and technology which is new, inventive, utility and the invention should not fall under section 3 & 4 of The Patents Act (as amended).

Supported Invention means an Invention which was developed in Institute with the use of space, invention in same area where the faculty working, facilities, materials or other resources provided and will get all financial support from Institute.

Non-Supported Invention means an Invention (other than a Supported Invention) that is developed or invented without use of space, invention in not in area where the faculty is working, facilities, materials or other resources related to Institute.

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Purpose & Objectives:-

- ❖ To facilitate, encourage, promote, protect and safeguard IP, scientific research work generated by faculty, research scholar's and students etc. during the tenure of their employment/engagement at the Institute.
- ❖ To give reward to inventors for betterment of society for innovations and serves as an indicator of achievements in the Institute.
- ❖ To provide a clear understanding of the rights and responsibilities of the inventor(s).
- ❖ To promote a creation and development of IPR culture at the Institute.
- ❖ To establish an IP policy and procedural guidelines for converting the knowledge generated to wealth.
- ❖ To enable the Institute to make beneficial use of intellectual property (IPR) so as to confer maximum benefit to the inventor(s), the Institute and the society at large.
- ❖ To arrange funding for the speedy processing and filling of applications for patents, designs, trademarks, copyrights etc.
- ❖ To provide a comprehensive single window reference system for all IPR related issues.

PART- II- Constitution of SGSITS IPRC

Structure of SGSITS Intellectual Property Right Cell (IPRC):

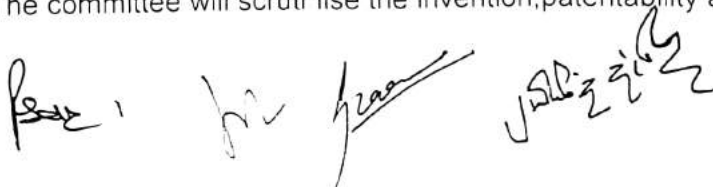
The cell shall have the following structure:

- Chairman: Senior Professor of the Institute (1)
- Secretary: Professor / Associate Professor (1)
- Members:
 1. Legal Expert (Patent Attorney)
 2. & 3. Faculty Members of the Institute (2)
 4. Inventor(s)

Responsibilities of the Institute toward IPRC

The functions of the IPRC shall include but would not be limited to the following:

- The responsibility of the Institute is to make sure that the IPRC functions smoothly.
- Institute shall make available required space and infrastructure, required funds for filing all IP, manpower, room, computer, internet access, search facility, database, etc. to the IPRC without any delay.
- At least one person (clerical staff) shall be assigned in IPRC office and work regularly.
- Once the committee is constituted, all the members shall sign a non-disclosure agreement about the invention(s) and any other matter thereof.
- Coram for IPRC for scrutiny, evaluation of the patent application shall be by at least 2/3rd of total IPRC members.
- The IPR cell shall be reconstituted every 3 years from the time of formation.
- The meetings of IPRC shall be convened minimum once as required in a month by the Chairman/Secretary and the meeting the decision for filing of IP shall be taken.
- Decision of filing of patent shall be taken in a maximum four weeks from the proposal received from faculty, students and shall be recorded with reasons in file. The committee will scrutinise the invention, patentability as per Patent Act.



- IPR cell should regularly interact with potential inventions and there will be quarterly IP workshops.
- The IPR cell shall avail services of one or more advisers, if required for IP filing, maintaining, licencing, commercialising, technology transfer and managing and coordination between attorneys, faculty, inventor(s), and other authorities.
- The report of up-to-date IP assets shall be published in annual report.
- IPR cell shall approach funding agencies, venture capitalists etc. for funds for promotion of IPR activities, tie-up with organizations for filing, licensing/assigning of IPR on revenue sharing basis.

PART III- IPR Policy

The following section deals with creation, disclosure, ownership, sharing and payments towards intellectual property rights, and related responsibilities / obligations of various parties

Procedure to submit the Disclosure information to IPRC & Filing of Patent/IP

- ❖ The author or inventor or applicant shall submit disclosure form to IPRC in the prescribed format in hard copy only.
- ❖ The meeting with IPRC will be conducted by chairman/secretary within two weeks of the submission of application in the prescribed format.
- ❖ Upon review of the disclosure document and checking of Patentability criteria, commercial aspects etc., IPRC will determine whether the Invention is a supported invention.
- ❖ All the patents would be filed on the name of inventor(s) only, thus cost of filing till grant of patent will be saved.
- ❖ The decision to file patent/IP shall be taken within two weeks from evaluation / scrutiny of application by the IPR cell.
- ❖ The draft shall be reviewed and properly drafted in format by the IPRC in consultation with a patent attorney, if required.
- ❖ The funds require
- ❖ d shall be release in maximum two week to applicant i.e. inventor to file the Patent /IP
- ❖ Inventor i.e. applicant can file the Patent /IP on his name by taking assistance of IPRC
- ❖ All the cost associated to file, grant, maintain of patent/IP will be borne by the Institute.

Filing of IP Applications in foreign countries

Subject to the provisions of the Patent Act, the IPR cell shall, decide on the suitability of protection of the invention in foreign countries within seven months of filing the initial IP Application in India (whether Provisional or Complete Specification) if no secrecy direction is received from Patent Office.

Ownership & Royalty sharing

- ❖ The Patent will be file in the name of Inventor(s) i.e. he/she will be applicant as well as inventor.
- ❖ The IP/Patent will be owned by the inventors.

- ❖ However before filing patent sharing of revenue agreement on stamp paper between Institute and inventor shall be signed
- ❖ The royalty, if any is generated from the patent as a consequence of commercializing of the patent, it shall be shared as per the following ratio;
 - In case of the inventor(s) is in service at institute or a bonafide student of the institute:
 - Inventor(s) share : 60%
 - Institute share : 40%
 - In case of the inventor(s) is not in service at institute or an alumni of the institute
 - Inventor(s) share : 40%
 - Institute share : 60%

Awards/Rewards

- ❖ There may be incentive for grant of Patent / IP to faculty members as per the norms of GB of the Institute.
- ❖ There may be incentive for grant of patent to student inventor(s) in the form of scholarship as per the norms of GB of the institute.

Commercialization:

IPRC shall have the sole discretion with respect to the commercialization of a Supported Invention, but shall take into account the public interest. Where a Supported Invention is subject to an external agreement with a third party (for example, the Central or State governments or other funding sponsor), IPRC shall make decisions consistent with that agreement. IPRC shall make decisions concerning commercialization as it deems appropriate and shall make reasonable efforts to keep Inventor(s) involved and record of its commercialization efforts.

Transfer of Inventions:

- ❖ In case the IPRC decides not to pursue filing patent application for certain invention and gives such decision in writing, the Inventor(s) is free to pursue filing of patent by own funds and in own name with all full 100% rights.
- ❖ Where the Institute determines that it will not file a proceed for patent application which was already filed as supported Invention and decide to abandon or withdraw the patent application, in such cases when IPRC shall inform in writing to inventor then, the Inventor(s) may request a transfer of the Invention. Upon determining that transfer the Invention to the Inventor(s) will not violate the terms of an external funding agreement, IPRC may agree to a transfer all interests/rights which it holds on the condition that inventor will reimburse the Institute for only all legal expenses, legal fees, liabilities and Government fees incurred. The cost does not include research and development cost.

Confidentiality

All Institute personnel associated with any activity of the Institute shall treat all IP related information which has been disclosed to the IPRC as confidential. Such confidentiality shall be maintained. Having filled the Disclosure Form, the inventor or creator shall maintain confidentiality i.e. refrain from disclosing the details, unless authorized otherwise in writing by the Institute. Institute staff shall not directly either during or after a period of their appointment, disclose to any third party or use for their



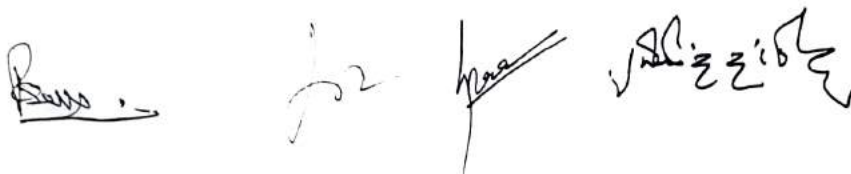
own purposes or benefit or the purposes of any third party, any confidential information about the business of the institute unless that information is public knowledge or he/she is required by law to disclose it.

Infringements, damages, or any other legal discourse

As a matter of policy, the Institute IPCS shall take consultation with expert for the same.

Dispute Resolution

In case of any disputes between the Institutes and the inventors regarding the implementation of the IP policy, the aggrieved party may appeal to the Director of the Institute. The Director's decision in this regard would be final and binding to the inventor(s).

Four handwritten signatures in black ink are arranged horizontally. From left to right: the first signature is a cursive 'R' followed by a horizontal line; the second is a stylized 'J' or 'I'; the third is a signature with a double underline; the fourth is a complex, multi-stroke signature.