



# Mangalayatan University, Aligarh

## Academic and Research Cell IPR (Intellectual Property Rights) Policy

### **1. Intellectual Property Rights (IPR Policy)**

“Intellectual property has been transformed from a sleepy area of law and business to one of the driving engines of a high-technology economy,” New York Times, 05 April, 1999.

#### **Introduction:**

The primary functions of a university are education, research, the expansion of knowledge and the application of that knowledge to advance the common good. Mangalayatan University recognizes that the public benefits from new products and processes resulting from discoveries and inventions made by individuals connected with the University in the course of their University activities. The growing application and use of communications media, educational technology, computer programs and other innovative approaches to conducting the work of the University often raise complex and ongoing challenges as to the proper and equitable utilization, obligations and rewards associated with innovation. These challenges are further affected by lack of clear cut policy and legislation relating to intellectual property (including patents and copyrights) as well as the funding of research. All of these considerations have led the University to develop this IPR policy that is understandable to members of the Mangalayatan community and that provide the basis for equitable adjudication between the various interests involved in a manner consistent with the University’s primary commitment to the public interest.

Mangalayatan University strives to support its faculty staff and students in development of inventions resulting from their research so that society may benefit. Faculty staff and students who make discoveries and inventions as part of their academic work are encouraged to develop their inventions consistent with the academic mission of the University. The University has policies and guidelines that provide incentives for its researchers while protecting the integrity of research emanating from the institution. Moreover, the University provides an array of services to its inventors to assist them in protecting rights to University Intellectual Property, in satisfying requirements imposed by sponsors of the research and in fostering commercial development.

#### **Aim**

The aim is to lay down a policy governing all aspects of protecting and



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management of Intellectual Property Rights of the faculty staff and students of the University. Aim is also to promote, preserve, encourage and aid scientific investigation and research;

### **University Responsibilities Associated with Intellectual Property**

The university recognizes that the research and teaching missions of the university always take precedence. At the same time, the university encourages the development by industry of inventions and technology resulting from university research, and seeks to facilitate the transfer of such technology for the use and benefit of the public. To these ends, the university shall:

- a. Educate faculty regarding intellectual property and tangible research property, provide support as it deems necessary or desirable to obtain legal protection of university intellectual property, facilitate the transfer of intellectual property to public use, and develop mechanisms within the Office of Technology Management for the licensing and management of technology;
- b. Provide legal support as it deems necessary and desirable to defend and protect the interests of the university and creators of the intellectual property against third party claims or unauthorized use, share royalties, equity or other income derived from university intellectual property with the creators;
- c. Report to research sponsors as required by research and licensing agreements, and applicable laws and regulations
- d. Return to the creator, in a timely manner, the ownership of intellectual property which the Office of Technology Management cannot, or decides not to, patent and/or license
- e. Provide a process for resolution of disputes that arise between and among the university, sponsors and creators regarding intellectual property.

The University's policy governing the ownership and disposition of intellectual property which includes, inventions, copyrights (including computer software), trademarks, and tangible research property such as biological materials is based on the following principles. From time to time, advances in science and the arts may result in new structures of intellectual property protection. They shall be considered to fall within this policy to the extent practicable.

First, the policy should encourage the viewpoint that ideas or creative works produced at the University should be used in ways that are meaningful in the public interest. This may be accomplished through widespread dissemination. Thus, dissemination and use



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of ideas and creativity should be encouraged throughout the Mangalayatan University. In other circumstances, the public may benefit from the stronger application of legal protection to the innovations and creative works of inventors and authors so that they may be developed into useful products. Although this policy recognizes that public benefit should be placed before financial gain, it is appropriate and often desirable for the University and inventors and authors to benefit financially from the use of a particular invention or creative work. In deciding how to proceed in regard to a particular invention or creative work covered by this policy, the University will consider the benefits and consequences for the public and the University, as well as for individual inventors and authors.

Second, the policy should protect the traditional rights of scholars with respect to the products of their intellectual endeavours. For instance, the policy should not interfere with the rights of a scholar to publish a book or an article. Where the University takes ownership or control over scholarly works, the University shall consult with authors on plans for publication.

Third, where financial or other support in terms of facilities, equipment or staff for development of intellectual property has been provided or administered by or through the University.

### **Inventions and Patents**

(a) . Definitions.

- (i) Inventor. Shall mean a person covered by this policy who individually or jointly with others makes an Invention and who meets the criteria for inventor ship under Indian Government patent laws and regulations.
- (ii) Invention. Shall mean any patentable or potentially patentable idea, discovery or know-how and any associated or supporting technology that is required for development or application of the idea, discovery or know-how.
- (iii) Supported Invention. Shall mean an Invention conceived or reduced to practice by a person covered by this policy (whether alone or together with others) if conceived or reduced to practice in whole or in part:
  - a. Under or subject to an agreement between Mangalayatan University and a third party; or



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- b. With use of direct or indirect financial support from Mangalayatan University, including support or funding from any outside source awarded to or administered by Mangalayatan University; or
  - c. With use (other than incidental use) of space, facilities, materials or other resources provided by or through the University.
- (iv) Incidental Invention. Shall mean an Invention (other than a Supported Invention) that is conceived or reduced to practice by a person covered by this policy making an incidental use of space, facilities, materials or other resources related to the conception or reduction to practice of such Invention.
- (b). Disclosure Obligations. Covered persons are required to notify the University's Office of Reserach& Development Cell ("RDC") of each Supported Invention and Incidental Invention through a disclosure document as prescribed by Office of RDC.
- (c). Ownership Determination. Upon review of the disclosure document, RDC will determine whether the Invention is a Supported Invention or an Incidental Invention and, in the case of a Supported Invention, shall further determine, with assistance from patent counsel, who are the Inventor(s) and is their work, consistent with Indian & International patent laws. Also Mangalayatan University shall have the right to own each Invention. The inventor , at University's request, shall assign to Mangalayatan University all of his/her right, title and interest in a Supported Invention. Ownership of an Incidental Invention shall remain with its Inventor(s), subject to any rights that may be granted to Mangalayatan University as required by this policy.
- (d). Filing of Patent Applications. RDC shall be solely responsible for determining whether a patent application shall be filed on a Supported Invention. Filing determinations may be made on the basis of commercial potential, obligations to and rights of third parties, or for other reasons which RDC, in its discretion, deems appropriate. Inventor(s) of a Supported Invention for which patent applications are filed shall cooperate, without expense to the Inventor, in the patenting process in all ways required by the University or its agent or designee.
- (e). Commercialization. RDC 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



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agreement with a third party (for example, the government or other funding sponsor), RDC shall make decisions consistent with that agreement. RDC shall make decisions concerning commercialization as it deems appropriate and shall make reasonable efforts to keep Inventor(s) involved and informed of its commercialization efforts.

(f). Royalty Sharing. Where royalties are generated by Mangalayatan University as a consequence of commercializing a Supported Invention, royalties will be shared with the Inventor(s) as described in “Royalty Sharing” of this policy. The University shall have the right to modify the Royalty Sharing section of this policy from time to time.

(g). Release of Inventions. Where the University determines that it will not file a patent application on a Supported Invention, abandons a patent application on a Supported Invention prior to issuance of the patent, or abandons an issued patent on a Supported Invention, the Inventor(s) may request a release of the Invention. Upon determining that releasing the Invention to the Inventor(s) will not violate the terms of an external funding agreement and is in the best interests of Mangalayatan University and the public, RDC may agree to a release and in such case will assign or release all interest which it holds or has the right to hold in the Invention to the Inventor(s) in equal shares, or such other shares as the Inventors may all agree. Release of Supported Inventions may be conditioned upon, among other things, agreement by the Inventor(s) to the following:

- (i) To reimburse the University for all out-of-pocket legal expenses and fees incurred by the University if and when the Inventor(s) receive income from the Invention.
- (ii) To share with the University 20% of the net income (income remaining from gross income after repayment of University expenses above and the Inventor(s)' legal and licensing expenses) received by the Inventors from the Invention. Income subject to this revenue sharing provision includes equity received by Inventors as consideration for the Invention but does not include financing received for purposes of research and development.
- (iii) Upon request, to report to the University regarding efforts to develop the Invention for public use and, at the University's request, to reassign those Inventions which the Inventor(s), their agents or designees are not developing for the benefit of the public.



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- (iv) To fulfil any obligations that may exist to sponsors of the research that led to the Invention.
- (v) To grant back to Mangalayatan University an irrevocable, perpetual, royalty-free, nonexclusive, worldwide right and license to use the Invention for its research, education and clinical care purposes.
- (vi) To agree to such limitations on the University's liability and indemnity provisions as the University may request.
- (h). Mangalayatan Rights in Incidental Inventions. In recognition of the contribution of the Mangalayatan community as a whole makes in support of innovation at Mangalayatan University, Inventor(s) agree to grant to the University an irrevocable, perpetual, non-exclusive, royalty free, world-wide right to use Incidental Inventions in the University's non-profit educational and research activities.

### Copyrights

(a). Ownership. Subject to the Exceptions in subsection (b) below, authors are entitled to own the copyright and retain any revenue derived there from in books, films, video cassettes, works of art, musical works and other copyrightable materials of whatever nature or kind and in whatever format developed, except that computer software and databases shall be subject to "Computer Software" of this policy. It is expected that when entering into agreements for the publication and distribution of copyrighted materials, authors will make arrangements that best serve the public interest. As used in this policy, "Author" means any person covered by this policy who creates a work of authorship qualifying for protection under Indian & International copyright laws.

(b). Exceptions.

- (i) Whenever research or a related activity is subject to an agreement between the University and a third party that contains obligations or restrictions concerning copyright or the use of copyrighted materials, those materials shall be handled in accordance with the agreement. In negotiating with third parties, project directors and the University should strive to protect and advance the public interest as well as obtain the greatest latitude and rights for the individual Author(s) and the University consistent with the public interest and this policy.



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- (ii) In circumstances where University involvement in the creation and development of copyrighted materials is more than incidental, including, but not limited to, use of resources such as funds, facilities, equipment or other University resources, in consideration of making such resources available, ownership and rights to shares of royalties or income or both shall be fairly and equitably apportioned as between the University and the Author(s) or may be varied by policy duly adopted by the University or individual Faculties. This policy encourages, whenever feasible, the University and the Author(s) to reach agreement prior to the commencement of a project on the rights that the University and Author(s) will have in the resulting copyrighted materials.
  - (iii) A copyrightable work created within the scope of employment by non-teaching employees of the University shall be a “work made for hire” under the Indian Copyright Act. The University shall be deemed the Author and shall own the copyright.
  - (iv) The University may also commission copyrightable works from University personnel, including faculty and students. A commissioned work shall constitute a work-for-hire and be owned by the University.
  - (v) The University, at any time, may acquire ownership or rights in copyright and copyrighted materials by agreement with the Author(s) or other rights holder(s), on such terms as are agreed.
- (c). Other Applicable Policy. Individual Faculties may adopt different or additional policies concerning copyright and any such policy shall be effective if it is formally adopted by the applicable Faculty and if it is generally consistent with the principles stated in this policy or is also approved by the Vice Chancellor and Executive Council of Mangalayatan University.

#### Computer Software

##### (a). Definitions.

- (i) Sponsored Computer Software. Shall mean any computer program (including, without limitation, microcode, subroutines, and operating systems), regardless of form of expression or object in which it is embodied, together with any users’ manuals and other accompanying explanatory materials and any computer database, that is developed:



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- a. Under or subject to agreement between Mangalayatan University and a third party; or
  - b. With use of direct or indirect financial support from Mangalayatan University, including support or funding from any outside source awarded to or administered by Mangalayatan University; or
  - c. With use (other than incidental use) of space, facilities, materials or other resources provided by or through the University.
- (ii) Sponsored Software Invention. Shall mean Sponsored Computer Software, which is an Invention done with use of direct or indirect financial support from Mangalayatan University, including support or funding from any outside source awarded to or administered by Mangalayatan University
- (b). Disclosure Obligations.
- (i) A Sponsored Software Invention shall be required to be disclosed to RDC as an Invention only in cases where:
    - a. The Sponsored Software Invention was developed under or subject to agreement between Mangalayatan University and a third party.
    - b. The Inventor(s) and/or Author(s) deem the Sponsored Software Invention to have commercial potential and/or favour seeking patent protection for the Invention.
  - (ii) All Sponsored Software Inventions required to be disclosed to RDC as an Invention, and any Sponsored Software Inventions otherwise identified, shall be treated for all purposes under this policy like other Inventions, except as expressly provided otherwise
  - (iii) Sponsored Computer Software that is not required to be disclosed as an Invention shall be disclosed to RDC in accordance with such disclosure procedures as RDC may direct.
- (c). Ownership.
- (i) The University shall own all patents, copyrights and other intellectual property rights in Sponsored Computer Software. For the avoidance of doubt, where the University determines that a patent application will not be filed for a Sponsored Software Invention or, if filed, a patent does not issue, Sponsored





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Computer Software will remain the property of the University. Where a patent application is filed on a Sponsored Software Invention, Mangalaytan University shall have a right of ownership in all associated copyrights as supporting technology. The purpose of this section of the policy is to enable utilization of Sponsored Computer Software in the public interest regardless of the potential for a division of ownership due to the patentable and copyrightable nature of computer software.

- (ii) Computer programs and databases that are not included in paragraph (c) (i) above shall, for all purposes, be treated in accordance with the policies provided under Para on "Copyrights".

(d). Release of Sponsored Computer Software. Where the University has the right but elects not to commercialize Sponsored Computer Software, the University may release its rights, in its sole discretion, subject to a written agreement reserving certain rights to the University and signed by all individuals who have been determined to be Inventor(s) and Author(s) of the Sponsored Computer Software.

### **Unpatented Materials**

#### A. Definitions.

- (i) Unpatented Materials (including biological materials). Means cell lines, organisms, proteins, plasmids, DNA/RNA, chemical compounds, transgenic animals and other materials useful for research or for commercial purposes for which patent applications are not filed or, if filed, do not issue, where such materials are developed by persons covered by this policy:
  1. Under or subject to agreement between Mangalaytan University and a third party; or
  2. With use of direct or indirect financial support from Mangalaytan University, including support or funding from any outside source awarded to or administered by Mangalaytan University; or
  3. With use (other than incidental use) of space, facilities, materials or other resources provided by or through the University.
- (ii) Contributors. Means those individuals who are determined by the head of the laboratory or the principal investigator of a research program, as applicable, to have made a contribution to the development of the Unpatented Materials.



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B. Ownership and Commercialization. The University shall own all rights in Unpatented Materials and may make appropriate distribution in the public interest, including licensing or transferring Unpatented Materials, for research and commercial purposes. Individuals named as Contributors shall be entitled to a share of licensing revenues in accordance with paragraph on “Royalty Sharing” of this policy.

#### Royalty Sharing

- A. Distributable Royalties. Mangalayatan University employs a single uniform structure for distribution of royalties to Inventors, Authors and Contributors. Mangalayatan University will distribute Net Royalties received by University from the licensing or other distribution of its intellectual property or technology covered by this policy, as and to the extent provided in this policy. Net Royalties are calculated based on gross receipts consisting of cash and securities or other equity shares in an enterprise received by University in return for use of its intellectual property, but do not include other non-cash benefits, sponsored research funding, or other financial benefits such as gifts. Net Royalties equal those gross receipts that Mangalayatan University is entitled to retain, less:
- (i) Mangalayatan University’s out-of-pocket costs and fees associated with securing, maintaining and enforcing intellectual property protection such as patenting and litigation expenses,
  - (ii) Out-of-pocket costs incurred by Mangalayatan University in the licensing of the intellectual property and
  - (iii) Any out-of-pocket expenses in making, shipping or otherwise distributing biological or other materials (including, without limitation, Unpatented Materials). As used herein, the term “Creation” shall mean any Invention, Computer Software, copyright or Unpatented Material as to which Net Royalties are to be distributed in accordance with this policy.
- B. Standard Distribution Method. Except as otherwise provided in this policy, the following formula will apply to the distribution of Net Royalties among Creators, their respective research laboratories, Departments/Centers and Schools and the University, based on amounts received by Mangalayatan University.
- (i) Creator personal share – 35%
  - (ii) Creator research share – 15%
  - (iii) Creator Department / Center share-15%
  - (iv) Administrative fee –15%
  - (v) University Share- 20% ( Money will go to Technology Development Fund to be utilised by RDC for further research)



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- C. Alternative Distribution Methods. Net Royalties earned from licensing of Creations with multiple Creators will be distributed as follows:
- (i) Among multiple Inventors and/or Authors for a single patented invention or copyright: Personal shares will be allocated among Inventors and/or Authors according to a written agreement among them or, if there is no agreement, in equal shares. Research shares, department/center shares and school shares will be allocated equally where Inventors or Authors come from different laboratories, departments/centers or schools, regardless of the number of Inventors/Authors from each laboratory, department/center or school, unless otherwise agreed among all Inventors/Authors.
  - (ii) Among multiple Contributors to a single Unpatented Material: Personal shares will be apportioned among Contributors as they mutually agree in writing or, if no agreement is reached among the Contributors, according to an administrative determination of apportionment that shall be made by the head of the laboratory in which the Unpatented Material has been made. Research shares, department/center shares and school shares will be allocated as in paragraph E.1 for patented inventions and copyrights.
  - (iii) For multiple Creations licensed as a package: First, Net Royalties will be allocated among the licensed Creations as agreed in writing among all Creators or, if no agreement, in equal shares among such Creations. In the alternative, upon request of any of the Creators, RDC will determine the relative value to the package of each of the Creations. The foregoing notwithstanding, where an executed license agreement assigns different values to different Creations licensed as a package, that value shall be the value assigned for purposes of allocating Net Royalties among such Creation. Second, the Creator personal share and the research, department/center and school shares of Net Royalties so allocated to each of the Creations in the package
- D. Rights of Appeal. Administrative decisions made under this policy may be appealed by the persons affected to the Committee on Redressal of Grievances for final determination provided the appeal is made in writing to RDC within 45 days of such persons receiving written notification of the administrative decision.
- E. Portability of Royalty Shares. Personal royalty shares will be payable to Creators regardless of their employment status at Mangalayatan University or elsewhere. Research shares will not follow individuals leaving Mangalayatan, but will be payable to the individual's Mangalayatan laboratory or, if no such laboratory remains, the individual's Mangalayatan department. Where an individual leaves one



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department and/or laboratory for another at Mangalaytan, the departmental and/or research share will move with him or her.

### **Committee on Intellectual Property; Changes to Policy**

- A. **Overall Responsibility.** The University Committee on Intellectual Property Rights (IPR), appointed by the Vice Chancellor, shall be responsible for interpreting this policy and resolving questions and disputes concerning it. From time to time, the Committee may suggest changes to this policy on its own initiative or at the request of the Vice Chancellor .
- B. **Other Responsibilities.** Other responsibilities of the Committee include the hearing of appeals as provided under this policy and such other duties as may be assigned from time to time by the Vice Chancellor.
- C. **Changes to Policy.** In addition to the right to make changes specifically provided elsewhere in this policy, the University reserves the right to amend or modify any of the terms of this policy as it may determine from time to time..

### **Miscellaneous**

- A. **Implementing Procedures and Documentation.** RDC shall have responsibility for developing procedures and documentation as necessary for implementing research. Implementation procedures as recommended by RDC shall be subject to the approval of the Committee on Intellectual Property.
- B. **Further Assurances of Covered Persons.** By making use of Mangalaytan University facilities and/or by participating in University-administered research programs and/or activities of the University that are subject to agreements with third parties, persons covered by this policy agree to assist and cooperate with the University in those actions reasonably undertaken by the University pursuant to this policy. All expenses related to providing assistance and cooperation shall be the responsibility of University.



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MU/RO/IPR Cell/15-16/506 (1)

Dated: 15 Mar 21

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#### OFFICE ORDER

##### Subject: Constitution of Intellectual Property Rights Cell

For the promotion of research and spread awareness about Intellectual Property Rights, an Intellectual Property Rights Cell (IPRC) has been constituted. The constitution of the IPRC is as follows:

- |   |   |             |
|---|---|-------------|
| a) Prof. Saleem Akhtar, Director-ILSR           | - | Chairperson |
| b) Prof. (Col) Nagaraj Mantha, Dean-FES         | - | Member      |
| c) Prof. Abhay Kumar, Director-IBM              | - | Member      |
| d) Prof. Abdul Wadood Siddiqui, Principal-IBMER | - | Member      |

The key functions of the IPRC will be as follows:

- To create awareness about IPR and related procedures among students and other stakeholders in the society.
- To facilitate the stakeholders for preparing the standard documents to apply & register for patents.
- To protect the intellectual inputs in the terms of resources and again protect the same so as to benefit the creator.
- To boost research & development in the University by providing incentives to those who come out with creative work and innovations.
- To inspire creativity and innovations among faculty members and students.
- To help in the development of economy by bringing in national and foreign investment and technology.

  
(Manjee  
Cdr (Ret)  
Registrar

CC:- [Name] [Designation] of the Vice-Chancellor