



Mangalayatan University, Aligarh

IPR (Intellectual Property Rights) Policy

General

The major objective/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. Mangalayatan University is dedicated to research, teaching, and extension of knowledge to its students and researchers. One of very important mission of the 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 the 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 the 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.

OBJECTIVES:

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

- To encourage innovative research leading to the generation of new knowledge, ideas and inventions.
- To facilitate the transfer of University-developed research results and new knowledge to commerce and industry.
- To provide faculty members, researchers and students of the University assistance in assessing the patentability and commercial potential of their inventions.
- To facilitate the protection of invention and technology and also facilitating its commercialization.
- To train faculty members, researchers and students about patent filing procedures (National and International).

- 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:

- **Creator:** means the researcher who contributed to the creation of the Intellectual Property (IP) (essentially copyrights, designs, etc.).
- **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.
- **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:
 - Research undertaken by a researcher in the normal course of his/her engagement/appointment with the University, utilizing 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.

- 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.
- **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.
- **IPR Committee:** The committee constituted by the Vice Chancellor from time to time to evaluate and make recommendations regarding IP related issues.

SCOPE OF THE POLICY

- IPR cell shall facilitate and help the members of faculty, researchers and students of the Mangalayatan University in identification, protection and commercialization of various IPRs such as Invention(s), Designs, Integrated Circuit Layouts and other creative & artistic works.
- 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.
- 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.
- 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.
- 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.
- All the expenses for filing patents and other IP will be paid by the University.
- The IPR Cell shall correspond with the authority/agency and the inventors on IP matters.
- The IPR cell committee for approval for patent filing would consist of:

1	Vice Chancellor	Chairman
2	Dean, Scientific Research & Industrial Consultancy	Vice Chairman
3	Director, Research (Project)	Member
4	Director Research (Academic Research)	Member
5	Project Investigators/ Inventors	Member
6	Head of the Department	Member

7	Asstt. Registrar, SRIC	Member Secretary
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- 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.
- 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).
- The IPR Cell and inventors in collaboration with Research Advisory Committee shall work together for commercialization of the newly created knowledge.

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 the Mangalayatan University would be shared as follows:

S.N.	Net Earnings	Inventor(s) Share	Mangalayatan University 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. 10 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 Mangalayatan University 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 property, he/she should be given due credit and be mentioned in the Income Distribution Form.

Infringements, Damages, Liability and Indemnity Insurance:

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

Conflict of Interest:

- The inventor(s) of Mangalayatan University 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 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.

Dispute Resolution:

- In case of any disputes between the University and the inventors regarding the implementation of the IP policy, the aggrieved party may appeal to the Vice-Chancellor of the 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.

Jurisdiction:

- As a policy, all agreements to be signed by the Mangalayatan University will have the jurisdiction of the courts in Aligarh U.P and shall be governed by appropriate laws in India.

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