



**DEEN DAYAL UPADHYAYA
GORAKHPUR UNIVERSITY
GORAKHPUR**

**POLICY
DOCUMENT**

Internal Quality Assurance Cell (IQAC)

INTELLECTUAL PROPERTY RIGHTS (IPR) POLICY

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PREAMBLE

Intellectual Property Right (IPR) is a legal term that covers innovations, novel ideas, thoughts, and information having commercial values and gives the innovator a right to protect it from being used by others. It includes a wide range of intangible properties ranging from information to inventions. It generally includes patents, copyrights, and trademarks providing legal rights to protect ideas, the expression of ideas, and names, logos, and marks used to identify a business of a specific product. It bears similarity with a physical property in the sense that it can be bought and sold or rented. The owner has the exclusive right if the IPR is granted and thus protected from infringement. Intellectual property law serves a variety of societal goals, including fostering innovation and promoting economic and cultural development. The IPR promotes innovations in diverse fields and protects the innovations having commercial values by giving the exclusive right to the innovator to prevent others from using it without permission. These legal rights may vary from country to country but in general, this creates competitiveness and leads to innovations in different sectors with potential for commercialization. The IPR has relevance to each field of development like health, agriculture, education, trade, biodiversity management, biotechnology, information technology, the entertainment and media industries, etc.

To encourage research and innovation among the faculty members, students, and other members of D.D.U. Gorakhpur University, Gorakhpur, an IPR cell exist, and an IPR committee comprising of Nodal office and members from a different department have been constituted.

The IPR cell objectives are:

- To work as a link and bridge between Patent Information Centre, CST, UP, and University and its affiliated Colleges.
- To advise and guide researchers on the basics of IPR, especially patents with the help of PIC if necessary.
- Encourage faculty members to carry out patent searches in-house and/or at PIC and fine-tune their research.
- To facilitate clearance from the competent authority for filing the patent and forward it for IP protection to PIC, UP.

The activities of IPR Cell include

- To organize group meetings/lectures in different departments & affiliated colleges for IPR awareness & understanding with the support of PIC officials.
- To take an IPR audit of the research program.
- To guide the inventors in promoting their academic & entrepreneurial activities through IPR protection.
- To facilitate IP management.
- To access the proposals for patent and scrutinize them through patent search with the help of PIC, CST and UP.

OBJECTIVES OF IPR POLICY

- To promote, preserve and encourage research, and innovations in diverse areas pertaining to science, humanities, law, commerce, etc.
- To frame guidelines for the protection of innovations carried out by faculty members, students, and other members of the University.
- To frame different criteria for determining the rights and obligations of the University, authors/proprietors/assignees/licensees, of intellectual property, and their sponsors concerning inventions and innovations.
- To develop an appropriate organizational structure and mechanisms through which inventions and innovations by the faculty members, students, and other members of the University could be protected.
- To ensure compliance with the existing laws and regulations and enable the University to secure diverse sponsored projects from different funding agencies.
- To provide financial support to faculty members, students, and other members for the protection of IPRs.
- To facilitate GI registration of items unique in Gorakhpur and nearby regions so that due recognitions and benefits could be generated.
- To create awareness of IPR issues by conducting workshops, training, seminar, conferences and popular talks by experts.
- To provide a comprehensive single-window reference system for IPR-related issues.

DEFINITIONS

(i) Copyright

It is an exclusive right granted by law for a certain period to an author to reproduce, print, publish and sell copies of his/her creative work.

(ii) Copyrightable materials

- books, journal articles, texts, glossaries, laboratory, manuals, syllabi, tests and proposals, study guides and bibliographies;
- Lectures, musical or dramatic compositions, unpublished scripts;
- films, filmstrips, charts, transparencies, and other visual aids, Vide-audio tapes, and cassettes;
- live video and audio broadcasts;
- Programmed instructional materials;
- Research notes, research data reports, and research notebooks;
- other materials or works other than software that qualify for protection under the Indian Copyright Act.

(iii) Author(s)/ Proprietor(s)

It means the faculty members, employees, and other persons employed by the University, whether full or part-time; visiting faculty and researchers; any other persons, including students, who will create Intellectual Property using University resources during employment.

(iv) Confidential disclosure

It means an agreement between disclosing and recipient parties or a term in a research contract or license agreement

(v) Direct expenses

It includes the costs associated with the development, protection, maintenance, and licensing of intellectual property, including the regular payment of salaries or other overhead costs of the university.

(vi) Educational Materials

It comprises the content and associated tools and technologies for delivery of content, including material developed for traditional face-to-face classroom courses as well as other delivery methods such as through the internet or other distance learning media. For this policy, educational material does not normally include works such as textbooks, articles, papers, scholarly monographs, or artistic works produced in the normal course of academic scholarship.

(vii) Geographical Indications

It means the Geographical Indications (GI) tags that are given as per the Geographical Indications of Goods (Registration and Protection) Act, 1999. It is a sign used on products that have a specific geographical origin and possess qualities or reputations due to that origin. It is primarily granted to agricultural, natural, manufactured handicrafts originating from a definite geographical territory.

(viii) Invention disclosure

It means a written description of an invention that is confidentially made by the inventor to the University.

(ix) Intellectual Property

It shall include any property generated out of the intellectual effort of the creator (s). It includes but is not limited to

- New and useful scientific and technical advancements in the form of innovations, inventions, products and processes, computer hardware and software, materials, and biological varieties which are patentable.
- Industrial and architectural designs, models, drawings software, creative, artistic, and literary works, teaching resource materials generated, records of research, etc, which are copy-rightable.
- trademarks, service marks, logos etc.

(x) Know-how

It refers to the knowledge, innovations, practices, expertise, processes or procedures, and secrets of individuals regarding the use of material, product, or resource, or the practice of a method for a particular purpose.

(xi) Publications

It means a public enabling disclosure of an invention and may be verbal or printed. The printed publication includes abstracts, student thesis, and in certain instances, grant proposals.

(xii) Patent and Patentable materials

It is as defined in Indian Patent Act 1970 and further amended from time to time. The patentable material includes discoveries and inventions of new products and processes.

(xiii) Substantial use of the University facilities or resources

It means regular utilization of University facilities, equipment, personnel, or other resources owned by the University.

(xiv) University research

It means any research or development operation conducted by the University or related to duties and responsibilities for which the University pays an individual, or which is carried out with significant use of University facilities or resources.

(xv) University resources

It means all tangible resources offered by University to creators, including office, laboratory, studio room, and equipment; computer hardware, software, support; secretarial service; research, teaching, and laboratory assistants; supplies; utilities; funding for research and teaching, travel, and other funding or reimbursement activities.

(xvi) Policy

It means the provisions of this policy unless otherwise mentioned.

(xvii) Creator(s)

It includes any employee of the University whether employed full time or part-time or on probation or temporary basis either in the University and /or in projects and those who are research workers, research scholars or students, or project fellows who are responsible for the creation of an intellectual property using the facilities of the University.

(xviii) Patentee

The person for the time being entered on the register of patents kept under the Indian Patent Act as the generator or proprietor of the patent.

(xix) Revenue

It is any payment received as per an agreement by the university, usually for the legal use of an intellectual property of the university through a license.

(xx) Assignment

It is a transfer of rights or title in the intellectual property in writing.

SCOPE OF THE POLICY

The IPR policies is applicable to faculty members, students, staffs, and non-employees (including visiting teachers, associate and adjunct faculty, industrial personnel, fellows, etc.) who are engaged in different research projects running at the University.

OWNERSHIP OF INTELLECTUAL PROPERTY

All intellectual property created as a result of University research or produced by extensive use of university facilities or services shall be jointly owned by the University and the author/proprietor of Intellectual property. In case of sponsored research or where there is external funding the University, the creator of intellectual property and the funding agency may jointly share the IPR under a specific agreement. Faculty, employee and students at the University could publish their research findings freely provided that such research does not result in infringements of copyrightable/patentable intellectual property. The creator of the intellectual property may opt to retain the ownership in cases where intellectual properties have been developed without substantial use of the University resources.

CREATION OF INTELLECTUAL PROPERTY

In the University there are two possibilities for the creation of intellectual property namely

- (i) If University undertake any assignment either from an external agency or through its own mechanism to take upon the creation of specific copyrightable or patentable materials/processes and assign a team of researchers for the creation.
- (ii) In the course of their research or as a particular project, individual researchers or a team of researchers can create copyrightable or patentable materials.
- (iii) When some external funding agencies (both Governmental or Non-Governmental) may enter into a specific agreement with the University and research team to develop some particular copyrightable or patentable materials.

RESPONSIBILITIES OF THE UNIVERSITY

- (i) Create awareness among the faculty members, students and staffs regarding the University's Intellectual Property (IP).
- (ii) To provide adequate and necessary support to obtain legal protection of IP.
- (iii) To facilitate the transfer of such IP for economic use and develop appropriate mechanisms for the assignment and management of IP.

- (iv) To provide the IPR cell with the requisite resources to promote GI registration of objects unique to the geographical area in Gorakhpur and near vicinity.
- (v) To provide legal support as it deems necessary and desirable to defend and protect the interests of the University and the creators of the IP against third party claims or unauthorized use.

RESPONSIBILITIES OF THE CREATOR(S)/ AUTHOR(S)/PROPRIETOR(S)

- (i) To make an invention disclosure in a thorough and timely manner of all inventions, discoveries and other works that are patentable/copyrightable and in which University has a stake/share.
- (ii) To provide the necessary support throughout the process to protect and accomplish the transfer of the IP.
- (iii) To arrange for the holding of all documents that are necessary for protecting the IP.
- (iv) To follow the commitments made in the license, sponsored research, and other agreements made per this policy.
- (v) To consider, manage, and disclose any conflicts of interest that may arise while commercializing the inventions.
- (vi) To manage, including bearing patent/copyright, assigning it for commercial use or licensing it similarly on terms to be finalized by the University authority (IPR cell), inventors/creators, and financing agency, if any, for the research project which leads to such an invention/creation.

REVENUE SHARING

The revenue generated from the Intellectual Property shall be distributed as follows:

- (i) When University is the Creator, the income from the economic use of the intellectual property will be shared amongst the University and Research Team as 60% and 40% respectively.
- (ii) When the individual researcher or a team of researchers is the Creator and has used substantial University resources, the Revenue shall be shared amongst the individual researcher, a team of researchers and the University and as 60%, 40% respectively.
- (iii) When the creation is the result of funded research, the income from economic use to be received from the Institution funding the research will be on revenue sharing basis at the level determined in the agreement assigning economic use of intellectual property to that institution when it is the economic user. In such cases the income shall be shared between the team of researchers and the University as 60%, and 40% respectively.
- (iv) When a Company, Industry or Commercial Undertaking other than Funding Institution is the economic user, the income receivable from the economic user will be as provided in the licensing agreement with that Company, Industry or Commercial Undertaking. Such income will be shared as 60% and 40% between the Funding Agency and the University respectively. The University will distribute the income it so derives to itself, researcher/team of researchers as in the preceding para.
- (v) The shares as mentioned above shall be determined after deducting the direct expenses if any from the total income received by the University.

- (vi) The creator(s) share would be declared annually and disbursement will be made to the creator(s) or their legal heir, whether or not the creators are associated with the University at the time of disbursement.
- (vii) Co-creators that is research team members of IP shall sign at the time of disclosure a Distribution of IP earnings agreement, which shall specify the percentage distribution of earnings from IP to each co-inventor. The co-owners of intellectual property may at any time by mutual consent revise the distribution of IP Earnings.

MISCELLANEOUS

- (i) The University reserves the right to amend/change this policy at any time as may be required.
- (ii) The University may grant a waiver from the provisions of the policy on a case-by-case basis.

The Logo and Emblem of the University are the exclusive identity and property of the University, and no person shall without prior permission of the University can utilise the logo and /or emblem of the University for any commercial or any other purpose without legitimate authority.

