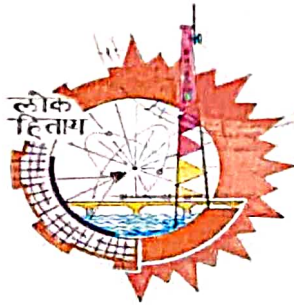


**GOVERNMENT ENGINEERING COLLEGE
RAIPUR**



**Institutional Intellectual Property
Rights Policy 2022**

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Preamble

GEC Raipur has a glorious tradition of pursuing excellence in Teaching and Research in the fields of Engineering established in the year 2006.

GEC Raipur has dedicated itself in providing the Technical Manpower, Technical Know-how, Technologies, Technical Consultancies, Advisory Consultancies and generating Intellectual Property by its qualified, experienced and dedicated Faculty, Technical Personnel, Administrative Staff as well as Students with an objective of the development of the state.

The Institute has already been recognized globally because of its teaching and research potentials and is India's leading Institute. The Institute has five teaching and research departments.

As the National Intellectual Property Rights Policy, 2016 quotes "Creativity and innovation have been a constant in growth and development of any knowledge economy. There is an abundance of creative and innovative energies flowing in India. India has a TRIPS compliant, robust, equitable and dynamic IPR regime". And the mission statement of the policy is to "Stimulate a dynamic, vibrant and balanced intellectual property rights system in India to:

- foster creativity and innovation and thereby, promote entrepreneurship and enhance socio-economic and cultural development, and
- focus on enhancing access to healthcare, food security and environmental protection, among other sectors of vital social, economic and technological importance".

With this all-encompassing IPR Policy now in frame still there is ardent need for Researchers, Scientist, Academicians and Students involved actively in R&D come forth with IP in all the domains for economic growth and socio-cultural development, while protecting public interest. As Intellectual Property protection and dissemination of technology has become key for overall development of the society the rationale for this institutional IPR Policy lies in the need to create awareness about the importance of IPRs as a marketable financial asset and economic tool and in an around this policy the sharing of credits and benefits between the applicant and innovator has to be ascertained.

The main mandate of this institutional IP policy is to foster research, both basic and applied and at the same time lead to need based and marketable innovations. IP protection and licensing is the need of the hour for the successful application of research in larger societal interest. To further the cause of development of Science and Technology inherent in this policy, is the need to encourage the production of creative and scholarly works for the development of new and useful materials, products, devices, processes and other intellectual property, with potential commercial value. This policy would lead to academic and professional development of the Institute staff associated with such work and also further augment the repute of the Institute. Also it would provide additional educational opportunities and promote overall societal development.

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The policy also addresses key issue of Technology Transfer and many of the research outcomes never see the light due to clear policy for transfer from *lab to land*. The intangible assets of the Institute viz. know-how, innovations, designs, books, art, etc are more important than the working capital or fixed assets. These assets can fetch the Institute lots of commercial as well as repute if properly transferred with a policy frame to the end user. The policy also addresses the key issues of. Knowledge Prospecting, Knowledge Generation, Ownership of Knowledge and Need and Market Assessment as well.

The policy intends to derive Value of Knowledge and IPR through guidelines set for Licensing of IPR, IPR Insurance/Safety, IPR as a collateral for strengthening research, Policing of institutional IP assets and also IPR Auditing.

The policy laid down in this document is expected to fulfill the commitment of the institute to promote academic freedom and provide conducive environment for research and development.

1. Objectives of formulating Intellectual Property Rights Policy

GEC Raipur has formulated this Policy for the management and ethical conduct of IPRs with the objectives to:

- To create awareness pertaining to economic, social and cultural benefits of IPRs among academicians, researchers, students of the Institute;
- Provide an environment for research and development and motivate & raise the standards of research at the GEC Raipur for ascertaining development of IP;
- To balance the interests of rights in lieu of public and state's interest;
- To facilitate, encourage, promote and safeguard scientific investigation and research, both individual and collaborative carried out in GEC Raipur;
- Formulate IPR management policy and procedural guidelines for dissemination (*Lab to Land*) of the inventions and discoveries made in the course of research carried out in the GEC Raipur;
- To ensure incentivization to the innovators (faculty, non-faculty, students as well) for their initiatives to transfer Institute IP transfer to the public;
- Enable the Institute to make beneficial use of developed IP with the maximum possible benefit of the Inventors, the Institute, the State and general masses at large.
- Safeguard the interest of inventor(s) of IP and provide fair distribution of returns accruing from the commercialization of IP by providing distribution of resulting economic gains among the developers/ authors/inventors, the Institute and where ever applicable, the sponsors.
- Help in introducing prudent IP management practices within the Institute.

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2. Stakeholders in the Institutional Intellectual Property Rights Policy

Any research taken up involves the infrastructure provided by the Institute, researchers, collaborators, sponsors of the research, licensee, technology users (end users), and Government (departments). These stakeholders are involved in the process of ideation of the innovation, conceptualization and development of innovation, IP filing and acquiring IP and finally Lab to Land i.e. commercialization of innovations or inventions.

Each of these stakeholders has some or other contribution in one way or another in the process of generation and commercialization of innovations, inventions or research findings. As involved in the process of innovation in some way or the other the participants have their interests in the innovation. This if not addressed properly can result in improper addressing of the innovation or in conflicts of interest with one and other.

Amongst the stakeholders of the Institute is the major partner in any IP generated. Further Institute is the major stakeholder in commercialization of generated IP (innovation, invention and/or research findings). As the Institute contributes to the intellectual property generation in the following manner:

- Providing infrastructure for the researchers;
- The researcher's is the salaried employee of the institute i.e the institute disburses the salary;
- Provides funds for the research;
- Intangible support in form of the goodwill, stature of the institute.

Further to the add to the Institute being major stakeholder in any IP generated it is important to mention that the sponsorship of the research is also available to the researcher, academicians, students or any because of his/her associated with the Institute and also during the commercialization of the IP Institute plays a very important role.

Also as the research activities are carried out with the involvement of the students, research staff, guest researchers, contribution made by them is also to be considered in the innovation, invention or research findings. Any financial gains in commercialization of the innovation, invention or research finding is to be shared with students, research staff, guest researchers involved in the research activity of that innovation, invention or research findings.

The stakeholders mentioned are in all the IP generated whether it is patent, copyright, design, integrated circuit or any such for both the academic and also financial purpose. As the IP stands for both the academic purpose i.e. career development, as well as for financial benefits.

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Also the stakeholder can be the financing agency of the project. Financing or funding agency can be Government agency, Industry, Other Institute as collaborative or joint research then the IP may be guided by both the funding agency guidelines as well as the partner UInstitute guidelines. This is to be discussed before the implementation of the research and agreement is to be framed accordingly. The IP generated may claim the ownership of generated IP and/or it may allow the implementing Institute to own it and/or joint ownership and/or enable unrestricted use of the IP by the research and scientific community.

The stakeholder list also includes the Licensee i.e. buyer of the IP. As the licensee is paying for the IP, Technology the stake and extent of right of the licensee is also to be considered while disbursing the IP or technology.

Lastly any funding agency also stakes its rights on the IP as the availability of funds for research is the one of the most important aspect in developmental process of IP. It involves infrastructure, research staff salaries and also other services as well as branding due to sponsoring agency. In view of this the sponsoring agency especially the government sponsoring agency intends to restrict unfair monopoly of the invention, innovation or research findings and intends to use the findings for the development of the society.

Thus the following institutional IP policy intends to address these issues and to make the stakeholders aware of their rights in any IP generated.

3. Institutional Intellectual Property Rights Policy

In order to address the issues pertaining to filing of IP Institution and also to address conflicting interests of stakeholders for achieving the major objective of generation, filing and transfer of IP in the interest of the society and the Institute and innovator, the institutional Intellectual Property Right Policy of GEC Raipur addresses following issues:

- Applicability and Coverage of the Policy;
- Intellectual Property Ownership;
- Institutional IPR Policy Administration and Regulation;
- Disclosure of Intellectual Property and Maintenance of Confidentiality;
- Evaluation of Disclosed Intellectual Property for Protection of Rights;
- Commercialization of IP;
- IP protection, Licensing and Technology Transfer;
- Revenue Sharing and
- Other pertinent issues

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3.1. Applicability and Coverage

This policy would be applicable to all the departments of the Institutions and for addressing issues of Intellectual Property. This policy would cover all rights arising from any type of the IP which can be filed and protected under any protection including patents, copyrights, trademarks, industrial designs, layout of integrated circuits.

The policy covers also the IP devised, created or made by the staff/students/researchers/ academicians in the course of their employment/enrolment for any degree or course in the Institute. This policy should be deemed a part of the conditions of employment for every employee of the Institute and a part of the conditions of enrolment of students at the Institute and to all existing staff and students. Further, the Institute reserves the right to amend the Institutional IPR Policy as and when such need arises in accordance with the changes in the laws governing IPR and also in accordance with the National IPR Policy.

All potential inventors who participate in a sponsored research project (Institute sponsored or sponsored from external funding agency) and/or make use of Institute sponsored resources should abide by this policy and should accept the principles of ownership of IP as stated in this policy unless an exception is approved in writing by the Institute.

All potential inventors of IP should execute appropriate documents required to set forth effectively the ownership and rights as specified in this policy. It would be obligatory for all Faculty/Research Fellows /Students/Laboratory Staff/Visiting Scientists/ Collaborators etc. to follow the IPR Policy of GEC Raipur and abide by various terms and conditions laid in it.

No patentable invention /technology innovation etc. developed by them and others they should be working with, be disclosed to any other party. Any prior disclosure, directly or indirectly, either during the period of work or after its termination, should render them prosecutable as per laws that may be in force at the time.

3.2. Ownership of Intellectual Property

The ownership criteria for various types of Intellectual Properties developed by the employees and students of GEC Raipur should be determined as the following criterions:

3.2.1. Patents

All the IP generated under any project sponsored by the Institute or External agency or from the work being carried out using the facilities of the Institute/University would be owned by the Institute.

It is obligatory to the employee of the Institute to assign the work to the Institute i.e. if an employee makes an invention (product or process or any other thereof), the rights would belong to the employer in this case the Institute.

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The policy ascertains that the Intellectual Property developed by the Institute researcher(s)/academician(s)/or any other staff is owned by the Institute with which the researcher/academician(s)/or any other staff is working and would be named as inventor(s) in the application filed for Patent.

The GEC Raipur will be the sole owner/assignee of the patent if the invention domain falls within the specialization of the inventors. Also if the invention domain falls out of the specialization areas of the inventor and involves no use of Institute resources, then the inventor will be the individual owner/assignee of the IP created, however, he/she will have to seek permission of the Institute before applying for the protection of the IP.

The filing of application for patent by the inventor in his specialization domain working as an employee of the Institute would depend on the following conditions:

- a) IP generated by an employee/academician/research scholar/student of the Institute or visiting Professional should always be the property of the GEC Raipur whether Institute resources are used or not. The Institute will thus be the assignee while the researcher(s) will be the inventor(s).
- b) In cases of innovation(s), where patent is applied/being filed for, the inventor(s) should agree to provide all relevant details of IP (specification) for filing and also would maintain the confidentiality of the IP until the patent application is filed.
- c) If Institute employee or a student creates intellectual property while working with another organization, it should be jointly owned by that organisation and the Institute.
- d) The Institute will be the sole assignee of IP created through sponsored research where the sponsor does not claim IP rights.
- e) Where research has been sponsored by a private organisation or government agency and no prior agreement exists on sharing of IP, licensing of patents and revenue sharing the matter should be negotiated between the sponsors and the Institute before taking up of such research work/program.
- f) Any IP generated as a hired work will belong to the Institute.
- g) Royalty accruing or any type of payment received from the commercialization of the Institute owned IP should be shared between the Institute and the inventors vide policy guidelines for revenue sharing.

3.2.2. Copyright

In case of copyrights if the employee/academician/research scholar/student of the Institute creating the IP which includes presentation, speeches, articles, books, lecture, video presentation, and/or any other communications not using the Institute resources will not be owned by the Institute.

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The guidelines for ownership of copyright of all copyrightable work will be accordance with the following:

- a) The Institute should be the owner of the copyright of the work related to the area of specialization including software(s) created by the Institute personnel with use of Institute resources other than literary work.
- b) If the work is not related to the domain area of the inventor and does not involve Institute resources, then the Institute will have no ownership right in the work.
- c) The Institute should be the owner of the copyright on all teaching materials developed by the Institute personnel as a part of any of the academic programs of the Institute. However, the authors should have the right to use the material in her/his personal use also.
- d) The Institute should be the owner of the copyright of the work produced by Non-Institute personnel associated with any activity of the Institute with the intellectual contribution of the Institute personnel. However, the authors should have the right to use the material in her/his professional capacity.
- e) If the work is produced during the course of sponsored and/or collaborative activity, specific provisions related to IP, made in contracts governing such activity should determine the ownership of IP.
- f) The student and his/her supervisor(s) will jointly have the ownership of copyright in the thesis/dissertation/project report written by a student.
- g) Any copyrightable work generated as a hired work shall belong to the Institute.
- h) Where copyright has not been assigned to the Institute, the Institute will be entitled to a non-exclusive, non-transferable license to use the work within the Institute for non-commercial, educational and research purposes, and/or to possess a limited number of copies for such purposes, whichever is relevant.

3.2.3. Designs, integrated circuit layout, software and other creative works

- a) The Institute should be the owner of all design, software and integrated circuit layout created by Institute personnel.
- b) Design, Software and integrated circuit layout produced during the course of sponsored and/or collaborative activity, specific provisions related to IP made in the contracts governing the collaborative activities should determine the ownership of IP.
- c) Design, Software and integrated circuit layout created by the Institute personnel without use of the Institute resources and not connected with the domain for which he/she is employed at the Institute should be owned by the inventor(s).

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4. IP addressal in Sponsored research

Intellectual Property issues pertaining to the sponsored research are as follows:

- Ownership of any IP generated or created in course of research, funded by a sponsor all the matter pertaining to the IP shall be governed by the terms and conditions of the grant or agreement pertaining to the grant.
- The research agreement or agreement pertaining to the confidentiality, disclosure, or other legal agreement affecting ownership shall be liable to be followed by the Institute in accordance with the terms and conditions laid by the financing agency. Although as per the major financing agency guidelines the IP generated under the sponsored project belongs to the financing agency.
- It would be obligatory for the Project staff recruited as Research Fellows/Project Fellows/Research Associates/Project Scientists or any other, hired under the sponsored Projects to abide by terms and conditions laid in GEC Raipur IPR policy.
- The IP generated from research projects sponsored by government/non-government agencies will be owned by the GEC Raipur and the Sponsoring agency jointly.
- The sponsoring agency will bear 50% of the protection cost or forgo the rights to the IP.
- In case the project was accepted under terms different from that stated herein, by the Investigator with proper clearance from the Institute the terms agreed upon should be followed.

In case of joint ownership of IP especially when the joint ownership is between two or more Institutes or Business Entities or Industry the royalties must be negotiated before the filing of the Patent/IP, including the cost also pertaining to the protection of the IP.

5. Students and Teachers generating IP

5.1. Guidelines pertaining to the thesis, dissertation, term papers and research proposals submitted by students

The texts of student's thesis and dissertations and works derived from work carried out under Ph.D. or for fulfilment of the requirement for an academic degree or diploma shall be considered exempted scholarly works.

It is a requisite for the students and the supervisor of the research work to own the copyright of the thesis, term papers, research proposals and reports etc. which the students submits for the fulfillment of the requirements for an academic degree or diploma. However, the supervising teacher and the student will grant a non-exclusive, non-transferable royalty-free license to the GEC Raipur for use of thesis, term papers and the research proposals, reports etc. for non-commercial academic activities. Further the student and the supervisor of the research would allow the Institute to have the copy of the thesis, dissertation, research

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proposal or report etc. in the library for academic purpose. The library record can be hard copy or electronic copy or both. All usage of these thesis, dissertation, research proposal or report etc. will be governed by the relevant fair use provisions laid down by the Indian Copyright Act in force at the time of submission of the thesis.

6. IP Policy Administration

The Institutional Intellectual Property Rights Policy shall be applicable to all the Institute personnel(s), as well as Non-Institute personnel(s) associated with any activity of the Institute and will be controlled by the Institute's Intellectual Property Rights Cell.

6.1. Constitution of Institute's Intellectual Property Right Cell

Institute's Intellectual Property Right Cell, comprising the Principal GEC Raipur , Senior Faculty Members with expertise in areas and also in aspects of IPR and technology transfer. The tenure of the members of the IPR cell of the Institute shall be 03 years.

6.1.1. Right to regulate Policy

Cell should be responsible to administer all issues related to IP policy and other relevant matters as required in the Institute and in all the educational institutes affiliated to GEC Raipur.

6.1.2. Assessment of Innovation for Protection

Assessment of the innovation would be carried out after the initial disclosure of the innovation/invention by the inventors to the Institute's Intellectual Property Right Cell. For assessment the Patent Information Centre, Chhattisgarh Council of Science and Technology would serve as the nodal agency.

After the assessment the Institute shall facilitate the inventor in acquiring the IPR taking the services of PIC, CCOST, if required. Financial assistance if required the Institute will also provide a financial assistance to the inventor upto a maximum of Rs.1,00,000/- for the same.

6.1.3. Authority regulating all Contracts and commitments

All Commitments, Agreements, Memoranda of Understanding, relating to commercialization or exploitation of Institute-owned IP will be granted in the name of the GEC Raipur for and on behalf of the Institute by the Principal, GEC Raipur following proper internal approval arrangements.

6.1.4. Contracts and agreements

All agreements, undertaken by any GEC Raipur personnel and students need to be approved by the Principal, GEC Raipur who shall act as the final signing authority in all the categories of agreements.

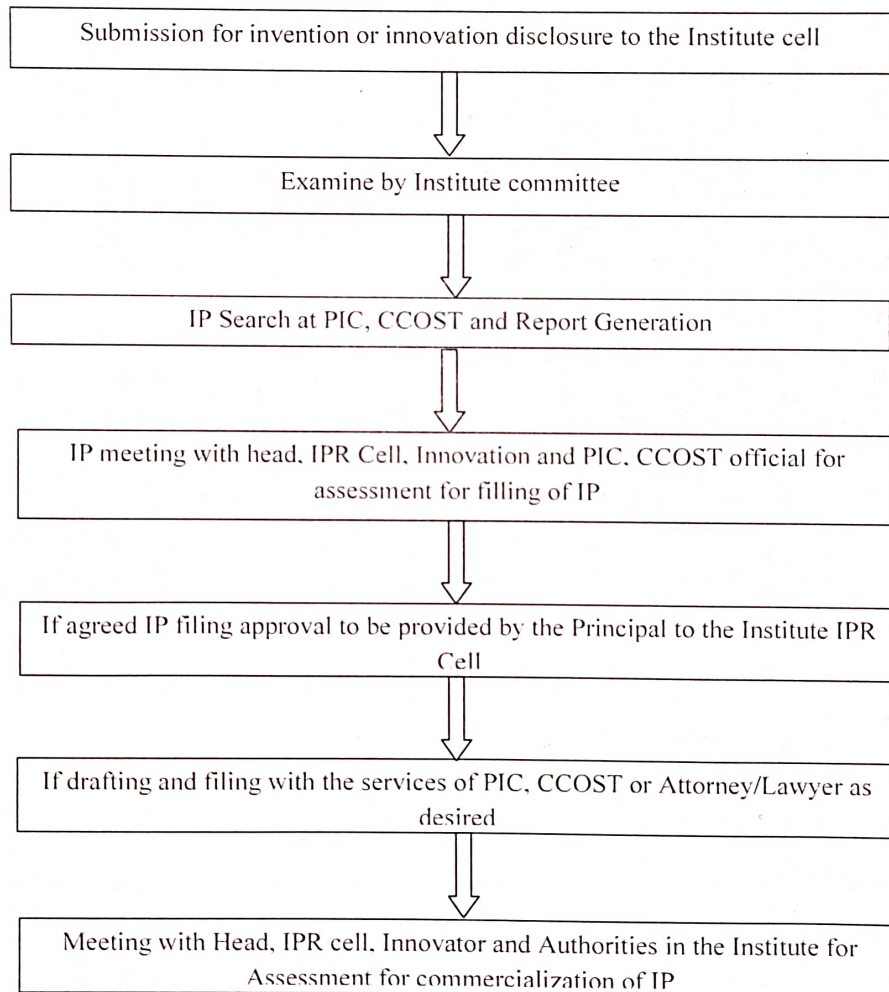
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6.2. Regulation of IPR Policy

The office of the Institute IPR Cell with approval from the Principal would regulate the IPR policy for this after the acceptance of the policy it has to be distributed to all the departments and the colleges/institutions affiliated or associated with the Institute.

6.3. IP addressal

Procedure for IP Addressal in the Institute



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6.4. Commercialization of IP

The Institute shall promote commercialization of the IP for this the IP generated and addressed by filing shall be showcased extensively and also identification of the specific industry etc. for transfer of the technology should be ensured. The inventor of the IP should also be actively involved in the commercialization process so as to ascertain the technology transfer.

6.5. Technology Transfer

The Institute IP Cell or the Inventor(s) may contact potential licensee(s) ensuring necessary care for confidentiality and through appropriate agreements (Non-Disclosure Agreement (NDA)) with the potential licensee(s) during technology marketing discussions. The Institute IP Cell may also use the facilities of Technology Management Agencies (Government/Private) for commercialization of the IP.

6.6. Licensing

Licenses may be awarded based on the profitability of the Institute and in view of development of the research in the domain. The license may be exclusive or non-exclusive based on policy decision as per the payment of license fees, royalties etc. Further all payments, royalties pertaining to the licensing must be in form of Cheque/Demand Draft in the name of Institute.

6.7. Revenue Sharing

Any revenue generated from the commercialization of Institute owned IP shall be shared between the Institute, Inventor, his/her team. The terms and conditions for the same are as follows:

- The net earnings generated by the commercialization of IP shall be shared between the the Institute and Inventor(s) on 60:40 ratio respectively.
- The inventor's share will continue irrespective of whether the individual continues as an employee/student/research scholar of the Institute.
- If an inventor is unavailable or could not be contacted because of lack of information the revenue corresponding to his/her share will be retained in IP fund.
- If there is third party intervention for commercialization of IP then the respective shares of the Institute and inventors shall be assessed on the net receipts after deducting the third party's share.

6.8. Dispute Resolution

In case of any disputes between the Institute and the inventors regarding any issue pertaining to the IP policy, IP commercialization, IP management, IP revenue sharing etc. the aggrieved party may appeal to the Head, IP Cell. After proper addressal of the issue the Head, IP cell's decision in this regard would be final and binding.

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