

SXCS/P-13

Innovation and Intellectual Property Rights (IPR) Policy

In accordance with the vision and mission of SXCS and the innovation initiative by the MHRD through 'MHRD's Innovation Cell (MIC), the institution has established the Innovation and Intellectual Property (I & IP) cell to promote innovation and protect Intellectual Property Rights (IPR) of staff and students. The primary mandate of the Innovation and IPR policy is to motivate, inspire and enthuse the spirit of creativity and innovation among the staff and students by supporting new ideas and facilitating their transformation into products, processes or services that enhance quality of life and create positive impact in society.

Objectives of the Policy

The policy aims to achieve the following objectives:

- To encourage creativity and innovation among the staff and the students in accordance with the educational mission of the institution
- To create a budget to cater to the expenses towards innovation and entrepreneurship development within the campus
- To organize talks, motivational sessions, workshops, conferences and exhibitions to create awareness and promote entrepreneurship
- To create facilities to promote the creation of pre-incubation centers
- To help in introducing prudent intellectual property management practices within the institution to promote a culture of innovation and intellectual property
- To foster the creation and development of copyrights and patents

with the support of the institution and provide equitable sharing of revenue arising from copyright/ patent between authors/inventors and institution

- To provide a conducive environment for the development of intellectual property and to establish procedural guidelines to facilitate smooth transfer of inventions and discoveries to the community
- To ensure legal certainty in academics, research and consultancy-oriented tasks between the stakeholders
- To aid in smoothening the process for filing the IP application
- To document, record, maintain and monitor the IPR portfolio of the institution

Scope and Enforcement of the Policy

The Innovation and IPR policy cover:

- a) Incentives to foster innovation and entrepreneurship
- b) Rights arising from intellectual property created and developed by the students and staff during the course of their studies or employment in institution. This policy is a preliminary endeavour to promote academic freedom and a conducive environment for research and development in the institution. The policy will be applicable from the first day of commencement for a period of one year. However, the earlier IPRs filed by the respective stakeholders shall work according to the statements of the signed agreement. After the experimental period of one year, the management and the Innovation and IP cell will review, revise and amend the policy based on the suggestions and recommendations from sources concerned. The Innovation and Intellectual Property Rights policy applies to all staff, students, research scholars and non- employees (including visiting faculty, affiliate and adjunct faculty, industry experts, fellows etc.) who participate in the research projects of SXCS.

Innovation and Intellectual Property Cell (I&IPC):

There shall be an Innovation and Intellectual Property Cell established under the leadership of the Principal. The Cell shall comprise of a professor in- charge appointed by the Principal, members, students, representatives from the industry, representatives from Incubation Centre, investors, and alumni entrepreneurs. The Cell focuses on activities directed towards advancing innovation among staff, research scholars and students.

Inventor &Inventions

The researcher who contributes to the creation of Intellectual Property shall be considered as inventor. In case of consultancy projects, the consultant shall be considered as inventor.

An invention can be defined as the development of a product or process which is capable of solving a significant problem, novel, and commercially viable.

- Any invention made, process or product developed that is transferable to the industry during research at SXCS, by any faculty or student, should be fully disclosed to the institution.
- All the rights of the invention will be jointly shared by the institution and the inventor.
- In case, the work is carried out in collaboration with other agencies/institutions, the ownership will be decided based on prior written agreement between the parties involved.
- Any invention will be strictly evaluated by the Innovation and Intellectual Property Cell to assess whether the invention is patentable and if the IP protection is likely to promote technology transfer. If the invention is patentable then:
 - i. The institution shall have joint ownership of IP with the creator, provided the IP was created using institution resources/funds. The funds for the application and maintenance of the patent will be provided by the

management. Once the patent is applied for, the creator shall maintain all relevant details of the IP confidential until the patent application is filed.

- ii. All the applications for filing patents shall be submitted through the I&IP cell.

Confidentiality

A confidentiality agreement is a contract between two or more parties/participants where the subject of the agreement is a promise that information conveyed will be maintained in confidence/ secrecy.

- The inventor shall treat all IP related information whose rights have been assigned to the institution or jointly between the institution and inventor, as confidential. The clause of confidentiality shall be maintained till the date mentioned in the relevant contract.
- If any third party is interested in commercialization of the protected IP, they may approach the I&IP cell and apply with the deposition of the mandatory fee. The third party will also be required to sign a confidentiality agreement and display their capacity to commercialize the IP.
- The inventor/s shall not at any point disclose the confidential details of the institution owned IP in their speech, publications and communications.

Copyright

The copyright policy is aimed at fostering the development of copyrightable work and to determine ownership of such work. Copyright policy includes literary and artistic works including publications (books/journals), poetry, songs, music and computer software.

- Ownership of copyright shall rest with the author(s) with the following exceptions:
 - a) If the work is developed by using institution resources or was completely funded by the institution: in such cases, the

institution may mandate assignment of copyright in whole or in part depending on the extent of resources/funds provided by the institution in producing a copyrightable work.

- b) If the work is developed through a sponsored and/or collaborative activity with other institutes-in such cases, copyright ownership will be according to the written agreement between the parties involved.
- The institution shall be the owner of the copyright on all academic materials developed by the inventor/author as a part of any of the academic programmes at the institution. However, the authors shall have the right to use the material in his/her professional capacity. Computer software that is not an instructional software shall be deemed to be an invention and can be copyrighted. The student (research scholar, undergraduate or postgraduate) and his/her supervisor(s) will jointly have the ownership of copyright in the dissertation/project report/thesis written by the student. The institution also shares ownership of the work.

Role of the Management

The management of SXCS will provide seed money for the following activities towards promotion of innovation:

- a) organizing awareness talks, workshops, seminars& programmes related to innovation, IPR and entrepreneurship
- b) Establishing an innovation club and annual innovation exhibition
- c) Expenditure to support translation of ideas into Proof of Concept (PoC).
- d) Establishing pre-incubation centers
- e) Commercialization of innovative process/ techniques and patent filing

The Chairperson will update the management about the regular functioning of the IPR cell.

Procedure for IP Protection

Any employee(s) of the institution who wishes to file the IP application for the work done by him/her/group of people have to follow the procedure given below:

- One-page proposal must be forwarded to the I&IP Cell 45 days in advance of the proposed date of filling the IP application. Main inventions/ contributions should be highlighted in the proposal.
- I&IP Cell will process the application as per the IPR policy of the institution.
- After the examination, if proposal is found to be patentable, the information will be conveyed to the applicant
- Inventor/ Applicant shall be directed for professional advice to the IP attorney of the I&IP cell
- The attorney will conduct the patentability/prior art search and produce a report to the I&IP Cell.
- Based on the feedback given by attorney, I&IP cell will review the application once again
- If the work is found patentable, the applicant/inventor will be informed
- Inventor will be asked to discuss/interact with the attorney to understand the formalities for filing the application in India Patent Office (IPO)
- Once IP is obtained, the institution will maintain it for a period of 10 years. This period will start from the date of IP granted.
- Commercialization of IP is the sole responsibility of the inventor. However, wherever required, the institution will offer guidance.
- Inventor can file a PCT application to protect his/her IP in international market. It should happen within the 12 months of filing the Indian patent.
- Country specific application can be filed by inventor only

with the permission of the institution. Choice of country will be the sole discretion of IP Cell members.

- If granted, the foreign IP shall be maintained by the institution for a period of 10 years and this period begins on the day when it is granted.

Commercialization of Institution-Owned IP

All the expenses towards obtaining and maintaining the associated statutory rights will be borne by the institution. In the case of commercialization through licensing of rights by the institution, the following steps shall be followed:

Stage 1: The first step involves disclosure as mentioned in section 3 (i). Following disclosure, one of the two approaches mentioned below can be employed:

a) Filing the patent OR b) Direct commercialization through confidentiality agreement

Stage 2: After 5 years of initialization of commercialization, the institution shall review the situation of commercialization and the expenses towards maintenance of protection. If the IP is not commercialized, the institution reserves the right to either revert it or pay fee for protection for additional one year.

Stage 3: At the end of six years if the IP is not commercialized, the right of the IP shall revert to the creator/inventor and the institution shall not be liable to pay any fee for statutory protection of the IP.

Division of Royalties

Royalties shall be used first to offset the expenses incurred by the institution in obtaining and defending the patent. The net revenue shall be divided between the inventor(s) and the institution as follows:

- Inventor(s) - 70%, Institution- 20%, Innovation and IPR Cell- 10%
- The Creator(s)/Inventor(s) share shall be declared annually and disbursement shall be made to the Creator(s)/Inventor(s), whether or not the Creator(s)/Inventor(s) are associated with the

institution at the time of disbursement of the share.

IP Generated Through Consultancy

All consultancy assignments, where the faculty members of the institution are engaged in consultancy with industry and/or commercial establishment will be channelized through the Consultancy Cell of the institution.

Any IP resulting from the consultancy projects will be owned jointly by the institution and the consulting firms. The total cost of filing, obtaining and maintaining the IPR is equally borne by both the parties. The consultant (s) will be the inventor or copyright holder of the concerned IP. The royalty generated through IP is distributed between both the parties as per the institution's consultancy rules/policy. The faculty should get the permission of the institution before accepting any consultancy assignments.

Dispute Resolution

In case of any disputes between the institution and the inventors regarding the implementation of the IPR policy, the aggrieved party may appeal to the Principal and the I&IP Cell. Definitive efforts shall be made to address the concerns. The Principal's decision in this regard would be final and binding.

Conflict of interest

The applicants are expected to disclose any conflict of interest in advance which may arise in the future or at the time of filing the patent application. In case of IP generated through consultancy, the stake of any immediate family member in sponsoring the organization must be disclosed in advance to I&IP Cell. In such/ similar cases, the approval should be taken from the Principal.

Liability and Infringement of IPR

If the case/ situation of infringement of any IPRs is found/reported to I&IP Cell by the faculty/staff/students/third party or any stakeholder, the IP Cell shall conduct the investigation and

present its report to I&IP Cell.

IP Cell shall ensure that the clause of indemnity should be included in the agreement and the stakeholders abide by it. To retain the IPRs filled via I&IP cell of the institution: the institution retains the rights to participate in any litigation concerning IPR infringements.

Breach of the Rules of the Policy

Breaching the rules of this policy shall always be dealt by the Principal and the committee constituted by him/her. The investigation will be carried out and anybody found to be an offender, shall be treated as per the procedure laid down by the institution, in compliance with the provisions of law.

Recording and Maintenance of the Institution IP Portfolio

The I & IP Cell shall maintain all the records and accounts of each filed/granted IP. It is to be ensured that the accounts department has the accounting records of all the costs incurred and revenues generated through IPs. The cell ensures that the cost incurred by the applicant is paid in due course of time and the revenue distribution happens as per the agreement/policy document.

A detailed record of the IP filed/granted, such as the process, design, monographs, and copyrights etc. will be maintained by the cell. The members of the I&IP Cell must abide by the ethical policy of the institution for non-disclosure of the content to any individual/third party/family member before receiving IPR and its commercialization by the stakeholders.

Additional:

- Steps shall be taken to establish an Intellectual Property Right Cell to assist the researchers and inventors to get protected their inventions and intellectual properties.
- Awareness Activities / Programmes shall be organized with financial support from governmental agencies as well as industrial bodies, apart from self-supported awareness programmes.

- Capacity Building programmes shall be organized with suitable expertise available within and outside the institution.
- Faculty members shall be encouraged to undergo relevant Orientation Programmes, Refreshers, Short-term Courses
- The College shall provide required support to the faculty for filing applications under IPR law such as patents / trademarks / copyright when it has been proved by the faculty that such a filing is necessary to protect the value of the research done.
- The faculty / students who are awarded incubation projects leading to entrepreneur development ventures / commercially viable products shall take appropriate initiatives to get Patents for their projects and ideas are protected under Copyrights law.
- The College shall provide appropriate monetary and non-monetary incentives to those faculty and students who get patents for their products / successful prototypes.