



SIDDARTHA INSTITUTE OF SCIENCE AND TECHNOLOGY

Siddharth Nagar, Puttur – 517583, Andhra Pradesh, India.

INTELLECTUAL PROPERTY RIGHTS (POLICY AND GUIDELINES)

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PRINCIPAL
Siddhartha Institute of Science and
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Intellectual Property Rights Policy

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1. Preamble

The SIDDARTHA INSTITUTE OF SCIENCE AND TECHNOLOGY has been constantly endeavoring to train high quality scientific and technical man- power and provide solutions to a variety of challenging technological problems that may arise in different fields, through its well qualified faculty and highly skilled supporting staff, with the goal of becoming one of the leading center of teaching, research and extension in Engineering and Technology. It has been constantly encouraging scholarship, research, academic excellence and innovation.

The SIDDARTHA INSTITUTE OF SCIENCE AND TECHNOLOGY recognizes the inventions, copy right, know-how, designs and other creative and innovative products generated during the scientific and intellectual pursuits of its faculty and students provide a competitive edge to the Institute. It, therefore, has formulated its intellectual property policy to provide guidance to its faculty, staff and students on the practices and rules of the Institute regarding intellectual property rights (IPR) and obligations which include its ownership, commercial exploitation, technology-transfer and end confidentiality requirements. The policy is expected to promote a conducive environment for both curiosity- driven and market-driven research and development activities at the Institute and creation of original works of authorship. It is to be stressed that this IPR policy is to be treated more as a guideline than a strict rule in the legal sense in view of the evolutionary scenario in the nations IPR policy and is, therefore, subject to changes if a need arises.

2. Purpose

The purpose of the IPR policy of SIDDARTHA INSTITUTE OF SCIENCE AND TECHNOLOGY is to:

- I. Facilitate, encourage, promote and safeguard scientific inquiry, research pursuits and the academic freedom of its faculty and students;
- II. Create an innovative culture which fosters the creation and development of IP at the Institute;
- III. Provide a clear understanding of the rights and responsibilities of the faculty and students protect the interests of the Institute;
- IV. Establish an IPR management policy and procedural guidelines for converting the knowledge generated in the Institute to wealth;



V. Enable the Institute to make beneficial use of IP so as to confer maximum benefit to the inventors, the Institute and the society at large and;

3. Objectives

The IPR policy of the Institute aims to:

I. Facilitate protection and valorization of intellectual properties generated by its faculty and students as a results or their intellectual and scientific pursuits at the Institute during the tenure of their employment/engagement at the Institute and thereby offer scope for wealth generation, alleviation of human sufferings and betterment of human life;

II. Usher in prudent IP management practices within the Institute so as to promote IPR awareness and culture among its faculty and students;

III. Proactively create an environment for generating new knowledge through research and innovations compatible with the educational mission of the Institute;

4. Scope

This policy covers all rights arising from the intellectual property devised, created or generated by the faculty members and students irrespective of the eligibility of these rights for registration. The IP arising from academic research includes patents, designs, copyright, know-how and undisclosed information.

5. Policy Statement

The Institute is committed to promoting, protecting, managing and commercializing Intellectual Property consistent with the recognition that among its primary objects and functions are teaching, research and meeting the needs of the community and society. It supports the commercialization and exploitation of IP, which can provide an additional source of revenue to the Institute and also accrue benefits to staff and students. At the same time, the Institute recognizes traditional academic values and expectations.

6. Definitions:

I. Intellectual Property (IP) is an intangible knowledge product and shall mean and include –all results, conclusions, deductions, inventions, ideas, improvements, discoveries, enhancements, solutions, processes, modifications, know-how, data and information of every kind and description conceived, generated, made, or reduced to practice as the case may be, designs, software

programmes, genetically engineered microorganisms, business models and copyrightable work - resulting from the intellectual output of the faculty and students of the Institute IP is, thus, an outcome of the Institute supported research or sponsored research, industrial consulting or other forms of joint research and development work.

II. Intellectual property Rights (IPR) means the rights derived from the IP e.g. Patents, registered designs, copy right etc.

III. Background information means technical information and know-how owned or controlled by the partners of a collaborative Research and Development program before the start of the program, in the same field as the subject matter of the programmer or in related fields as necessary for the execution of the program.

IV. Background intellectual property means the intellectual property owned or controlled by the partners of a collaborative Research and Development program before the start of the program, in the same field as the subject matter of the program or in related fields and necessary for the execution of the program.

V. Foreground intellectual property means the intellectual property generated during the course of a collaborative Research and Development program.

VI. Institute Personnel in this policy document includes all the faculty members and students.

7. Ownership of Intellectual Property

I. In all the applications filed by the Institute for the ownership of intellectual property rights, the persons who have directly contributed intellectual inputs shall be mentioned as inventors or creators.

II. Copyrights

a) The Institute shall be the owner of the copyright on all teaching and instructional materials developed by the employees of the Institute as a part of any of the academic programs of activities at the Institute. However, the author shall have the right to use the material in his/her professional work.

b) Books, articles, monographs, speeches and other communications produced by the staff members in the course of research and teaching using Institute resources will be outside the purview of this clause. The Institute recognizes faculty ownership of copyright in such traditional works of authorship.

c) In cases where the copyrightable works including software are created by the employees of the Institute with significant use of Institute's resources, the Institute may demand assignment of the copyright of such works either in full or in part depending on the extent to which the Institute's resources have been used to produce the copyrightable work.

d) In case of thesis/dissertation/project report written by a student, the ownership of copyright shall rest jointly with the student and his/her guide.

III. Layout Design

A layout design of an integrated circuit can be protected if it is original in the sense that it is the result of the creators' own intellectual effort and not commonplace among creators of layout-designs and manufacturers of integrated circuits at the time of the creation.

The Institute shall be the owner of the layout design developed by the employees of the Institute as a part of any of the academic programs or activities at the Institute. However, the author shall have the right to use the material in his/her professional work.

IV. Institute- Supported Research

All rights in respect of the intellectual property generated out of investigations carried out at the Institute making use of the Institute's resources shall vest in and be the absolute property of the Institute except in cases where such investigations are carried out either jointly with other institutions.

V. Sponsored Research

The IPR of inventions arising out of research projects undertaken on behalf of and entirely funded by a sponsoring agency shall be registered jointly in the name of the Institute and the sponsoring agency if the sponsoring agency bears the cost of securing and maintaining the IPR registration equally. Where the sponsoring agency is not forthcoming for filing joint IPR application, the

Institute, at its discretion, may file the application with the absolute ownership and will meet the entire cost of securing and protection of IPR. If the sponsoring agency funds the research projects only partially or if there are multiple sponsors for the same project, the sharing of IPR will be decided through mutual consultations and appropriate agreements.

8. Technology Transfer

I. The Institute shall take all necessary steps for the commercial exploitation of the IPR obtained either in its name or jointly with other agencies, to the fullest possible extent that is reasonably practicable, without undue delay. The marketing of the IPR will be done under the agreements involving technology transfer, licensing (exclusive or non-exclusive) and revenue sharing models.

II. The Institute shall try to identify the potential licensee(s) for commercial exploitation of the IP to which it has absolute ownership. In case of joint ownership, the Institute will offer the first right to commercially exploit the joint IP, whether or not the same has been formally protected by patent(s). The licensing in this case would involve payment of a lump sum in the beginning as technology transfer fee and payment of royalty from the first date of the commercial exploitation for mutually agreed period. If the collaborator refuses to exercise this option, the Institute will proceed to commercialize the IP in a manner that it deems fit.

III. To promote and encourage entrepreneurial activities by its staff, the Institute may reassign, under an agreement, its ownership of an intellectual property to the inventor(s) or creator(s) of the property, who opt to market, protect and license it on their own with minimal involvement of the Institute. The fees to be paid to the Institute by the assignee consist of all patenting and licensing expenses and appropriate amount of royalties, equity or other value received by the inventor(s) or creator(s).

9. Revenue sharing

The revenue accruing out of the commercial exploitation of IP (i.e. the technology transfer fee and subsequent royalty payments) would be shared appropriately between the inventor(s) and the Institute. Currently this ratio is 70:30 (Inventor: Institute). Where the Institute reassigns the right to IP to its inventor(s)/creator(s), he/she/they shall reimburse all the costs incurred by the Institute, which include protection, maintenance, marketing and other associated costs.



10. Infringements, Damages, Liability and Indemnity Insurance:

As a matter of policy, the Institute, in any contract between the licensee and the Institute, seek indemnity from any legal proceedings including but not limited to manufacturing defects, production problems, design guarantee, up gradation and debugging obligation. The Institute personnel shall have an indemnity clause built-into the agreements with licensee(s) while transferring technology or copyrighted material to licensees. The Institute shall retain the right to engage or not in any litigation concerning patents and license infringements.

11. Conflict of Interest:

The inventor(s) 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 for a patent to a company in which the inventor(s) have a stake shall be subject to the approval of the IPR Cell.

12. Dispute Resolution

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

13. Legal Jurisdiction:

As a policy, all agreements signed by the Institute and dispute(s) arising there from, will be subject to the legal jurisdiction of the Court of Adjudication at Puttur only and shall be governed by the appropriate laws of India.



**INTELLECTUAL PROPERTY RIGHTS POLICY OF
SIDDARTHA INSTITUTE OF SCIENCE AND TECHNOLOGY
(Operating Guidelines)**

1. Introduction

The **SIDDARTHA INSTITUTE OF SCIENCE AND TECHNOLOGY (SISTK)** is a premier institution devoted for undergraduate and postgraduate education in Engineering, and advanced research in all these fields. SISTK has been constantly encouraging scholarship, research, academic excellence and innovation with the aim of creating an environment for open dissemination of research results and free exchange of information amongst academicians and students. SISTK, along with its role as a facilitator for generation of fundamental knowledge in science and technology, undertakes also programs of social and economic relevance to the country. SISTK, therefore, has set in place, systems and mechanisms to structure the process of commercial exploitation of the knowledge generated at SISTK under the provisions of IPR regimes in the country.

2. Intellectual Property Rights Cell (IPR Cell)

The IPR Cell is constituted for formulating the guidelines and policies for adoption by SISTK after due approval by the Board of Management of the Institute and to carry out executive actions for their implementation. The Intellectual Property Rights Cell arranges for the speedy processing and filling of applications for patents and to effectively implement the policy and guidelines of the Institute in respect of Intellectual Property Rights.

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I. The cell will have the following structure

Convener of the IPR Cell: To be nominated by Principal from amongst the Senior Faculty Member of the Institute.

Three Associate Faculty members: To be nominated by Principal from amongst the Faculty of the Institute.

S.No	Committee Members	Designations
1	Convener	Senior Faculty Member
2	Member-1	Dean-R&D
3	Member-2	Senior Faculty Member
4	Member-3	Senior Faculty Member
5	Legal Advisor	Senior Lawyer

II. The cell shall have the following responsibilities additionally

IP COUNSELLING: IPR cell will counsel and interact with inventors of potential intellectual products and assist the Institute in identifying the IPR potentials.

IP MANAGEMENT: Filing, maintaining and monitoring and managing of patents and coordination between attorneys, faculty and SISTK authorities.

IP TRANSACTIONS: Advising, drafting and monitoring of all IP related MOUs of SISTK.

IP POLICY FORMULATION: Framing of IP policy and amendments from time to time for consideration of the Institute authorities.

PROMOTING IP-AWARENESS: The IPR cell will undertake such measures which promote awareness of IP rights and strive to develop an IP culture within SISTK fraternity.

REPORTING ON IP ASSETS AND IPR MANAGEMENT:

IPR Cell will submit periodically reports on IP assets and current status to Principal of the Institute for consideration and advice.

Appointment of a panel of attorneys for processing /filling of applications for patents etc.

Periodical patent/Intellectual audits through professional experts.

3. Procedure for IP Protection:

All applications for patents and copyright (as per proforma SISTK/IPR-01 and SISTK/IPR-02 respectively) will be forwarded to Convener, IPR Cell through the Dean of R&D irrespective of whether the inventions have resulted from the in-house projects, or sponsored projects.

4. Record Keeping Procedures:

All data and details generated by a creator in the course of creation of intellectual property should be systematically recorded in the concerned Department, with particular reference to the following:

- a) No abbreviations or terms, except their use is a standard practice in that particular discipline, should be used, unless clearly explained in a table at the front or back of the book.
- b) Crucial data or descriptions or experiments, which relate to valuable inventions or discoveries should be signed and dated by the creator and coordinator of the project.
- c) Modifications, if any, should be made by drawing a line through the deleted matter and writing cancelled beside it. The corrected data (clearly marked as such) should be entered immediately below, authenticated by the creator with his / her Initials and date.
- d) Samples of new products or of products by a new method should be preserved, if possible, and photographed for the record. All photographs should be dated and signed by the creator on the reverse.

5. Renewal Process

The IPR Cell maintain data base of all patent/copyright/layout design which published and give the reminder to the applicants for renewal of their application.

6. Evaluation of Patent/Copyright applications

Each application for a patent / copy right through an Invention Disclosure Form / Copyright Disclosure form as per proforma SISTK/IPR-01 / SISTK/IPR-02 along with IPR facilitation request (SISTK/IPR-03)) shall be received and scrutinized/examined by IPR Cell. The committee may seek help of other professors as domain experts to preliminarily evaluate the proposals for their prima-facie patentability.

7. Assistance in Filling the Proforma

Once the IPR Cell approves protecting the Intellectual output, a prior art search will be conducted by professionals and based on prior art search report a patent Attorney shall be identified by the Cell for drafting and filing the IP application. The following aspects need to receive attention:

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1) Objective of the invention: What is the problem one is trying to solve? What are the issues involved?

2) What prior art searches have been made? Which database? Search strategies adopted?
Did searches cover gray literature – advertisements, pamphlets, Knowledge already available to public either published or unpublished?

3) How does the present invention differ from the known prior art? It is important to establish that the invention is not an obvious extension of the prior art to prove non-obviousness.

4) Are there any unexpected findings in the present invention? What are those aspects of the invention that previous workers have not been able to find solution for? What are the potentials for commercial applications of the new intellectual property in relation to the previous products in the same area, if known?

5) To establish usefulness of the invention, one should highlight technical value of the invention and illustrate where and how the solutions obtained over the prior art can be applied with distinction. One might consider savings in the cost, materials, manpower, energy, durability, efficiency, time etc.

The boundary conditions of the parameters under which invention works effectively and beyond which the invention may not work. Also outline several other applications of the invention if any.

8. Support for Filing of Applications

I. All applications for IPR shall be filed by Principal in the name of the Institute as owner of the IPR. Inventors name will be filled in the application at appropriate places. All applications will be filed in India. Inventors will assign the exclusive right of ownership to the Institute in order to facilitate the Institute to file, secure and commercialize the IPRs without any encumbrance.

II. PATENT CO-OPERATION TREATY (PCT) APPLICATION:

For any patent which needs protection outside India, the procedure would be to first file a provisional patent in India and within 12 months, to file a PCT application along with a an

application for filing and Indian patent. This would be based on the recommendation of the IPR Cell. The PCT route is preferred, efficient and economical.

III. The IPR Cell would meet the expenses i.e. the statutory fee and patent attorney's fee, for processing the patent applications.

IV. If an inventor decides to abandon or withdraw the application for a patent at some mid- stage of processing, prior approval of the IPR Cell is required.

Code of IPR Ethics

The Purpose of Code of IPR Ethics is to guide faculty and students in drafting and filing for patent/copyright/layout design.

- 1) Respect the human dignity and rights of all stakeholders.
- 2) Promote shared ethical values and fulfill the research and innovation activities according to such values.
- 3) Create trust in the institution and practice of science and engineering.
- 4) This code may be updated from time to time to address new aspects of IPR Cell responsibilities.
- 5) Inventors who present the words, data, ideas of others with the implication that they own the same, without attribution in a form appropriate for the medium of presentation, are committing thefts of intellectual property.
- 6) The institute consider theft of intellectual property as a crime and take serious action on person who involved in that.
- 7) The committee members maintain the confidentiality on submitted applications.
- 8) The information of invention\application not disclose to anyone.

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