

## **Policy for**

# **INTELLECTUAL PROPERTY RIGHTS (IPR) SIDDHARTH UNIVERSITY, KAPILVASTU**



**SIDDHARTH UNIVERSITY, KAPILVASTU,  
SIDDHARTH NAGAR, UTTAR PRADESH, 272202**

## Contents

<b>S.No.</b>	<b>Items</b>	<b>Page No.</b>
1	Preamble	3
2	Ownership of Intellectual Property	3-5
3	Disclosure, confidentiality, and assignments of right	5-6
4	IPR Cell and its Role	6-7
5	Revenue sharing	7
6	Conflict of Interest	8
7	Dispute Resolution	8
8	Jurisdiction	8
	Annexure 1	9
	Annexure II	16

# **IPR Policy of Siddharth University Kapilvastu (SUK)**

## **1. Preamble**

Siddharth University Kapilvastu (SUK) has a vision to create, acquire, and disseminate knowledge for the benefit of society and humanity. To pursue its vision, the University promulgates its intellectual property policy. SUK IPR policy is designed per the guidelines of National Intellectual Property, Govt. of India, Policy Guidelines 2016, as a vision document to guide future development. This policy will be applicable to all faculty, staff, students, and others (guest faculty/adjunct faculty/ research scholar/ industry person) who participate in any activity of SUK resulting in the creation of intellectual property. Different classes of intellectual property, including but not limited to patents, Industrial design, Copyright, Trademark, Service Mark, Plant variety, Geographical indications, and integrated circuit layouts, are covered in the policy.

This will help to achieve the following achievements.

- **Strengthening of Institutional Mechanism:** SUK will promote its research scholar, faculties, and students to protect their inventions and innovations through patent files.
  1. To achieve the above, the University shall regularly conduct workshops on national and international IPR policy in both physical and online mode through various experts worldwide.
  2. Patent Registration fees shall be paid by the University, which shall hold complete control over the copyright of invention/innovation conducted by the University funds/premises/by using University resources.
  3. The University shall preserve copyright and will help research scholar/students to develop their prototypes.
  4. The University shall fund further patent development like consultancy/prototype development/model development/marketing of the model.
  5. The University shall provide an ideal environment for interdisciplinary research activities.

## **2. Ownership of Intellectual Property Policy**

**2.1 Invention (Patents-**As defined under section 2 (m) of Patents Act, 1970, **Design-**As defined under Section 2 (d) of the Design Act 2000 and **Semiconductor Integrated**

**Circuit:** As defined under section 2 (r) of the Semiconductor Integrated Circuit Layout Design Act 2000).

**2.1 A** Intellectual Property of any kind owned by SUK and creator jointly in either of the following conditions:

- I. The intellectual property created with significant use of funds or facilities of SUK.
- II. The intellectual property created (i) as part of regular professional duty or (ii) as work for hire (iii) as part of academic research and training leading towards a degree or otherwise.
- III. The intellectual property created during or under a sponsored / consultancy research agreement with Siddharth University Kapilvastu (in such cases, the specific provisions related to intellectual property made in contracts governing such activity will determine the ownership of the intellectual property).

**2.1 B** In case of external funding such as Government Departments, Corporations, Foundations, Trusts, Industries, or any other agency, the University shall own it, the creator of intellectual property and funding agency, jointly as per MoU between SUK and the funding agency.

**2.1 C** All the employees of SUK shall acknowledge the University while filling the patent.

**2.1 D** In case of collaborative work involving more than one organization, the ownership shall be decided as per joint agreement among collaborators by entering into a Memorandum of Agreement (MoA) detailing each party's roles, responsibilities, and benefits.

**2.1 E** If a researcher leaves a parent institution and wishes to continue work at the new institution, an NOC is required from both institutions.

## **2.2 Copyright**

Copyright is a right given to creators of literary, dramatic, musical, and artistic works and producers of cinematograph film and sound recordings. Work is defined under the Copyright Act 1957.

**2.2.A.** SUK and creators will jointly own an All-copyright work, including software, when SUK and non-SUK personnel from external agencies, institutions, and industries are involved.

**2.2 B** SUK will own all the copy rights if it is created by SUK personnel with significant use of SUK resources.

**2.2 C** The copyright of Ph.D./M.Tech. /M.Sc. thesis rests with the University. The ownership is jointly held by the supervisor concerned, who is free to publish research papers from the thesis under joint authorship with the student as the first author. University strictly follows anti-plagiarism norms of the UGC/University. Violation of rule may considered as serious issues and necessary action will be taken.

### **2.3 Trade Mark (s)/Service Marks (s)**

Trademarks are defined under section 2(b) of the Trademark Act 1999. All predictable marks produced at SUK shall be the property of the University. The right to use the logo will be allowed in the events organized by the SUK's regular faculty/students/staff, including project reports, website, students' thesis, brochures, pamphlets, and all official communications.

### **2.4 Other Intellectual Property**

#### **2.4 A Plant Variety**

It is governed by the Protection of Plant Variety and the Farmers Rights Act 2001. It recognizes the contributions of both commercial and plant breeders and farmers in plant breeding activity. Also, it supports the specific socio-economic interests of all stakeholders, including private and public sectors, research institutions, and resource-constrained farmers.

#### **2.4 B Geographical Indication**

As defined under section 2(e) of the Geographical Indication Act, 1999. All such intellectual property registered under the act shall be the property of SUK.

### **3.0 Disclosure, Confidentiality, and Assignment Rights**

Disclosure is a critical part of the intellectual property protection process, and it formally documents the claims of inventorship, the date of invention, and other details of inventions.

- 3.0 A** If the inventors wish to protect their inventions, they must disclose the work to the IPR cell at the earliest date using the invention disclosure form (Form-02).
- 3.0 B** All SUK and non-SUK personnel associated with any SUK activity shall treat all intellectual property-related information disclosed to the IPR cell as confidential. Such confidentiality shall be maintained until the knowledge is in the public domain.
- 3.0 C** For the sponsored and collaborative work, the provision of the contract about disclosure of creative work shall apply.
- 3.0 D** SUK shall retain a non-exclusive, unrestricted, irrevocable license to copy/ use intellectual property for teaching and research activities; SUK shall enter into consistent confidentiality agreements.

#### **4.0 IPR Cell and its Role**

The duly appointed evaluation committee will evaluate all inventions/creative works. The constitution of the committee is as follows-

##### **4.1 Structure of IPR Cell**

1. Chairperson, IPR standing committee (VC nominee as rank of Professor)
2. Dean Faculty of Science -Member
3. Dean Faculty of Commerce - Member
4. Dean Faculty of Arts – Member
5. Director (R & D) (coordinator of IPR Cell)
6. One Professor from each faculty of SUK campus on rotation basis for 2 years - Member
7. Expert in Related field IPR level
8. Inventor (Special Invitee)
9. IPR legal Advisor

The committee will promptly evaluate the claims made in the disclosure form and make suitable recommendations. The committee will assess and recommend the following.

1. Whether the work is novel, inventive, and fit for filing in India and foreign countries.
2. Whether the work has potential for commercialization.

After evaluation, the institute shall decide to protect the intellectual property.

## **4.2 Obtaining IPR**

IPR Cell of SUK will provide an official IPR advisor/ agent for drafting the Intellectual Property application as appropriate. The inventor shall provide the necessary inputs to assist in drafting the intellectual property application. SUK and funding agency/partner alone or in collaboration shall bear all costs for access to the relevant Intellectual Property information database and other associated costs, including the cost of drafting and filing an Intellectual Property application in India or abroad.

## **4.3 Technology Transfer**

IPR cell of SUK shall try to market the Intellectual Property and identify potential licensee (s) for the intellectual property it owns. The inventors shall provide the necessary assistance in this process.

1. The preferred mode will be a non-exclusive license by inviting " Expression of Interest" from potential users.
2. Help may be sought from a professional agency for technology transfer on mutually agreed terms and conditions.
3. No disclosure certificate shall be mandatorily signed by any third party while negotiating or entering technology transfer mode (Annexure II).

## **5.0 Revenue Sharing**

The revenue generated from the commercialization of the intellectual property shall be distributed as follows:

1. The revenue earned shall be distributed at the end of the financial year on a 70:30 basis between the inventor and the SUK. In the case of multiple inventors, the revenue sharing among the inventors shall be based on a mutually agreed ratio, and final approval will be given by the IPR cell of SUK on approval of Vice Chancellor.
2. In the case of a joint patent (multi-institutional as an outcome of collaborative research), revenue sharing between the institute and the collaborating institute will be as agreed upon MoA.

The shares shall be determined after deducting the direct expenses incurred, including the cost of obtaining IPR etc. from the total income generated by the University.

## **6.0 Conflict of Interest**

The inventor (s) must disclose any conflict of interest or potential conflict of interest.

1. Suppose the inventor (s) and their immediate family have a stake in a licensee or potential licensee company. In that case, they must disclose the stake they and their immediate family have in the company.
2. It must be ensured by the inventor (s) that their entrepreneurial activities do not hurt teaching, research, and any other institutional responsibilities.
3. The faculty members shall have to submit a certificate that there are no conflict of interest in their invention/innovation.

## **7.0 Dispute Resolution**

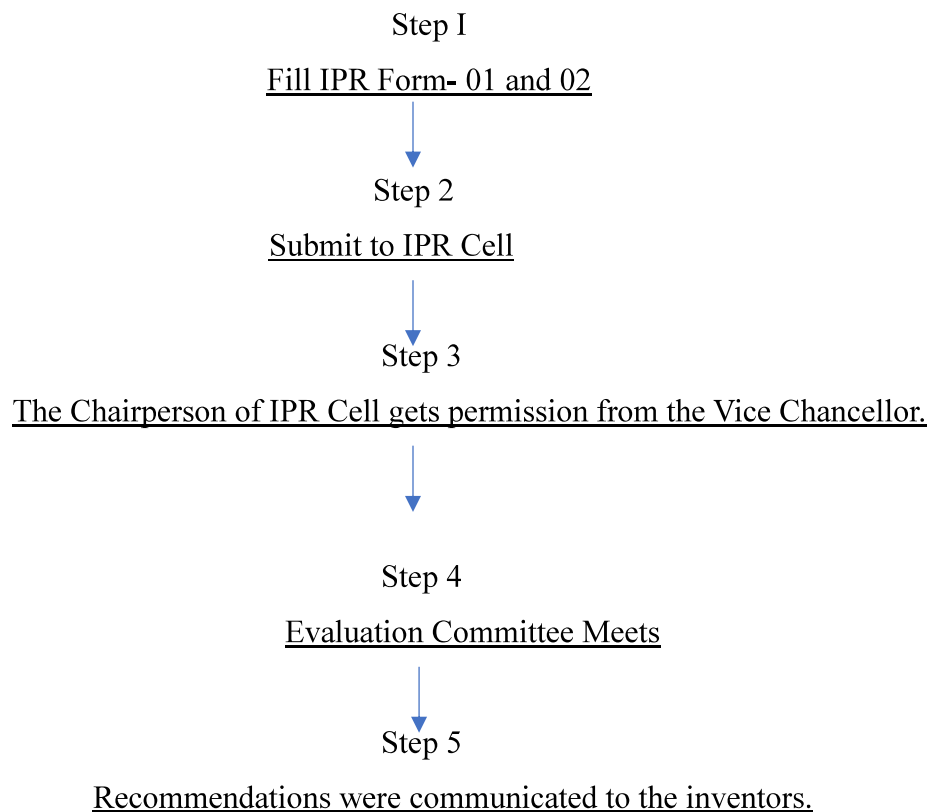
In case of any dispute between SUK and the inventor (s) regarding implementing the intellectual property policy, the aggrieved party may appeal to the Vice Chancellor, SUK Kapilvastu. The Vice Chancellor's decision in this regard would be final and binding.

## **8.0 Jurisdiction**

In case of any dispute, legal jurisdiction shall be Siddharth Nagar and shall be Governed by the appropriate Law of the Government of India.



## Procedure For Obtaining IPR



## Request for Provisional Patent Filing

I /We .....(Name) working as .....  
(designation) in the Department of .....have developed a  
technical know-how/invention/innovation Titled as .....  
Which is innovative, has immense commercial potential, and can benefit the institute and  
industry.

The source of funding .....for  
development of technical know-how in questions.

[If the source of funding is other than SUK, then please attach an MoU from the funding  
agency]

1. I/We undertake to suggest the names of 5 companies where the commercialization  
aspect of the patent is applicable at the time of submitting the intellectual property  
disclosure form.
2. I/We declare that by filing this patent, I/We are not voiding any agreement/MoU  
with a third party.

Signature of Inventor (s) with Date and Name

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Forwarded by HOD/

Forwarded by Dean

Recommended for formation of the evaluation committee  
(Chairperson of IPR Standing Committee)

**Disclosure Form**

(For consideration of Evaluation Committee)

Title of Invention.....

Inventor (s) who have contributed to the invention, either independently or jointly with others:

Name:	Name:
Nationality:	Nationality:
Position:	Position:
Department:	Department:
Phone:	Phone:
E-mail:	E-mail:
Name:	Name:
Nationality:	Nationality:
Position:	Position:
Department:	Department:
Phone:	Phone:
E-mail:	E-mail:

(PG students are requested to give their home address and e-mail ID)

**Brief Description of Invention:**

1. How does this invention relate to new processes, machines, compositions of matter, etc.?

Please cover the following points.

- I. Describe the invention in detail for technical evaluation. Please include sketches, drawings, photographs, and other materials that help to illustrate the description.
- II. What is novel in invention?
- III. What is an inventive step in your invention? How is step non-obvious to a person from related fields?

2. Please attach a summary of your patent search\*

(\*The inventor should go through the patent search report carefully and write the difference between his /her invention and each content of the patent search. For patent search, please contact [ipindiaservices.gov.in/publicsearch](http://ipindiaservices.gov.in/publicsearch) or IPR Cell)

3. Has the invention been tested experimentally? Make experimental data available.

### Evaluation Committee Formation

Name and Designation of Inventor (s).....

Title.....

1. Chairperson, IPR standing committee (VC nominee as rank of Professor)
2. Dean Faculty of Science -Member
3. Dean Faculty of Commerce - Member
4. Dean Faculty of Arts – Member
5. Director (R & D) (coordinator of IPR Cell)
6. One Professor from each faculty of SUK campus on rotation basis for 2 years - Member
7. Expert in Related field IPR level
8. Inventor (Special Invitee)
9. IPR legal Advisor

(HOD)

(Dean)

(Chairman IPR Standing Committee)

Approved

(Vice Chancellor, Siddharth University Kapilvastu)

### Report of Evaluation Committee

Name and Designation of Inventor (s).....

.....

Title.....

It is recommended.

1. Whether the work is industrially applicable, Novel, inventive, and fit for filing in India and foreign countries. (Yes/No)
2. Whether the work has potential for commercialization (Yes/No)

If No to (1) and (2), then please specify

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Name and Signature of Committee Members

- Chairperson, IPR standing committee (VC nominee as rank of Professor)
- Dean Faculty of Science -Member
- Dean Faculty of Commerce - Member
- Dean Faculty of Arts – Member
- Director (R & D) (coordinator of IPR Cell)
- One Professor from each faculty of SUK campus on rotation basis for 2 years - Member
- Expert in Related field IPR level
- Inventor (Special Invitee)
- IPR legal Advisor

Approved / Not Approved

(Vice Chancellor)

## IPR Ownership (Mark and Appropriate Point)

- Was the Intellectual Property created with the significant use of funds or SUK facilities?
- Was the Intellectual Property created during or under sponsored consultancy research agreements with SUK?
- Was Intellectual Property created as a part of research leading towards a degree or otherwise?
- Have you presented an invention at any conference, similar, etc?
- Have you published the whole/part of this invention? If yes, please give a copy of the publications.

### Commercial Potential

1. Give a brief description of:
  - (a) Possible end-user.
  - (b) Input (financial) Required.
  - (c) Economic viability.
2. Please give a list of companies and contact details of the concerned person who can be contacted for initiating Technology Transfer/Licensing.

Sr. No.	Name of Companies	Name of Contact Person	Contact Number

### Development Stages:

- In your opinion, which following best describes the current stage of development of the invention as it relates to its marketability (indicate appropriate response)
  - (i) Embryonic (needs substantial work to bring market).
  - (ii) Partially Developed (could be brought to the market with significant investments).
  - (iii) Off-the-shelf (could brought to the market with nominal investment).
- Do you want to file a patent under the PCT route in other countries?
 

Yes
No

\*The University shall file a patent under the PCT route only for those cases wherein the industry/company has exhibited an interest in commercialization. PCT/International filing is subject to the availability of funds.

**Signature of Inventor With date**

**Signature of Inventor With date**

**Signature of Inventor With date**

**Signature of Inventor With date**

## TECHNOLOGY TRANSFER LICENCING

