

Dr. MGR Educational & Research Institute
NH4 Highway, Maduravoyal, Chennai 600095



University Policy on Intellectual Property (IP)

{Revised/Updated-09/11/2021}

CONTENTS

	Page No
1. Preamble	1
2. Copyright Rules	3
3. Patent Rules	7

1.0 PREAMBLE

Universities and Colleges are the repositories of knowledge and creativity. They catalyze innovations and inventions which help in the progress of society and public benefit at large. Intellectual Property (IP) i.e. creation of mind having commercial value and Intellectual Property Rights (IPRs) i.e. legal rights associated with the creation of the mind or intellect, play a critical role in helping innovations to benefit society. Creation of well- defined legal rights over intellectual property helps in its commercialization and practical utilization, thus ensuring economic growth and progress. The word 'University' used in the rules refers to "Dr.M.G.R. Educational and Research Institute". Accordingly, to promote innovations in larger public interest, the University has framed the present IPR Policy for all its staff, faculty and students as per the Clauses below:

1.1 CLAUSE- 1

1.1.1 Policy execution: The execution of this policy shall be carried out by the Office of MGR Patent and Technology Licensing Cell - a dedicated office, directly under the Joint Registrar, as its activities are multidisciplinary in nature and not feasible to bring under any existing department. The office shall have its own dedicated staff, budget and operational framework / rules.

1.1.2 Financial Resources for policy execution: From University funds and Royalty generated from Licensing of IP and also grants, voluntary contributions from University start-ups / licensee companies and other resources as appropriate.

1.2 CLAUSE- 2

1.2.1 Scope of support for IP under the policy: Financial and logistics, for conducting trainings/awareness programs on IP; protection, maintenance, licensing and enforcement of University IP which includes Patents, Designs, Copyright (University Logos and Associated Marks) and also know- how (legally protected as confidential information of commercial importance).

1.2.2 Applicable Rules governing University IP: The applicable rules for execution of this policy shall be the University IP Rules framed under this policy viz. Patent Rules, Copyright Rules, and Protection of Know-how and Confidential Information Rules.

1.2.3 Ownership of University IP: Ownership of all University IP, including Patents, Designs, Copy right (University Logos and Associated Marks) and also know-how (protected as confidential information of commercial importance) shall vest with the University.

1.2.4 Licensing of University IP: Licensing of University IP shall be carried out as per the applicable rules under this policy viz. Patent Rules, Design Rules, Copyright Rules and Protection of Know-how and Confidential Information Rules.

1.3 CLAUSE- 3

1.3.1 IP Related Conflict Resolution: Any conflicts relating to University IP shall be resolved by the Office of MGR Patent and Technology Licensing Cell, under the Arbitration and Conciliation Act 1996 as amended in 2015, 2019 and subsequent amendments whenever they take place.

1.3.2 Mechanism: Under this policy, a Chairman and panel of ten independent arbitrators from outside the University, shall be created and notified. In event of any dispute relating to IP, the same shall be referred to Chairman of the IP Dispute Resolution Panel (IP-DRP). A panel of two arbitrators- one by University and other by the concerned party, shall be selected. The two shall select an umpire, whose decision shall be final and binding. The proceedings shall be completed within 30 days of referral of the dispute to the Chairman, IP-DRP and the costs of proceedings shall be divided equally between both the parties. The decision of the Umpire will be final and binding upon both the parties and shall be decreed.

1.4 CLAUSE- 4

1.4.1 IP Enforcement: In event of any infringement, the University shall take appropriate action for IP enforcement under the relevant laws and rules of the country, as in force.

1.4.2 Mechanism: Under this policy, the University shall maintain a panel of advocates for serving legal notice, filing writs / suits, police complaint and other doing all acts and actions to protect and enforce the University IP.

2. COPYRIGHT RULES

These rules cover rights of the University associated with original works of authorship including literary, dramatic, musical and artistic works, such as poetry, novels, movies, songs, computer software and architecture. Such works are generated by the University Staff and students as part of its teaching, training and research activities.

2.1 PERSONS ELIGIBLE TO FILE FOR COPYRIGHT

2.1.1 University students, faculty and staff and also collaborators from other Universities/ Organizations / Individuals who have contributed significantly to the work e.g. software code / program having commercial use or application.

2.2 Start-ups incubated in the University Campus who have utilized the University Facilities without any payment and have a collaborator from within the University.

2.3 OWNERSHIP OF COPYRIGHT

2.3.1 Relating to Creative works arising from University academic/ research work: All copyright relating to work carried out by the University Staff and/or students and utilizing university resources, including those by students/in-service professional candidates registered at the University though work may be carried elsewhere, shall be filed in the name of the University The copyright shall be owned by the University, as the primary and first applicant.

2.3.2 Relating to Creative works /Software /Audio-visuals /architectural drawings arising from collaborative work between University and other academic organizations: The University shall be a co-applicant with others and the first applicant shall be as per contribution made. Extent of contribution made/planned as per work plan, by each applicant shall be duly defined in the agreement relating to terms and conditions of collaborative work.

2.3.3 Relating to Creative works arising from collaborative work

between University and industries: In case of industry sponsored research or consultancy, ownership of the work shall vest with the sponsoring industry.

2.3.4 Relating to Creative works arising from research funded by

government funding agencies: A number of government organizations such as ICMR, ICAR, DRDO, CSIR, DBT, DSIR, DOP and others, fund research projects. Usually in such cases, the 'Terms and Conditions' letter, governing release of funds clearly defines who shall own the rights in case any intellectual property arises out of the sponsored work. Thus, ownership of work in such cases, shall be decided as per the terms and conditions governing release of funds by the respective funding agency.

2.3.5 Relating to Creative works by Start-ups incubated in the University incubators in which no University resources are used at all:

Start-ups are commercial entities at nascent stages working in the University Campus and may be pursuing ideas for products or processes in which work was done elsewhere and no university resources were used at all e.g. software predicting rainfall developed elsewhere. Hence, ownership of any such work based on efforts of the start-up alone, shall vest with that start-up and not the University.

2.3.6 Relating to Creative works by Start-ups incubated in the University incubators in which University resources were used and such

utilization was fully paid for and compensated by the start-up: A start up may be pursuing a creative work in which investors other than University Staff or students may be the promoters. The start-up duly paid for the data or work which it is developing for commercial application e.g. salary or stipend of the data entry operators, programmers etc. under the University Consultancy Policy or as part of honorarium for work carried out with permission of the University. Hence, ownership of any such work based on efforts of the start-up alone, shall vest with that start-up and not the University.

2.3.7 Relating to Creative works by Start-ups incubated in the University incubators in which University resources were used but no

financial resources were contributed by the start-up: The data used by the start-up may be part of academic work e.g. UG, PG or doctoral work or even pursuit of an idea, in which University resources were used with permission. However, no copyright was filed by University. Subsequently, the idea was developed by the startup, for which the start-up wishes to file a copyright. In such cases, the University shall be a co-applicant along with the start-up.

2.4 MODALITIES FOR FILING COPYRIGHT

- 2.4.1** The creative work shall be submitted to Office of MGR Patent and Technology Licensing Cell , vide email at the email ID patent@drmgrdu.ac.in with request for getting it copyright.
- 2.4.2** The University shall submit it to its empanelled attorneys for getting it protected by copyright.
- 2.4.3** Owing to the extremely large volume of creative works generated by various departments of the University e.g. thesis, papers, books, recordings, paintings, software etc. it is neither financially nor physically possible for the University to file a copyright for each work, with the Copyright Office of the Govt. of India.
- 2.4.4** Accordingly, only for works of significant commercial importance, as communicated to the Office of MGR Patent and Licensing Cell by the creators and assessed by the Head, Office of MGR Patent and Licensing Cell, copyright shall be filed with the Copyright Office of the Govt. of India.
- 2.4.5** For other works, protection shall be ensured by the University, by creating its own internal registry in the form of an independent copyright society termed as 'Dr.M.G.R. University Copyright Society'.

Note: In India a copyright society is registered under Section 33 of the Copyright Act, 1957. Such societies are formed by authors and owners and help in the management of rights over creative works. Formation of a copyright society requires minimum of seven members.

2.5 FUNDING, LICENSING AND ROYALTY RELATED ASPECTS OF COPYRIGHT

2.5.1 Funding: University will provide all professional and financial help for the same.

2.5.2 Assignment of Copyright to University: The creative work shall be assigned to the University in return for share in royalty.

2.5.3 Licensing of the Copyright: To publishers, inventors and start-ups e.g. those wishing to market the software or utilize it in instruments or any other commercial application. Same shall be carried out by Office of MGR Patent and Licensing Cell.

2.3.4 Royalty share to creators: Major share (90%) of revenue from licensing of such works shall go to the creators and 10% share shall go to the University under the "Copyright Licensing Agreement" to be signed when assigning the work to the University at the time of filing of the copyright.

2.3.5 Monitoring of revenues and payment of royalties to inventors:

Monitoring of revenues, collection of royalties relating to licensed creative works and dispatch of royalty to authors will be duly carried out by Office of MGR Patent technology and Licensing Cell which will duly maintain accurate accounts in a fair and transparent manner. These shall be open for inspection during office hours, with prior notice of one day.

3. PATENT RULES

These rules cover various aspects relating to 'Utility' as well as 'Design' patents. While Utility Patents protect inventions relating to new products and processes, Design Patents protect creative designs of the products.

3.1 PERSONS ELIGIBLE TO FILE PATENTS

- 3.1.1 University students, faculty and staff and also collaborators from other Universities/Organizations/ Individuals who have contributed significantly to the invention or the design.
- 3.1.2 Start-ups incubated in the University Campus who have utilized the University Facilities without any payment and have a collaborator from within the University.

3.2 PATENTABLE WORK

- 3.2.1 Patents can be filed for Research Work (Graduation, Master's, Doctoral or externally funded projects) or individual innovative ideas, not necessarily based on research or not relating to the discipline of the inventor/s.
- 3.2.2 Creative designs can be filed by creators, in the category of design patents.

3.3 OWNERSHIP OF PATENTS

- 3.3.1 Patents arising from University academic/research work:** All patents- whether design or utility, emanating from work carried out by the University Staff and/or students and utilizing university resources, including those by students/in-service professional candidates registered at the University though work may be carried else where , shall be filed in the name of the University or any special purpose vehicle created for the purpose such as the MGR Patent and Technology Licensing Cell. The patents shall be owned by the University, as the primary and first applicant.

3.3.2 The patent ownership is classified in to three categories.

Category A

The college will be the applicant, the concern person applying for patent will be considered as Inventor. Patent processing fees A to Z will be covered by the University. The patented product when it reaches to commercialization stage, the share for the inventor will be based on management decision.

The fee for patent renewal on yearly basis will be shared equally between the applicant and the inventor.

The one time incentive for this category is Rs.25,000 per patent and this will be equally shared to all inventors.

Category B

The college will be the applicant and the concern person(s) will be considered as co applicant(s). Patent processing fees A to Z will be covered by the University. The product development charges have to be covered by the co applicants(s). When the product reaches the commercialization the percentage of the share will be splitted in to equal percentage among the university and the co applicant(s).

The fee for patent renewal on yearly basis will be shared equally between the applicant and the co applicant(s).

The one time incentive for this category is Rs.20,000 per patent and this will be equally shared to all inventors.

Category C

The concern person who is applying for patent will be considered as an applicant, but while applying the university address has to be given as the applicant address. The patent fees A to Z has to be barred by the applicant. When the product reaches the commercialization stage the applicant will be the total beneficiary.

The one time incentive for this category is Rs.10,000 per patent and this will be equally shared by all inventors.

3.3.3 Patents arising from collaborative work between University

and other academic organizations: The University shall be a co-applicant with others and the first applicant shall be as per contribution made. Extent of contribution made/planned as per work plan, by each applicant shall be duly defined in the agreement relating to terms and conditions of collaborative work.

3.3.4 Patents arising from collaborative work between University

and industries: In case of industry sponsored research or consultancy, ownership of the patent shall vest with the sponsoring industry. Name of University students, faculty and others who have contributed to the invention shall be included as inventors to acknowledge their contribution. Other aspects relating to royalty payable, duration, amount etc. shall be duly defined in the agreement relating to terms and conditions of collaborative work.

3.3.5 Patents arising from research funded by government

funding agencies: A number of government organizations such as ICMR, ICAR, DRDO, CSIR, DBT, DSIR, DOP and others, fund research projects. Usually in such cases, the 'Terms and Conditions' letter, governing release of funds clearly defines who shall own the patent rights in case any invention arises out of the sponsored work. Thus, ownership of patents in such cases, shall be decided as per the terms and conditions governing release of funds by the respective funding agency.

3.3.6 Patents by Start-ups incubated in the University incubators in

which no University resources are used at all: Start-ups are commercial entities at nascent stages working in the University Campus. They may be pursuing ideas for products or processes in which research was done elsewhere and no university resources were used at all. Hence, ownership of any patents arising from work and efforts of the start-up alone, shall vest with that start-up and not the University. University can facilitate the filing of patent by such start-ups through its empanelled attorneys. Expenses for the same shall be

borne by the concerned start-up and the applicant shall be the start-up only and not the University.

3.3.7 Patents by Start-ups incubated in the University incubators in which University resources were used but no financial

resources were contributed by the start-up: The data used by the start-up may be part of academic work e.g. UG, PG or doctoral work or even pursuit of an idea, in which University resources were used with permission. However, no patent was filed by University.

Subsequently, the idea was developed by the startup, for which the start-up wishes to file a patent. In such cases, the University shall be a co-applicant along with the start-up.

3.3.8 Patents by Start-ups incubated in the University incubators in which University resources were used and such utilization was

fully paid for and compensated by the start-up: A start up may be pursuing an idea or invention for development in which investors other than University Staff or students may be the promoters. The data used by the start-up may be part of academic work e.g. UG, PG or doctoral work or even pursuit of an idea, in which University resources were used with permission. However, no patent was filed by University.

Subsequently, the idea was developed by the startup, for which the start-up wishes to file a patent. In such cases, the University shall be a co- applicant along with the start-up.

3.4 MODALITIES FOR FILING OF UTILITY PATENTS

3.4.1 Disclosure: The invention shall be disclosed to the Office of MGR Patent and Technology Licensing Cell, using an invention disclosure form, submitted electronically video email at the email ID patent@drmgrdu.ac.in

3.4.2 Vetting: Based on the information disclosed, the Office of MGR Patent and Technology Licensing Cell will get the innovation vetted professionally at the earliest but not later than 30 days, from Patent Attorneys empanelled with the University, to confirm patentability of the idea.

3.4.3 Public notice relating to title of Invention and Inventors: In case idea is patentable, Office of MGR Patent and Technology Licensing Cell, will display a public notice within campus (disclosing the proposed title of the patent and names of the inventors) inviting objections if any, within 2 weeks from display. This is to ensure that in case any person is aggrieved with the proposed filing, the same should be brought to notice of the University before the patent is filed.

3.4.4 Agreement signing with University: If no objections are received, inventors shall sign "*Invention Assignment and Royalty Sharing Agreement*" with University.

3.4.5 Filing and intimation of filing details: After signing of the Agreement, patent for the invention shall be filed by the University through its empanelled attorneys and details of the filing communicated to all inventors, by Office of MGR Patent and Technology Licensing Cell.

3.5. MODALITIES FOR FILING OF DESIGN PATENTS

3.5.1 Intimation: The creative designs shall be submitted electronically to Office of MGR Patent and Technology Licensing Cell using 'DESIGN REGISTRATION FORM' vide email at patent@drmgrdu.ac.in.

3.5.2 Open Display: Open notice regarding design patent proposed to be filed, inviting objections if any, within 2 weeks from display, shall be displayed.

3.5.3 Agreement signing with University: If no objections are received, inventors shall sign "*Invention Assignment and Royalty Sharing Agreement*" with University.

3.5.4 Patent filing and intimation of filing details: After signing of the Agreement, patent for the invention shall be filed by the University through its empanelled attorneys and details of the filing communicated to all inventors, by Office of MGR Patent and Technology Licensing Cell.

3.6 FUNDING, LICENSING AND ROYALTY RELATED ASPECTS OF PATENTS

3.6.1 Funding: University will provide all professional and financial help to inventors to file patents for their inventions and designs. All expenses

towards patenting in India shall be borne by the University and adequate funds for the same shall be available. For filing patents outside India, same shall be carried out on case to case basis, subject to availability of funds and commercial value of the inventions and designs.

3.6.2 Assignment of Inventions to University: All inventions for which patent is being filed by University shall be assigned to the University in return for share in royalty as per the University Policy. Names of inventors will be duly included in patent application as the inventors/creative designers.

3.6.3 Licensing of Patents- Inventors and University shall make best possible efforts to license out the patents and ensure their working. Patents can be licensed out to a third party or even to a spin-off company or start-up company being set up by the inventors themselves.

3.6.4 Royalty share of Inventor/s: Major share (90%) of commercial rights relating to the patents will belong to the inventors, whether patent is licensed out to third party or used by inventors to set up their own companies. 10% share of revenues from the patent as long as it is in force, is payable to a University 'revolving innovation fund' for facilitation of international filings of promising patents and patent licensing. In case a patent is being filed by more than one inventor, inventors must indicate royalty sharing arrangement between themselves in the "**Invention Assignment and Royalty Sharing Agreement**" to be signed at time of filing of the patent. This is to avoid conflicts between the inventors at later stage. Also, prior understanding between inventors avoids disputes and objections, which can be a hindrance to licensing.

3.6.5 Monitoring of revenues and payment of royalties to inventors:

Monitoring of revenues, collection of royalties relating to patents licensed out and dispatch of royalty to inventors will be duly carried out by Office of MGR Patent and Technology Licensing Cell, which will duly maintain accurate accounts in a fair and transparent manner. These shall be open for inspection of the inventors during office hours, with prior notice of one day.

3.7 BRANDING ASPECTS OF PRODUCTS BASED ON UNIVERSITY PATENTS

Products emanating from patents filed by the University shall be suitably branded as per the brand guidelines provided by the University relating to the product. Same shall be on case to case basis and final approval of the branding shall be accorded by the Vice-Chancellor.

3.8 TRANSFER AND ABANDONMENT OF PATENTS

3.8.1 Transfer of patents in name of inventors/companies set up by

inventors/third party: In case inventors wish to get granted patents assigned to themselves or in name of the companies to which the patents are licensed, they may do so by refunding to the University, the actual expenses incurred on patenting, till that date as per available receipts and agree to pay 2-5% share on revenues earned from the patent in terms of 'royalty on net sales i.e. ex-factory billing' or pay the University a onetime lump- sum amount, as mutually agreed upon.

3.8.2 Abandonment of Patents/patent applications: For granted patents/ patent applications which are not licensed out or commercialized within five years from date of filing, University may at its discretion decide to abandon the same or ask the inventor to bear further expenses on maintenance if inventors(s) want the same to be maintained.

3.9 AMENDMENT OF THE POLICY AFFECTING ROYALTY RIGHTS OF INVENTORS

Any amendment of the policy affecting the rights of inventors in terms of share in revenues will be applicable prospectively and not retrospectively
