

INTELLECTUAL PROPERTY RIGHTS POLICY

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INTELLECTUAL PROPERTY RIGHTS POLICY

BABU BANARASI DAS UNIVERSITY

1. Prologue

Intellectual Property rights refer to the new creation of mind resulting from research and innovation. It is a right which is guaranteed to the innovator for their efforts and investments. Intellectual right can be given in the form of patent, copyright, GIs, trademarks etc.

Babu Banarasi Das University is research driven university and believes that the goal of **Atmnirbhar Bharat** can be achieved only by acknowledging the issues of Intellectual Property and creating a new IP asset. Keeping in mind the same goal and with the aim to provide world class innovative teaching environment, this policy document (hereinafter refer to IPR Policy) of the university is presented here.

Through this policy, the university will enhance the research led educations which ultimately nurture the talent of students and faculty. It provides shelter for the innovator where they feel protected for their innovations. It lay down foundation for the research-oriented environment in the academics.

2. Preamble

Intellectual property right is the legally protected tool in the form of patent, copyright, design, GIs etc. It is the framework to recognize the efforts of the innovator. The university through this IP Policy aims to protect the original creation of the faculty, staff and its students. This document is subject to the IPR laws in India and outlines university's policy towards ownership of Intellectual Property created by its faculty members, staffs and its students.

3. Objectives of IPR policy

- To lay down a fair system which nurture the innovation and research in areas of science, technology and humanities etc?
- To safeguard the lawful interests of the stakeholders including the faculty members, research scholars, students and other member of the University.

- To lay down organized and transparent process for ownership, regulation and assignment of IP rights and allocation of revenues generated by IP, resulting from the properties so created and held by the university.
- To put down a mechanism by which the research work created by authors are disseminated to the public through the channels of transfer of technology.
- To strengthen the research and academic activities by generating funds from intellectual property.
- To build this university as an institution of academic excellence and of highest order.

Intellectual property (IP) denotes creations of the mind that can be inventions; literary and artistic works; symbols or logos, names and images used in businesses etc. Intellectual Property can be sheltered or protected legally in the form of patents, copyright, design, GIs, trademarks etc. An IPR policy is the foundation of innovation and creativity for academic world. It provides structure, predictability, and a framework for innovative minds to create and innovate. The University through this IP Policy aims to contribute to renovating industry and society by bringing research- led education, encouraging innovation, collaboration and nurturing human values.

4. Definitions:

- a) **Intellectual property (IP)** used herein broadly means any property generated out of creations of the mind or intellectual effort of the creator, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce, either having proprietary value or is protected by any statute. IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.
- b) **Intellectual property Rights (IPR)** means the rights derived from the IP, e.g. patents, industrial designs, copyright, trademark, geographical indications, etc.

- c) **Patents** - A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.
- d) **Copyright** - Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.
- e) **Trademark** - A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.
- f) **Industrial Designs** - An industrial design constitutes the ornamental or aesthetic aspect of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color.
- g) **Geographical Indications** - Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods.
- h) **Semiconductor Integrated Circuit:** As defined under Section 2(r) of the Semiconductor Integrated Circuits Layout Design Act, 2000.
- i) **Plant Variety:** It is governed by the Protection of Plant Variety and Farmers Rights Act, 2001. It recognizes the contributions of both commercial plant breeders and farmers in plant breeding activity and also supports the specific socio-economic interests of all the stakeholders including private, public sectors and research institutions, as well as resource constrained farmers.
- j) **Author:** An author is as defined under Section 2(d) of the Copyright Act, 1957.

- k) **Collaborative Activity:** is the research undertaken by the personnel in academic institution, in cooperation with industry and/or another researcher(s), who are not the personnel from the academic institution.
- l) **Creator:** means the researcher who contributed to the creation of the Intellectual Property (IP) (essentially copyrights, designs, etc.).
- m) **External Partners:** includes Government of India, State Government(s), Local Self-Governments, Government Departments, Foreign Governments, International Organizations, Public Sector Undertakings (PSUs), all types of Private Sector Organizations, Multinational Corporations, Non-Governmental Organizations, and/or other institutions that provide research projects or consultancy assignments to researchers on regular or irregular basis; or any combination(s) of the above.
- n) **Nodal Office:** means Registrar of the Babu Banarasi Das University.
- o) **Researcher: It means;**
- Persons employed by the University, including faculty and staff;
 - Students, including undergraduate, postgraduate, doctoral and post-doctoral students of the University;
 - Any persons, including visiting faculty, project staff, interns;
 - Any persons, who use the resources of the University and who perform any research task at the University or otherwise participate in any research project(s) administered by the University, including those funded by external sponsors. Wherever different conditions are applicable for any of the sub-categories of researchers, they are specifically mentioned in the guidelines.

5. **Scope & Applicability of the IPR Policy**

This IPR Policy regulate the ownership, distribution, and commercial development of technology by the University faculty, staff members, and students, other partaking organizations and Government funding Agencies in the programs taken up by the University. This document will equally be applicable for the research works carried out by the University with other organizations at their Premises. Moreover, it covers Technology Transfer Policy and the

incentives for the inventors.

6. Ownership of IP:

University shall seek to protect all IP generated by its faculty members, staff and students as part of their obligation to the university. This is however subject to conditions that in the case of sponsored or collaborative research the specific provisions relating to IPR made in contracts governing the collaborative /sponsored activity shall determine the ownership of IP. Usually where there has been external funding of any project, the IP generated from such a project shall be jointly owned by the University, creator of IP and the funding agency which has provided funding under a specific agreement with the University

The right to ownership may be retained by the creator of the intellectual property in respect of the following;

- All intellectual property developed without university resources.
- All rights in books, articles and other publications (whether material or digital mode), works of art, literature and music recordings, so long as such works are not the outcome of projects of University research, nor developed during performance of a sponsored research project.
- All copyrights in papers, thesis and dissertations prepared to meet university degree requirements or in partial fulfillment of the requirement of a degree/diploma.

7. Technology Transfer

- If it is practicable the university shall endeavor for commercial exploitation of IP which it solely owns or co-owns with a collaborator.
- The commercial exploitation of IP shall be done through the transfer of technology agreement or by licensing, which can be exclusive, non-exclusive or sole, including the revenue sharing clauses.
- In case of commercialization of IP, on the recommendation of IPR cell, the university shall enter into revenue sharing agreement.
- The revenue earned through commercialization of IP shall be shared reasonably between the inventor and the university.

8. Dispute resolution

In the circumstances of any dispute, the inventor or any aggrieved person may appeal to the Nodal officer of the IPR cell. All efforts shall be made to address the issue of the aggrieved party. The decision of the IPR Cell shall be considered final and binding.

9. Regulation of IPR Policy

The IPR Policy shall be regulated by the University through the IPR Cell. In case of any issues relating to the interpretation of this policy, the IPR Cell is solely responsible to interpret.

IPR Cell is responsible for the effective application of the policy in the university. It can also recommend any changes which is required in the policy to the chancellor of the university, who shall consider such changes/recommendations.

10. Liability in case of Infringement of IPR

In the event of any infringement of IP rights by faculty, staff or collaborator the university will not be liable for any claim or civil suit or criminal action initiated by the third party.

11. Jurisdiction

All agreement signed by the university and dispute arising there from shall be subject to the jurisdiction of District Court of Lucknow and shall be governed by appropriate laws of India.

INTELECTUAL PROPERTY RIGHTS POLICY
BABU BANARASI DAS UNIVERSITY
(Operating Guidelines)

1. Introduction

Babu Banarasi Das University was started under the flagship of Late Babu Banarasi Das. He was the former Chief Minister of Uttar Pradesh. The university aims to transform the way people think by teaching them problem solving, leadership and teamwork skills, and the value of commitment to quality, ethical behavior, and respect for others.

We want every member of our university to enjoy diverse opportunities for intellectual, personal and professional growth. Learning and working at BBD University will foster quick, well-rounded minds, well-equipped to succeed in our fast-changing world.

We at BBD University strive to educate students in a way that transforms them into leaders who can make a difference in the world. We aim to impart futuristic and high quality technical, management and medical education to the young and talented Indian and International students. We strive to become the front runner in the field of education in India by attracting and nurturing the best talent and providing them a platform where they can strengthen and grow their core competencies and build their career as world class professionals.

2. Constitution of Intellectual Property Rights Cell (IPR Cell)

To carryout effective implementation of IPR Policy, **Babu Banarasi Das University** shall, after due approval of the Board of management, constitute IPR Cell for the University.

The IPR Cell shall have primary responsibility to implement the IPR Policy and guidelines in the university.

I. Composition of IPR Cell:

▪ **Coordinator of the IPR Cell:**

To be nominated by Vice-Chancellor from amongst the Professors of the University

- **Members of the IPR Cell (Professor/Associate Professor):**

Three members are to be nominated by Vice-Chancellor from amongst the Professor/ Associate Professors of the University.

II. Responsibilities of IPR Cell

- IPR Cell has responsibility of framing of IP policy and amendments from time to time for consideration of the University authorities.
- The IPR Cell has responsibility of filing, maintaining and monitoring of patents.

The IPR Cell shall bring coordination between attorneys, inventor, and **Babu Banarasi Das University** authorities

- IPR Cell is responsible for advising, drafting and monitoring of all IP related MOUs of **Babu Banarasi Das University**. The IPR cell shall strive to promote awareness of IP rights in the **Babu Banarasi Das University**.
- The cell shall identify specific industries and direct marketing of these technologies and promote advertising in-house technologies of **Babu Banarasi Das University** via electronic media / newspapers and magazines.
- The Cell shall administer the transfer of all technologies developed at **Babu Banarasi Das University**. IPR Cell will submit periodically reports on IP assets and current status to Registrar/Vice Chancellor and the Board of Management of the University for Consideration and advice.

III. The IPR Cell will report to Vice chancellor of the University. It will seek the guidance of Registrar and Vice-Chancellor in discharging its responsibilities.

3. Application Procedure:

Every application relating to Intellectual Property shall be forwarded to Coordinator of IPR Cell through the Director/Dean/Head of the respective school/Centre.

4. Record Keeping:

All data and details generated should be systematically recorded in the concerned School/Centre, with particular reference 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 sated by the creator, supervisor, or 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. When Should Faculty Approach IPR Cell to Discuss a Possible Patent?

Any faculty, who believes to be in possession of a potential intellectual property generated while in service of the University may approach and set up discussions with the IPR Cell advisor at any mutually convenient time. In any case, the chosen time for discussion should be sufficiently in advance of maturation of the idea into a process or product. When the invention is only at the conception stage, it is still possible to file a provisional specification, which has to be followed up with a complete specification within 12 months. If it is not done, the patent application is deemed to have been abandoned. On the other hand, if the inventor has at his hand an inventive product, which can be marketed immediately, then complete specification can be lodged straightaway.

6. Evaluation of Patent/Copyright applications

The IPR Cell may seek help of professors as domain experts to preliminarily evaluate the proposals for the prima-facie patentability. The domain experts would be required

to enter into a Non-Disclosure Agreement.

The inventors may be requested, if necessary, to make a presentation of their case before the IPR Cell. In case the Cell recommends for filing of patents, the Coordinator, IPR Cell will process the application through one of the approved attorneys from the panel maintained at the IPR Cell.

7. Assistance in Filing

Once the IPR Cell approves protecting the Intellectual output, a patent Attorney shall be identified by the Cell for drafting the IP application. The following aspects need to receive attention:

- Adequate information is to be given to the Attorney to enable him prepare a draft claim.
- In order to ensure good protection, it is necessary that the attorney understands the invention.
- A good patent specification should have synergetic efforts of the inventor and the patent attorney.

8. Filing of Applications for IPR and Support

- All applications for IPR shall be filed by the Registrar in the name of the University as owner of the IPR. Inventors name will be filled in the application at appropriate places. Inventors will assign the exclusive right of ownership to the University in order to facilitate the University to file, secure and commercialize the IPRs without any encumbrance.
- The IPR Cell would meet the expenses i.e. the statutory fee and patent attorney's fee, for processing the patent applications.
- 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.