

**Alva's Institute of Engineering & Technology,
Moodbidri**



**POLICY ON INTELLECTUAL PROPERTY RIGHTS (IPR)
CELL**

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Dr. Richard Pinto Dr. Jayarama Dr. Satyanarayana	Dr. Peter Fernandes	GC Approval
18 Dec 2017	10 Jan 2018	15 Jan 2018

POLICY ON IPR

1. PURPOSE:

The contemporary and stated Intellectual Property Rights (IPR) Policy of Alva's Institute of Engineering and Technology (AIET) endeavours to facilitate the protection and upliftment of intellectual properties generated during the scientific pursuit (of knowledge/resource) in the institute and offer scope for ingenuity and commercialization. It targets the provision of unbiased intercession between the various interests involved.

2. SCOPE:

In order to lessen the possibility of adopting a specification or other technology which might infringe on a patent or other IPR, AIET will, in the course of carrying out its program of work, and in accordance with such Policies and Procedures of the Institution as may be in place from time to time, issue calls to its staff and faculty to disclose patents or other IPR which are owned by them, or of which they might be aware, which might be infringed by the implementation of a specification proposed for adoption.

The Intellectual Property Rights (IPR) Cell is aimed to looking at the quality of intellectual property creation by its faculty and students. The cell promotes faculty and student creativity and invention, which leads to the creation of intellectual property (IP). The cell is meant to assist and support students and employees in protecting their unique and creative ideas.

3. OBJECTIVES:

- a To create awareness about IPR for faculties and students of the Institution.
- b To conduct workshops, seminars and training programs on IPR and patent filing processes.
- c To disseminate knowledge on patents and registration methods in India and abroad.
- d To encourage faculty members and scholars towards patentable works and innovation.
- e To coordinate between Inventors, IP consultants, Attorneys and AIET authorities for filing and managing patents
- f To educate the faculty on obtaining copyrights for their publications.
- g To provide awareness to the public through IP Road Shows, IP Street Play and various competitions.

Part A: IPR activities

The IPR activities are organized to introduce the principle areas of Intellectual Property (IP) such as Patents, Copyright, Trademark among students and staff.

- IPR awareness programmes
- IPR seminars/workshops
- IP related competitions

Procedure:

- The perspective plan for the academic year will be planned as per discussion with the IPR cell members and Cell Coordinators, hence submitted to IQAC for approval.
- Meetings are organized regularly to discuss the plan and execution of the programmes on the scheduled dates as per the perspective plan.
- Cell coordinator should submit proposal to the Principal and IQAC for the conduction of an event.
- The registration process is initiated for the students/staff before commencement of IPR activity.

Part B: Filing Intellectual Property Rights

I Applicability:

The Policy on Intellectual Property Rights (IPR) is applicable to following personnel:

- a. Employees, faculty members, staff (permanent and temporary), visiting scholars, research scholars and students associated with AIET and include, but is not limited to, those who are directly under the Institution payroll and/or receive assistance in the form of fellowships, scholarships, honorarium, either from AIET or from government and private institutions/agencies.
- b. Employees, faculty, staff, research scholars, visiting scholars or students who are making use of AIET facility and resources, and include financial support to generate, file and prosecute any form of intellectual property and invention related issues.
- c. Various forms of intellectual property under this policy include, but does not limit to, Patent, Copyright, Trademark / Service Mark, Design Registration, Trade Secret, Confidential Information, Integrated Circuit Layout and Plant Varieties.

II Ownership of IP:

- a. An invention for which an intellectual property application is filed where in the Institution resources like space, equipment, facilities, are utilized and when the applicant(s) receive financial support towards professional and statutory fees for acquiring such intellectual property, the assignee of such intellectual property will be AIET.
- b. Individual(s) who obtains a patent or any other form of intellectual property or introduces an invention into public domain without use of resources from the Institution or outside their regular assigned duties during official hours under terms of their appointment with the Institution, and without substantial involvement by Institution personnel, shall retain full IP rights.

III Copyrights:

- a. Any original work of intellectual nature can be protected under copyright law. Ideas per se are not copyrightable but only in their expressed form.
- b. When the copyrightable pedagogical scholarly, computer software, integrated circuit layouts, designs, films, cassettes and other such literary and artistic works, specified as copyrightable works under relevant Copyrights Act as amended from time to time by the government, which are created for AIET Moodbidri, the author shall retain ownership of their original work, while at the same time granting AIET Moodbidri and all implementers of its specifications full rights to revise, modify, and create derivative works based on that original work, under the AIET's own copyright.
- c. If the Institution foresees a gainful return from copyrights it may initiate steps to file and protect such copyrights and share the financial rewards with the inventor on terms and conditions of the Institution as specified from time to time.
- d. When the copyrightable work is generated for an external sponsor/ Institution/company of foreign country/India then ownership will be jointly shared according to the agreement between external sponsor and the Institution.
- e. In case of copyrightable work created by non-AIET Institution personnel without absolute intellectual contribution of AIET Institution Moodbidri personnel and AIET Institution Moodbidri resources, the respective author shall retain his/her ownership. .

- f. Copyrights on books and publications authored by AIET Moodbidri personnel shall be in the name of the respective authors.

IV Trade Secrets:

AIET employees are expected not to reveal trade-secret information of the Institution to commercial entities or any third party, nor shall they sign non-disclosure agreements. AIET shall take relevant measures to ensure that the trade-secret of the Institution is protected. If outside entities or third party asks employees of AIET to sign non-disclosure agreement, employees / staff / research scholars and students shall communicate all such requests to Intellectual Property Rights Cell (IPR Cell) for discussion and legal approval before signing these agreements.

V Inventions and Patents:

- a. An idea when manifested in tangible form is patentable provided it fulfil the below criteria for patentability: (i) Non-obviousness (the invention should be non-obvious to the person skilled in the art) (ii) Utility (it should be commercially applicable) and (iii) Novelty (invention may relate to a new product or an improvement of an existing one or a new process of manufacturing an existing or a new product).
- b. If such a patentable invention is developed at AIET, and qualifies for protection under the relevant Acts of government related to patents, then patent belongs to AIET. It can be in the form of know- how, solutions, processes, genetically engineered microorganisms, scientific or technological developments, business models and other forms as the need arises. The filing of a patent application shall be with the researcher as named inventor.
- c. In such instance or instances where the patent is owned by the Institution, the inventor or inventors have the right on such form of intellectual property till the time protection of such intellectual property is agreed upon by the Institution and inventor(s) or the life of such intellectual property according to relevant Acts has expired. The Institution also reserves the right to initiate discussions on sale/license or technology transfer of patents or other forms of intellectual property, as the case may be, and which are deemed suitable for such activity. In an event of successful outcome through sale/license or technology transfer, the revenue sharing from either sale/license or transfer of technology shall be as specified in the royalty sharing clause mentioned below.

- d. Whenever there is any patentable invention obtained under research or a related activity between an external sponsor and the Institution, then it is subject to agreement between the involved parties.
- e. Party shall grant to each of the other parties and their respective affiliates, a nonexclusive, worldwide, perpetual, irrevocable, non-sub licensable license under any (if any) of such party's claims in its contributions, solely to make, have made, use, import, offer to sell, sell and otherwise distribute and dispose of compliant portions as agreed upon; provided that such license need not extend to any part or function of a product in which a compliant portion is incorporated that is not itself part of the compliant portion. Such license shall be granted on a royalty-free basis or will be subject to otherwise reasonable and non-discriminatory terms.

VI Royalty Sharing:

- a. Net revenue received by the Institution through sale / license or technology transfer of intellectual property of such inventions or creative works, royalty shall be distributed as follows, unless otherwise specified in arrangements for commissioned works.

	Royalty sharing percentage
Inventor	70%
Inventor(s) department	10%
Inventor(s) Institution	10%
AEF	10%
Total	100%

**In case, the inventor(s) is/are not associated with any school, royalty sharing of the Institution (AIET) will be 20% of the total amount.*

- b. In case of an Intellectual Property jointly held by the constituent institutions of AEF, Moodbidri, the distribution of share to inventor(s) department and inventor(s) Institution have to be communicated by the lead-investigator to the Institution. In no case such share should cumulatively exceed 20% of the allotted share.
- c. In an event when more than one inventor contributes for the generation of the intellectual property then the percentage of royalty shall be equally shared among the inventors, contingent

upon such invention being sold, licensed or transferred under technology transfer agreement with third party/ies. No royalty shall be claimed by the inventor(s) for patents which fail to generate interest for sale, licensing or technology transfer.

VII Technology Transfer:

- a. AIET reserves the right to initiate and commercially leverage intellectual property of the Institution or jointly owned with other institute/Institution/industry under the agreements dealing with technology transfer, licensing and revenue sharing models in consultation with the named inventors.
- b. In the case of sponsored activity, the sponsored industry/organization will have the first right to commercially leverage the intellectual property or products originating from the collaboration activity, whether or not the same have been formally protected by patent(s).
- c. In the case of sponsored activity, if the sponsored industry / organization fails to commercially leverage the intellectual property or products within one year from the first date of development of the technology, then AIET shall reserve the right to transfer the said know-how to a third party for its commercial advantage. However, AIET Moodabidri shall share the net revenues derived henceforth with the sponsored organization/industry, as per the agreement regarding technology transfer.

VIII Conflict of Commitment and Interests:

- a. To manage and minimize conflict over intellectual property rights, all potentially patentable inventions created or discovered by faculty in the course of their Institution activities, or with use of Institution resources, must be disclosed to the Institution on a timely basis ("Patent calls").
- b. The inventor(s), to the respective Heads of Institutions, should disclose any conflict of interest or any potential conflict of interest.
- c. AIET discourages its employees, faculty members, staff (permanent and temporary), visiting scholars, research scholars and students against any legal recourse. In case of any disputes regarding the implementation of intellectual property policy, efforts shall be made to address to the concerns of the inventor(s) by developing and incorporating an arbitration mechanism

and arrangement, or any other suitable mechanism as agreed upon by the parties and arrive at an amicable solution. The decision taken in this regard by the competent authority of AIET or through arbitration shall be final and binding to all the parties under dispute.

IX Infringement:

- a. AIET shall retain the right to engage in or abstain from any lawsuit concerning patent and license infringements.
- b. AIET shall ensure that AIET Moodbidri personnel have an insurance clause built into the agreement with the licensee(s) while transferring technology or copyrighted material to licensees.

X Modus Operandi:

- a. All applications for patents should be dispatched to Head of Institution, irrespective of whether the inventions have resulted from the in-house research/project, or projects under sponsored activity. The Head of Institution must ensure that the foreseeable intellectual property under discussion is not revealed in public domain or discussed with people not connected with the research pertaining to intellectual property.
- b. The application for patent or any other form of intellectual property shall be analyzed / inspected by the Intellectual Property Rights Cell (IPR Cell), comprising the following:

Sl.No.	Names of Persons	Designation
1	Chairman (AEF)	Chairman
2	Managing Trustee	Member
3	Principal	Member
4	Dean Research	Member
5	Invited Member(s)	Member

- c. The inventor(s) are required to make a brief presentation of their invention to the IPR Cell of the Institution. Based on the outcome reached through discussion by the Board members with the research team, reimbursement of application fees may be approved by Managing Trustee, leading to commencement of further processing of the application through the approved attorney or agency.

- d. If the inventor(s) decide to abandon or withdraw the application for a patent at any stage after filing of application, prior approval of the IPR Cell is mandatory.

XI Appreciation for Granted Patents:

- a. Patent efforts of faculty may be considered faculty-appraisal for increments and promotion
- b. All the members listed as inventors in granted patent maybe considered for increments and promotion.
- c. The appreciation letter will be given to the inventor(s) of AIET Moodbidri by the Principal for the granted patents, filed through IPR Cell, AIET Moodbidri.
- d. The certificate of grant of patent must be submitted along with the evaluation form to claim for appreciation letter. (Annexure III)

AIET reserves the right to modify the above policy as deemed fit from time to time.

Enclosures

Annexure-I: Financial Claim Form for Intellectual Property Rights (IPR) Applications

Annexure-II: Intellectual Property Disclosure Form


PRINCIPAL
PRINCIPAL

Alva's Institute of Engg. & Technology
MIDC, MOODBIDRI - 576 235, KA

Annexure I: Financial Claim Form for intellectual property rights (IPR) Applications

Personal Details		
1	Full Name of Inventor(s)	
2	E-mail ID	
3	Contact Number	
4	Employee ID	
5	Designation	
6	Department	
7	Institution	
8	IPR Details	
	1 Type of Intellectual Property Rights (IPR)(Patent/Copyright/Trademark/Design/Others)	
	2 Filing Status (Provisional/Full)	
	3 Area of Invention	
9	Attached Intellectual Property Disclosure Form	
10	Attached Search Report by IPR Attorney	
11	Any other Relevant Documents (If any)	
Declaration <p>The undersigned hereby declare that,</p> <p>a) The data mentioned above are correct to the best of my knowledge.</p> <p>b) The invention is original and has not been previously submitted, filled or claimed.</p>		
<p>Name of the first Inventor Signature with date</p>		
<p>Comments of the Research review team</p>		

Signature of Research Dean	
Recommendations from Principal	Signature of Principal
Recommendations from Managing Trustee	Signature of Managing Trustee
Comments from Finance officer	
Amount transferred.....Date of transfer.....	Signature of Finance Officer with date
Signature of Chairman	

Enclosures:-

- 1) Duly signed IPR Search Report from IPR attorney
- 2) Filing Quotation/Receipt
- 3) Intellectual Property Disclosure Form

Annexure II: Intellectual Property Disclosure Form

This form should be used by Researchers/Inventors of AIET Moodbidri with a view to secure and obtain intellectual property protection. This form is essentially designed to help the Researchers/Inventors to organize their thoughts about their invention in a structured manner. The Inventors are encouraged to explain their invention in an extremely simplistic manner and in complete terms so as to allow a person not familiar with the relevant technology to easily understand the invention. The invention would enable IPR Attorneys in assessing its novelty and drafting an intellectual property application on the same.

This invention disclosure form contains information that is proprietary and highly confidential.

Unauthorized possession, viewing, or distribution of the form is strictly prohibited.

GUIDELINES TO FILL THE INTELLECTUAL PROPERTY DISCLOSURE FORM

Following are some guidelines that would help you in disclosing your invention in this intellectual property Disclosure Form (IPDF):

- Please consider IPR Attorneys as people who do not have any understanding of the technology in which your invention has been made, while disclosing the invention. Kindly disclose your invention to the fullest possible.
- Please do not limit yourself only to the specific method/process, formulation/ composition, product/device or prototype that you have invented, while disclosing your invention but also consider identifying all the possible modifications/alternatives of your invention. Kindly explain all the identified modifications/alternatives in detail as well.

Note:

- Please remember your competitors could easily design around your invention and come up with alternatives/modification, which when not properly disclosed in the IDF may provide your competitors with competitive advantages over your invention.
- The best way you could think of the alternatives/modifications is to consider yourself as your own competitor!!
- Inventors are encouraged to use ordinary and known technical terms to describe their invention. In case, some unusual terms are used then their appropriate definition must be provided.
- The invention must be explained with reference to the properly labeled drawings and flowcharts.

- The IPDF is divided into following sections:

Sections	Purpose
Section- I	For disclosing details on the Applicant/Assignee and Inventor
Section-II	For disclosing details on invention
Section-III	Miscellaneous information

SECTION-I: DETAILS OF THE ASSIGNEE/APPLICANT AND INVENTORS

Please provide details of the Assignee/Applicant to which the invention is assigned by the inventors.

Name of the Assignee/Applicant	AIET MOODBIDRI
Registered address of the Assignee	
Name of the Department from where the invention is originating	
Name of the Head of Department (HOD)	
Contact Details of HOD	
Email ID of HOD	

Please provide details of all the inventors who have contributed to the invention. Feel free to add details of any additional inventors if required.

Name of the First Inventor (Surname, Middle name and First name)	
Nationality	
Address for communication	
Permanent Address	
Contact details	
Email ID	

Name of the Second Inventor (Surname, Middle name and First name)	
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Nationality	
Address for communication	
Permanent Address	
Contact details	
Email ID	

Name of the Third Inventor (Surname, Middle name and First name)	
Nationality	
Address for communication	
Permanent Address	
Contact details	
Email ID	

Name of the Fourth Inventor (Surname, Middle name and First name)	
Nationality	
Address for communication	
Permanent Address	
Contact details	
Email ID	

SECTION-II: INFORMATION OF THE INVENTION

- 1) Please provide a short title of the invention in not more than 15 words. The title should be clear and succinct.
- 2) Please write a brief background of the technology on which the invention has been made.
- 3) What are the existing problems of the technology that your invention proposes to solve? Have any previous attempts been made to solve these problems? Yes/No If YES, how and by what means and what are their drawbacks/deficiencies?

- 4) How your invention proposes to overcome the above noted problems?
- 5) Have you conducted any prior art search' at your end on your invention? If YES, please provide us details of the prior art patents, published literature, catalogues, articles, etc. Please list down any competitor's patent or non- patent literature if you are aware of.
- 6) Does your invention relate to an Apparatus/Device/System; Method/Process; Formulation / Composition; or a combination of the above or others? Please specify.

SECTION-III: MISCELLANEOUS INFORMATION

Attestation:

I/We hereby verify that the foregoing information and details are true and correct. I/We understand that in accordance with my/our terms of employment and associated agreement (s), the intellectual property rights to this invention belong to AIET Moodbidri.

Full name of the first inventor	
Signature	
Date	

Full name of the second inventor	
Signature	
Date	

Full name of the third inventor	
Signature	
Date	

Full name of HOD	
Signature	
Date	

Full name of Research Dean	
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Signature	
Date	

Remarks by the Dean (Research): Provide views on the invention (if possible)

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Remarks by the

Principal: Provide views on the invention (if possible)

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