

# **The IPR Policy**

## **Intellectual Property Rights of Jagan Nath University**

### **PREAMBLE**

The Jagan Nath University, (JNU) Jaipur has been established in the year 2008, by an Act (Act No. 19 of 2008) of the Rajasthan State Legislature and it is approved by UGC Act 1956 under section 2(f). This University has been accredited by National Assessment and Accreditation Council (NAAC) with 'B' Grade. JNU is the dream endeavour of Jagan Nath Gupta Memorial Education Society running educational institutions in Delhi, UP, Haryana and Rajasthan. The University is located in Jaipur, the largest city of the Indian state of Rajasthan in Northern India. It has grown into a multi-disciplinary University as one of the premier centre for advanced study and research in the region. Our mission is to prepare a class of proficient scholars and professionals with ingrained human values and commitment to expand the frontiers of knowledge for the advancement of society. To be globally acknowledged as a distinguished centre of academic excellence is our vision.

Intellectual property plays an important role in providing a competitive edge to an organization. The intangible assets of an organization - such as inventions, brands, designs and other creative and innovative products - are, today, often more valuable than its physical assets. In JNU, faculty members, research scholars and the students are engaged in research and development work of considerable importance. Such works may lead to evolution of intellectual property know-how, copyrights, designs, instruments, devices, processes, specimen, software and other inventions having potential for commercialization with or without the registration under different Acts enacted by the Government for protection of intellectual properties. The creation of intellectual property

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\*Approved by AC & BOM vide resolution no. 35.24 dated **October 06, 2018**.

not only contributes to the professional development of the individuals involved, but also enhances the reputation of the JNU, provides educational opportunities for students and promotes public welfare. Particularly, a commercial exploitation of the intellectual property can be of considerable socio-economic benefit to the country. Keeping this in mind, this Intellectual Property Rights Policy Document (hereinafter referred to as the Policy) of JNU seeks to provide guidance to academic and non-academic staff, students, scholars, on the practices and the rules of the University regarding intellectual property rights (IPR) and obligations which include the nature of intellectual property (IP), its ownership, exploitation, technology transfer and confidentiality requirements. The University, therefore, supports and encourages the efforts directed towards bringing the fruits of University research in diverse fields of knowledge to public use and benefit while protecting the interests of the scholars.

To meet the goals envisaged in the preamble of the policy, the University is committed to provide an environment where scholarship and innovation can flourish and those participating in these endeavours can be suitably rewarded for their efforts. At the same time, the JNU also recognizes that certain intellectual properties can be developed as a result of the environment and the facilities provided by the University will create a special relationship between the University and its staff and scholars. As such also the University wishes, where appropriate, to gain benefit from intellectual property so created by the faculty and students. Such benefits may not only be monetary, but also in the form of the transmission of such knowledge to the future generations of students, scholars and faculty.

The policy laid down in this document is expected to fulfill the commitment of the University to promote academic freedom and provide a conducive environment for research and development. The policy shall govern the intellectual property rights of the JNU, faculty members, research scholars, students and other connected with the work, product, ideas and inventions created in connection with the activities of the University.

# 1. OBJECTIVES

The University has formulated this intellectual property policy for the management of intellectual property rights to:

- (a) provide a conducive environment leading to development of intellectual property;
- (b) Facilitate, encourage, promote and safeguard scientific investigation and research and the freedom of the scholars involved in R&D;
- (c) Establish an IPR management policy and procedural guidelines for making available to the public the inventions and discoveries made in the course of research carried out in the institute;
- (d) Establish standards for determining the rights and obligations of the University, creator of intellectual property (for example inventions, developers, authors) and their sponsors with respect to inventions, discoveries and works created at the University;
- (e) Frame standards for do's and don'ts for the Institute, creators of intellectual property and their sponsors relating to inventions, discoveries and original works originating from the Institute;
- (f) Enhance the reputation of the University as an academic research institution and a member of society by pursuing the highest ideals of scholarship and teaching and by conferring the benefits of that scholarship and teaching on the University community and society;
- (g) Enable the Institute to secure sponsored research funding at all levels of research;

- (h) Make the Institute a prime academic research institution pursuing the highest ideals of scholarship and teaching by dissemination of the benefits of Intellectual Property originated from the Institute to the community and society;
- (i) Make the creator of IPR aware of the applicable laws and rules for ensuring their compliance;
- (j) The IPR policy provides the mechanism for preservation and use of intellectual property and procedures through which invention and discoveries made in the course of University research are disseminated to the public through the transfer of technology. As the scope of intellectual property and the mechanism for the transfer of technology are vast, it is not possible to address all the possibilities in this policy. However, the University aims to generate intellectual property for society use and benefit while raising income to support research and education.

## **2. COMMENCEMENT**

The ordinance governing the intellectual property policy come into effect from 06<sup>th</sup> October, 2018. Approved by AC & BOM of the University vide resolution no. 35.24.

## **3. THE TERMS DEFINED**

- (a) Assignment is the transfer of rights or title in the intellectual property in writing.
- (b) Patent- is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem.

- (c) Trade/Service mark- means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colors.
- (d) Industrial Design- means only the features of shape, configuration, pattern, ornament or composition of lines or colors applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device.
- (e) Traditional Knowledge- The knowledge developed by the indigenous or local communities for the use of a natural resource with respect to agriculture, food, medicine etc. over a period of time and has been passed from one generation to another traditionally.
- (f) Geographical Indications- means an indication which identify such goods as agricultural goods, natural goods as originating or manufactured in the territory of a country or a region or locality in that territory where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured, one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, regions or locality as the case may be.
- (g) Copy-right is the exclusive right granted by law for a certain period of time to an author to reproduce, print, publish and sell copies of his/her creative work.
- (h) Copyrightable material: includes

- (a) books, journals, articles, texts, glossaries, laboratory, manuals, syllabi, tests and proposals, study guides, bibliographies;
- (b) lectures, musical or dramatic compositions, unpublished scripts;
- (c) films, filmstrips, charts, transparencies, and other visual aids, Vide-audio tapes and cassettes;
- (d) live video and audio broad-casts;
- (e) programmed instructional materials;
- (f) research notes, research data reports and research note books; other materials or works other than software which qualify for protection under the Indian Copy-right Act.

(i) Creator(s) include any employee of the University whether employed full time or part time or on probation or temporary basis either in the University and/or in projects and those who are research workers, research scholars or students or project fellows who are responsible for the creation of an intellectual property using the facilities of the University.

(j) Confidential disclosure means an agreement between disclosing and recipient parties or a term in a research contract or license agreement.

(k) Direct Expenses include the costs associated with the development, protection, maintaining and licensing of intellectual property, including the regular payment of salaries or other overhead costs of the University.

(l) Educational material comprise the content and associated tools and technologies for delivery of content, including material developed for traditional face to face class room courses as well as other delivery methods such as through internet or other distance learning media. For the purpose of this policy, educational material do not normally include works such as text books,

articles, papers, scholarly monographs or artistic works produced in the normal course of academic scholarship.

(m) Invention disclosure means a written description of an invention that is confidentially made by the inventor to the university.

(n) Intellectual Property shall include any property generated out of intellectual effort of the creator (s).

It includes but not limited to:-

( i) New and useful scientific and technical advancement in the form of innovations, inventions, products and processes, computer hardware and software, materials, biological varieties which are patentable.

(ii) Industrial and architectural designs, models, drawings software, creative, artistic and literary works, teaching resource materials generated, records of research etc, which are copyrightable.

(iii) trademarks, service marks, logos etc.

(o) IPR & TCC and IPR-Advisory Committee: The IPR & TCC shall be headed by a teacher appointed by the President and IPR-Advisory Committee shall comprise of 5 teachers with one as its Chairman and four other as its members. The committee as constituted by the President or from time to time, will be incumbent to evaluate and make recommendations regarding IPR related issues

(p) Know-how refers to the knowledge, innovations, practices, expertise, processes or procedures, and secrets of individuals regarding the use of material, product or resource, or the practice of a method for a particular purpose.

(q) Patent and patentable materials are as defined in Indian Patent Act 1970 and further amended from time to time. The patentable

material includes discoveries and inventions of new products and processes.

(r) Patentee means the person for the time being entered on the register of patents kept under the Indian Patent Act as the generator or proprietor of the patent.

(s) Publication means a public enabling disclosure of an invention and may be verbal or printed. Printed publication includes abstracts, student thesis and in certain instances, grants and proposals.

(t) Revenue means any payment received as per an agreement by the JNU, usually for the use of an intellectual property of the University through a license.

## **4. OWNERSHIP**

### **(a) In-house Research**

All rights in respect of investigations and research carried out at the Jagan Nath University shall vest in and be the absolute property of the University except in respect of the activities carried out jointly with other institutions or agencies or under a sponsorship by an agency, in which case the ownership will be decided and agreed upon mutually.

### **(b) Sponsored Research**

Intellectual Property Rights (IPR) of inventions arising out of research projects undertaken on behalf of the sponsoring agencies shall be taken jointly in the name of the University and sponsoring agencies; when the sponsoring agencies bear the cost of filing and maintaining of the IPR equally. If the sponsoring agencies are not forthcoming, the University at its discretion may file the application with absolute ownership and University will meet the fifty percent cost of filing and protection of IPR.

### **(c) Collaborative Research**

All intellectual property jointly created, authored, discovered, invented, conceived or reduced to practice during the course of collaborative research undertaken jointly by University with Collaborating Institutions, shall be jointly owned; and the Collaborating Institutions will be requested to bear the cost of filing and maintenance of the IPR. In case the Collaborating Institutions are not forthcoming to bear fully the cost of filing and maintenance, if considered expedient by the University, the University will share the cost equitably with the Collaborating Institutions. Where the Collaborating Institutions are not forthcoming for filing joint IPR application, the University at its discretion may file the application with absolute ownership and University will meet the entire cost of filing and protection of Intellectual Property Rights.

## **5. TECHNOLOGY TRANSFER**

(a)The Intellectual Property of the Jagan Nath University held either in the name of Jagan Nath or jointly with other Institutions/Industry will be marketed for commercial exploitation under agreements involving technology transfer, licensing and revenue sharing models.

(b)The IPR Cell of Jagan Nath University shall identify potential licensee(s) for the IP to which Jagan Nath University has ownership. In case of joint ownership, the Organization/Industry which has sponsored the activity, will have the first right to commercially utilize and exploit Intellectual Products emanating from the collaboration activity, whether or not the same have been formally protected by patent(s). The licensing to commercially exploit would involve technology transfer fee and also royalty payment from the first date of such commercial exploitation for a period that will be as mutually agreed upon.

(c)In the event of the other collaborating organization/industry not undertaking the commercial exploitation within a reasonable period of two years from the first date of development of the technology,

JNU reserves the right to transfer the said know-how to a Third Party for its commercial exploitation and use. In such instance, however, University shall share the net proceeds from such commercial assignments, in equal measure with the collaborating organization/industry in the ratio 1:1.

(d)The University would endeavour to exploit the IP by commissioning a Technology Management Agency and thereby bring to a favorable light the IP produced by its Inventor(s). The Inventor(s) may seek JNU to assign the rights to them after a certain holding period.

## **6. REVENUE SHARING**

The revenue arising out of licensing of IP and royalty would be shared in the appropriate ratio (currently, this ratio is 60:40) or as per the terms agreed between the university and the inventor(s). Where JNU reassigns the right of the IP to its inventor(s), the inventor(s) shall reimburse all the costs incurred by University, which include protection, maintenance, marketing and other associated costs.

## **7. JURISDICTION**

As a policy, all agreements to be signed by Jagan Nath University will have the jurisdiction of the courts in Jaipur and shall be governed by appropriate laws in India.

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