

SWAMI VIVEKANAND
SUBHARTI
UNIVERSITY
UGC Approved Meerut



Intellectual Property Right Policy

Intellectual Property Right Policy

Sl. No.	Particulars	Description
1	Policy Number	U-752/SVSU/2016/823
2	Policy Structure	The policy describes the rights of the University and the owner of the Intellectual Property.
3	Scope of the Policy	The Cell shall help and guide the University members including Faculty, Students and researchers in getting their work registered and recognized under their names to protect their Intellectual property rights.
4	Policy Status	Original
5	Originated By	Vice Chancellor's Office
6	Reviewed By	Director, Internal Quality Assurance Cell (IQAC), Swami Vivekanand Subharti University, Meerut
7	Effective Date of Policy	20/09/2016
8	Approving Authority	The Academic and Executive Council, Swami Vivekanand Subharti University, Meerut
9	Amendment Number	U-208/SVSU/2019/992
		QC/SVSU/2020/24
10	Effective Date of Amended Policy	15/07/2019
		31/12/2020

Intellectual Property Right Cell was constituted vide U-752/SVSU/2016/823 dated 20/09/2016 with an objective to organize "Faculty Development Program" on IPR time to time to educate University Staff.

After receiving very good response, it was felt University should also take an undertaking before filing various innovations/work and copyrights for patents. Accordingly, vide Office order No. U-208/SVSU/2019/992 dated 15/07/2019, an annexure was added in the form of Declaration and later an elaborative IPR Policy was circulated vide Office of the Chairman-QC vide QC/SVSU/2020/24 dated 31/12/2020.

INTELLECTUAL PROPERTY RIGHTS POLICY

A Cell named as "the University Patent Cell" was established in the University to help and guide the University members including Faculty, Students and Researchers in getting their work registered and recognized under their names to protect their Intellectual property rights. The same policy is being re-notified with some minor amendments.

1 Name of the Cell will be INTELLECTUAL PROPERTY CELL

2. Structure:

There will be an Executive committee (EC) of the UPOC as per follows:

- (i) Chairperson – Chairman QC
- (ii) Vice Chairperson
- (iii) Secretary – From Non-Medical Group – To be nominated by the VC,
- (iv) Additional Secretary - From Medical Group – To be nominated by the VC,
- (v) Advisor/Consultant - Consultant appointed by the University,

3. Key Definitions

- i. **Copyright** is an exclusive right given to the creator to reproduce the work, prepare derivative works, distribute by sale or otherwise, and display or perform the work publicly.
- ii. **Faculty** shall mean the faculty at Swami Vivekanand Subharti University whether full time or contractual or visiting.
- iii. **Industrial design** registration provides protection for the aesthetic look of would be done at the stage when the product is in final shape.
- iv. **Intellectual Property (IP)** is an intangible knowledge product that results from the intellectual pursuits or exercise of the mind by the inventor/creator.
- v. **Patent** is a right conferred by Government of a Country for an invention to an inventor to exclude all others from making, using, or selling the invention within the territories of the Country, for a period of 20 years from the date of filing patent application.
- vi. **Person** means and includes a legal or natural person or a partnership firm, trust, government or local authority and shall also include the legal representative or successor in interest of such person.
- vii. **Trademark** is a word, name, symbol or device or any combination used by an organization or person to identify and distinguish its products from products of others. A trademark has a term of 10 years which is renewable.

4 Methodology

- i. The proposal shall be submitted to the consultant, if the applicant/joint applicant is University. The consultant will refer the proposal to the Secretary/Additional Secretary (Subject wise) as the case may be, with appropriate comments for scrutiny.
- ii. In case the applicant wants to submit a proposal in which he has not incorporated the name of the University the proposal will be submitted in the office of the QC after deposition of the requisite fee. The OS of QC Office after making proper entries in record, will send the proposal to consultant, who will refer that to the Secretary/Additional Secretary (Subject wise) as the case may be, with appropriate comments for scrutiny.
- iii. After the scrutiny, if the proposal is satisfactory, the Secretary/Additional Secretary will refer the proposal to the Chairperson of the Committee through the Vice-Chair person. The Chairperson can directly send the proposal to the advisor after approving or can call a meeting of the Executive Committee to take decision regarding the proposal.
- iv. After approval, the proposal will be sent back through proper channel, to the Advisor for further action.
- v. Application fee shall be borne by the University/Applicant as per the policy notified by the University from time to time.
- vi. In cases where the finances of the University are involved (other than the application fee), the proposal after being approved by the chairperson/Executive Committee will be sent to the empowered committee under the chairpersonship of the Vice Chancellor and having the CEO and the FO as its members. The Empowered Committee can pass the proposal or can send back to the Chairperson/EC of the Intellectual Property Cell as the case may be, to review the proposal.
- vii. In case an outsider/ individual staff / faculty / student wants to get the patent individually without making the University as a co-applicant, the permission can be granted by the Vice Chairperson. However, in such cases all the expense, whatsoever, will be borne by the candidate.
- viii. The Vice Chancellor and the CEO of the University will have the right to direct the Consultant for the needful bypassing the whole procedure regarding applying for patent of any proposal,
Provided that (i) The said proposal was not submitted to the Patent Cell prior to that. (ii) Information of the step taken by the VC/CEO shall be communicated to the Chairperson QC at the earliest possible.
- ix. Patent Examination will only be done in cases where the Patent is to be used commercially. The application fee of Patent Examination shall be borne by the applicants equally.

5. Ownership of Intellectual Property

- i. All work done using the financials, consumables and non-financial resources of the University will have a joint IPR of the researcher and the University.
- ii. Thesis/Dissertation/PG Research report/All thesis work done in the Swami Vivekanand Subharti University will be registered/published under the joint copyright of the Student/researcher/fellow, guide, CO-Guide and the University.

6. Confidentiality

In order to safeguard the confidential information, the faculty, staff, students shall execute a Confidentiality Disclosure Agreement before proceeding with third party interactions.

7. Execution of Agreements

The faculty or employees or students of Swami Vivekanand Subharti University shall not execute any agreements with third party in relation to the Intellectual Property, including, but not limited to, confidentiality agreements, license agreements, Intellectual Property assignments, and research and joint venture agreements. All agreements in relation to the Intellectual Property shall either be signed by its designated/authorized Person or the registrar on behalf of Swami Vivekanand Subharti University.

8. Commercialization

The following two options of commercialization would be followed:

(A) Licensing of IP:- The Researchers or the Patent holders will have right to get their products/Researches licensed however;

- (a) In case of Individual IP the researcher may apply for Licensing after getting NOC from the UPC through the Secretary/Additional Secretary as the case may be
- (b) In case of joint IP the Researcher and the University will apply for joint licensing in which the Registrar of the University will act as a party to the application on behalf of the University.

(B) All the terms and conditions of licensing shall be decided as per the Start-Up policy.

9. Revenue sharing

(i). In order to provide incentives for promoting innovation and creativity, the commercialization proceeds from Swami Vivekanand Subharti University owned IP would be shared among the inventors and in the following manner

- (a) If the financials have been spent by the University, the ratio of sharing will be 70:30.
- (b) The financial expenditure has been shared by the University and the researcher, then the ratio will be in accordance with the percentage of the expenses shared.
- (c) The expenditure has been done by the researcher but the non-financial expenses (facilities laboratories, equipment and time) have been used of the University If the ratio of 40:60.
- (d) In case a startup is started on the patent products and the commercial production is started then the sharing will be of the profit earned, i.e. the expenditure on the raw material, man power, consumables and other financials involved will be deducted from the amount earned and then the profit will be calculated.

(ii). If the inventors are more than one then the inventers shall decide the share amongst themselves. However, in case of any dispute, the matter shall be referred to the Vice Chancellor SVSU, whose decision will be final.

10. Amendments to the IP policy and guidelines

The amendments to the IP policy may be carried out from time to time. All or any amendments would be approved in writing. All the versions of the IP policy including its amendment would be made available to all the stakeholders.

Let's Understand:

Industrial design

All available products are a result of design process.

Industrial design is a process of design applied to products for manufacturing through techniques.

Industrial Design as an applied art, most often focuses on a combination of aesthetics and user-focused consideration but generally provides solution to problems of form and function, brand development, sustainability and sales.

For example, all motorized were a result of innovation but automobile manufacturers keep changing the designs for purpose of aesthetics and function. Hence, *Industrial Design* precedes manufacturing as mass production.

Any product, similarly, can be modified in design by anyone and registered as *Industrial Design*.

Trademark

A Trademark is a word, group of words, symbol or combination of these that distinguishes the products of one competitor from the products of other competitors in the marketplace. It has to be unique, distinct, and capable of being represented graphically.

The owner of a registered trademark is granted the exclusive right to prevent all third parties from using the owner's trademark without his/her permission. This holds true when both are dealing with the similar or identical goods or services and there is a possibility that such use would result in a likelihood of confusion.

Patents

A Patent is a statutory right for an invention granted for a limited period of time to the patentee by the Government, in exchange of full disclosure of his invention for excluding others, from making, using, selling, importing the patented product or process for producing that product for those purposes without his consent.

The term of every patent granted is 20 years from the date of filing of application.

Patent protection is a territorial right and therefore it is effective only within the territory of India. There is no concept of global patent, but filing an application in India enables the applicant to file a corresponding application for same invention



in convention countries or under PCT (Patent Cooperation Treaty). Patents should be obtained in each country where the applicant requires protection of his invention.

An invention relating either to a product or process that is new, involving inventive step and capable of industrial application can be patented and is subject to the following criteria –

1. It should be novel.
2. It should have inventive step or it must be non-obvious
3. It should be capable of Industrial application.

Patents cannot be granted in India for :

1. the mere arrangement or re-arrangement or duplication of known devices each functioning independently of one another in a known way;
2. a method of agriculture or horticulture;
3. any process for medicinal, surgical, curative, prophylactic (diagnostic, therapeutic) or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products;
4. a mathematical or business method or a computer program per se or algorithms;
5. a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions.

(However, IP may be applicable in the form of Copyright or Industrial Design)

Only items which are saleable, applicable for industrial use or can go for Startups should be encouraged to be patented as the Patent process is a long time process with high costs. Applications are subject to an examination followed by Publication before granting of Patent.



Annexure-1

DECLARATION BY THE INVENTOR FOR ORIGINAL IPR WORK

I, <Name of the inventor> S or D/o <Father's Name> R/o <Address of the inventor> currently employee of "Swami Vivekanand Subharti University, Meerut" in <Name of the Department with constituent College> hereby declare that the work entitled <Title of the Work> proposed by me, for IPR protection to the University Patent Cell of the University, is an original work. I am true and first inventor of the said work.

I further declare that, in case of above said work is found to be Duplicate/ copied/ stolen from somewhere else, I shall be responsible for the consequences. I further authorize the University for taking any legal action for the same.

(Signature)

Name : _____

Designation : _____

College : _____

Date : _____