

# **SRI SIDDHARTHA ACADEMY OF HIGHER EDUCATION**

*("Deemed to be University u/s 3 of the UGC Act, 1956")*

**Accredited 'A' Grade by NAAC**



**Agalakote, B.H.Road, Tumkur – 572 107.KARNATAKA, INDIA.**

No.SSAHE/ACA/33/2020

Date: 08/01/2020

## **NOTIFICATION**

### **Policy on Innovation and Intellectual Property Rights**

Preamble : Sri Siddhartha Academy of Higher Education (Deemed to be University u/s 3 of the UGC Act, 1956) managed by Sri Siddhartha Educational Society (R), strongly believes in the value of Challenge to do more and strive for excellence. Accordingly, from the past few years, Sri Siddhartha Academy of Higher Education has continually endeavored to achieve academic excellence in teaching and research with a creative approach and a strong commitment to serve the society through focused socially oriented outreach programmes. In tune with the vision and mission of SSAHE and the initiative of innovation of MHRD through MHRD. The University established the Innovation and Intellectual Property (I&IP) Cell to foster innovation and protect Intellectual Property Rights (IPR) of staff and students. The primary mandate of the Innovation and IPR policy is to motivate inspire and enthuse the spirit of creativity and Innovation among the staff and students by supporting and incentivizing new ideas and liaisioning their transformation into product, process or services which enhance quality of life and positively impact society and to protect the intellectual property generated.

#### **Objective**

1. To encourage creativity and innovation among staff and students, compatible with the educational mission of the SSAHE
2. To facilitate generation of resources from governmental and non-governmental organizations towards innovation and entrepreneurship development.
3. To organize talks, motivational programs, workshops conferences and exhibitions to create awareness and promote entrepreneurship.
4. To help in introducing prudent intellectual property management and protection practices within the constituent colleges of SSAHE to promote the culture of innovation and intellectual property and provide legal assistance in matters relating to research and innovation.
5. To foster the creation and development of copyright, patent with the support of the constituent colleges and provide equitable sharing of revenue arising from copyright/patent between authors and Institute.

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6. To establish procedural guidelines to facilitate smooth transfer of inventions and discoveries to public and ensure that economic benefits arising are equitably distributed among institute/college, inventor's and other stakeholders.

### 1. IPR Policy-Applicability

This policy is applicable to the following individuals

- a) All individuals employed by or paid by or under contract with the institute which includes full and part time staff and faculty researchers, students and consultants.
- b) Anyone using the resources and facilities of the institute/college or facility of the affiliated entities of the institute/college

### 2. IPR Policy Committee members

The organizational structure of the innovation cell is as follows

1	Principal/s of the Constituent Colleges	Chairman
2	Registrar, SSAHE	Member
3	Chief Innovation Officer, SSAHE	Member
4	Director, R&D	Member
5	Patent / IPR Legal Advisor	Member
6	Head of the concerned department and Finance officer shall be consulted on case to case basis	

The IPR Committee members are expected to analyze the proposals submitted and identify new ideas and IP Generated. The Authorities of the University reserves the right to constitute the IPR Committee. The IPR committee member's admission, tenure removal shall be taken up by the University.

**3. Invention:** An invention can be defined as the development of a product or process which is novel solves a significant problem, and has commercial application and commercial value.

- i) When staff or student makes an invention or develops a process and product transferable to the Industry /Medical / Dental Laborites during research at constituent colleges of SSAHE, he/she should make full disclosure of the invention to the institute

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ii) All the rights of the invention/ownership will be remain with the University

iii) In case the work is carried out in collaboration with other agencies/institutions the ownership will be decided based on the prior written agreement between the parties involved.

**4. Patent:** The policy related to patent refers to intellectual property that is patent-able. An invention will be first formally evaluated by the innovation and IP committee to access whether the invention is patentable and whether IP protection is likely to promote technology transfer. If the invention is patentable them

- i) The University shall have joint ownership of IP with the creator, provided the IP was created using institute/college resources/funds. The funds for the application and maintenance of the patent will be provided by the Authorities. The inventors shall maintain all relevant details of the IP confidential throughout the patent application process.
- ii) All the applications for filling patents shall be submitted through the I & IP cell

**5. Confidentiality:** A confidentiality agreement is a contract between two or more parties/participants where the subject of the agreement is a promise is a promise that information conveyed will be maintained in confidence/secretary.

- i) The staff and students shall treat all IP related information whose rights have been assigned to the institute or jointly to the institute and inventor as confidential. The clause of confidentiality shall be maintained till the date dictated by the relevant contract.
- ii) When a third party is interested in commercialization of the protected IP, they may approach the I & IP cell and apply, with the deposition of the mandatory fee. The third party will also be required to sign a confidentiality agreement and display their capacity to commercialize the IP
- iii) Staff and students shall not any point disclose the confidential details of the institute owned-IP in their speech's publications and communications

**6. Copyright.** The copyright policy is aimed at fostering development of copyrightable work and to determine ownership of such work. Copyright policy includes literary and artistic works including publications (books/journals), poetry, songs, and music and computer software.

Ownership of copyright of all copyrightable work shall rest with the author(s) with the following exceptions:

- 1) If the work is developed by using University resources or was completely funded by the University. In such cases, the University mandate assignment of the copyright in whole or in part depending on the extent of resources/ funds provided by the University producing the copyrightable work.
- 2) If the work is developed during the courses of sponsored and / or collaborative activity with other institutes /Laboratories / Hospital / Industry or other agencies. In such cases copyright ownership will be according to the written agreement between the parties involved.
- 3) The University shall be the owner of the copyright on all academic materials developed by the staff as a part of any of the academic programs at the University. However, the authors shall have the right to use the material in his/her professional capacity.
- 4) Computer software that is not instructional software shall be deemed to be an invention and can be copyrighted.
- 5) The student (research scholar, under and post graduate) and his/her supervisor(s) and the University will jointly have the ownership of copyright in the dissertation / project report / thesis written by the student.

**7. Commercialization of University owned IP:** All the expenses towards obtaining and maintaining the associated statutory rights will be borne by the University. In case of commercialization through licensing of rights by the University, the following stages shall be followed.

Stage – 1: The first step involves disclosure as mentioned in section 2 (i). Following disclosure one of the two approaches can be employed a) filling the patent or b) direct commercialization through confidentiality agreement.

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Stage-2: After 5 years of initialization of commercialization the University shall review the situation of commercialization and the expenses towards maintenance of protection. If the IP is not commercialized the University reserves the right to either revert it or pay fee for protection for additional one year.

Stage- 3: At the end of the six years if the IP is not commercialized then the right of the IP shall revert back to the creator / inventor and the University shall not be liable to pay any fee for statutory protection of the IP.

#### **8. Division of Royalties:**

- i) Royalties shall be used first to offset the expenses incurred by the University in applying for obtaining and defending a patent. The net revenue shall be divided between the inventor(s) and the University as follows: Inventor(s)-60% and Institute/College – 40%. In the event when more than one inventor contributes for the generation of intellectual property, then the percentage of loyalty shall be equally shared among the inventors.
- ii) The creator(s)/Inventor(s) share shall be declared annually and disbursement shall be made to the creator(s)/ Inventor(s). Whether or not the creator(s) / Inventor(s), are associated with the University at the time of disbursement of the share.

**9. Infringement:** Breach of provisions of this policy shall be primarily dealt by IPR committee member. The University has the right to engage and abstain from a law-suit concerning license and patent infringements.

**10. Dispute resolution:** In case of any disputes between the University and the inventors regarding the implementation of the I&IPR policy, the aggrieved party may appeal to the committee mutually agreed upon by both parties. Definitive efforts shall be made to address the concerns. The committee's decision in this regard would be final and binding.

#### **11. Protocol:**

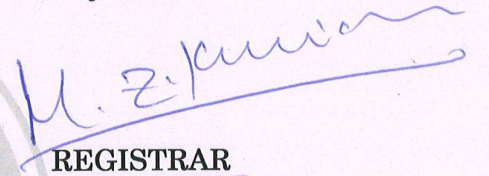
- i) All applications for patents should be addressed to the Head of the Institution, irrespective of whether the inventions have resulted from the intramural projects, or sponsored projects. The Head of the Institute should ensure maintenance of confidentiality regarding the IP.

- ii) The application for patent or any other form of IP shall be examined by IPR committee after a brief presentation by the Inventor(s). Based on discussions between the committee member and the applicants, further processing of the application shall commence through approval legal advisors.
- iii) The Inventor(s) should take prior approval from the IPR committee if they wish to withdraw the application.

**12. Term of Office:** The term of office of the nominated members of the IPR Committee shall be three years and they are eligible for re-nomination for one more term after the expiry of their current term.

This notification shall come into force with immediate effect.

By Order



**REGISTRAR**  
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