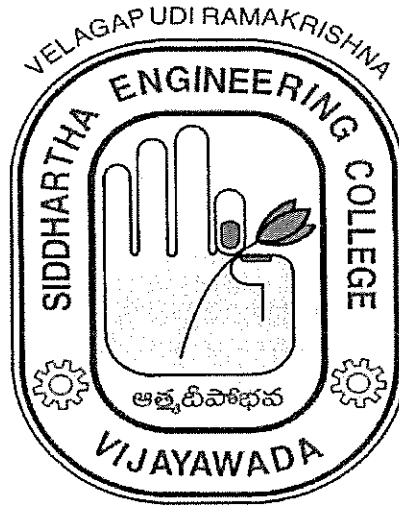


INTELLECTUAL PROPERTY POLICY



VELAGAPUDI RAMAKRISHNA SIDDHARTHA ENGINEERING COLLEGE

(Autonomous)

Affiliated to Jawaharlal Nehru Technological University Kakinada

Approved by AICTE & ISO 9001: 2015 Certified

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1 INTRODUCTION

This Intellectual Property Policy Document is meant to provide guidance for academic and nonacademic staff, students and outside parties on the practices and rules of the Velagapudi Ramakrishna Siddhartha Engineering College, Vijayawada 520 007, AP India regarding Intellectual Property Rights and obligations which include the nature of Intellectual Property, it's ownership, exploitation, technology transfer and confidentiality requirements.

This Policy document contains intellectual property issues in order to safeguard the principles of academic freedom, allocate a fair share of the benefits to all those involved in the creation of intellectual property and encourage the research culture, technology development and result in material benefits through the generation of intellectual property.

2 OBJECTIVES

Intellectual Property Policy of the V.R. Siddhartha Engineering College (VRSEC) aims to facilitate the protection of intellectual property generated during the scientific pursuit in the college and offer scope for knowledge generation, wealth creation and contribute towards betterment of human life in our society. VRSEC encourages all faculty, staff and students to document their IP, so that they can be protected and applied to benefit the country, the college and the inventors concerned. VRSEC is keen to facilitate faculties and staff in the generation, protection and transaction of Intellectual Property which offer potential and scope for shared benefits to both college and inventors. Through this policy, a system will be in place to bring order into the process of knowledge generation and its commercial application.

3 POLICY COVERAGE

The policy covers all faculty members, students and also persons engaged in sponsored schemes and projects, from AICTE,DST, CSIR,TIFAC etc., and other governing bodies/ Govt /private sector companies and any other initiatives of the college as well as visiting scientists/professors/ personnel who participate in the research work being carried at the college.

4 CONTENTS OF INTELLECTUAL PROPERTY

- 4.1 Intellectual Property (IP) is an intangible knowledge product resulting from the intellectual output of the inventors, namely faculty, staff and students of the college. IP thus, is an outcome of the in-house or sponsored research, industrial consulting or other forms of collaborative R & D.
- 4.2 Any product of the human intellect which is unique, novel, innovative and industrially applicable which qualifies for protection under the relevant acts of the Government governing patent, copy right etc., and developed at the VRSEC belongs to the college. IP can be of the following forms: know-how, and other proprietary concepts, solutions, processes, including an invention, scientific or technological development, and computer software, genetically engineered microorganisms and business models and other forms as the need arises.
- 4.3 The above forms of IP can be protected, under domestic and international patent office, if protection of IP is seen necessary both by the Inventor and the college. It can then be protected within the country or abroad. The office of the Intellectual Property Cell (I P Cell) of VRSEC deals with all activities relating to Intellectual Property of the college.
- 4.4 The product of the intellect can have potential for faculty entrepreneurship. Such activities will ensure that the intangible IP reaches a tangible form that can be marketed. When this is the case, the Guidelines for Faculty Entrepreneurship shall be followed.

5 OWNERSHIP

5.1 IN-HOUSE RESEARCH

All rights in respect of investigations carried out at the VRSEC shall vest in and be the absolute property of the college 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.

5.2 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 VRSEC and sponsoring agencies; when the sponsoring agencies bear the cost of filing and maintaining of the IPR equally. Where the sponsoring agencies are not forthcoming for filing joint IPR application, the college at its discretion may file the application with the absolute ownership and meet the entire cost of filing and protection of IPR.

5.3 COLLABORATIVE RESEARCH

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

5.4 COPYRIGHT

- 5.4.1 VRSEC shall be the owner of work, including software creations by the VRSEC personnel with significant use of VRSEC resources.
- 5.4.2 If the college foresees a gainful return from copyrights, it may initiate steps to file and protect such copyrights and share the financial benefits with the inventor on terms and conditions of the college.
- 5.4.3 VRSEC shall be the owner of copyright on all teaching material developed by VRSEC personnel as part of any of the academic programs at VRSEC. The authors shall have the right to use the non-funded technical material in his/her professional capacity. If the technical material is prepared by the author on behalf of a funding agency, then the copyright will be equally shared between the college and the funding agency. As a traditional exception, VRSEC shall not claim ownership of copyright on books and publications authored by faculty members.

- 5.4.4 Any IP generated when an Inventor from the college works in a university or company abroad/in India on EOL/Sabbatical leave/earned leave, will be jointly owned by VRSEC and the University/Company

6 TECHNOLOGY TRANSFER

- 6.1 The Intellectual Property of the Institute either held in the name of VRSEC or jointly with other Institutions/Industry will be marketed for commercial exploitation under agreements involving technology transfer, licensing and revenue sharing models.
- 6.2 The IP Cell shall identify potential licensee(s) for the IP to which VRSEC has ownership. In case of joint ownership, the college 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.
- 6.3 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, VRSEC reserves the right to transfer the said know-how to a Third Party for its commercial exploitation and use.
- 6.4 VRSEC would endeavor 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 VRSEC to assign the rights to them after a certain holding period.

7 REVENUE SHARING

- 7.1 The revenue arising out of licensing of IP and royalty would be shared in the appropriate ratio of 50:50 between the inventor(s) and the college. Where VRSEC reassigns the right of the IP to its inventor(s), the inventor(s) shall reimburse all the costs incurred by VRSEC, which include protection, maintenance, marketing and other associated costs.

8 INFRINGEMENTS, DAMAGES, LIABILITY AND INDEMNITY

- 8.1 As a matter of policy, VRSEC shall, in any contract between the licensee and VRSEC, seek indemnity from any legal proceedings including this, but not limited to manufacturing defects, production problems, design guarantee, up gradation and debugging obligation.
- 8.2 VRSEC shall also ensure that VRSEC personnel have an indemnity clause built into the agreements with licensee(s) while transferring technology or copyrighted material to licensees
- 8.3 VRSEC shall retain the right to engage in or desist from or not in any litigation concerning patent and license infringements.

9 CONFLICT OF INTEREST

- 9.1 The inventor(s) are required to disclose any conflict of interest or potential conflict of interest.
- 9.2 If the inventor(s) and/or their immediate family have a stake in a licensee-company, then they are required to disclose the stake they and /or their immediate family have in the company, and license or an assignment of rights for a patent to the licensee- company in such circumstances, shall be subject to the approval of the IP Management Committee.

10 DISPUTE RESOLUTION

- 10.1 In case of any disputes between VRSEC and the Inventor(s) regarding the implementation of the IP policy, the inventor(s) may appeal to the Principal of VRSEC. Efforts shall be made to address the concerns of the inventor(s) by developing and instituting an arbitration mechanism and arrangement. The Principal's decision in this regard would be final and binding on both college and inventor.

11 JURISDICTION

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

12 OPERATING GUIDELINES FOR I P POLICY OF VRSEC

- 1 Velagapudi Ramakrishna Siddhartha Engineering College (VRSEC) is a premier institution devoted for Undergraduate/postgraduate education in engineering and advanced research in all branches of

science, engineering and Management. The fundamental focus of research at VRSEC is creating an environment of open dissemination of research results and free exchange of information amongst academicians and scholars. It is necessary therefore, to have in place, systems and mechanisms to structure the process of generating and developing applied knowledge and link their commercial exploitation under the provisions of IPR regimes at national and international level.

- 2 The Intellectual Property could be protected in the form of : patent, industrial design, trademark, copyright, confidential information, technical know-how, mask works, process, plans, specifications, guidelines, graphics, training materials, software programs, records, drawings, instruction guides, student materials, new techniques, algorithms, concepts etc. The intangible product of the intellect must have potential for industrial application or potential for augmenting the S&T knowledge base if it must be protected by the college.
 - 2.1 A patent is granted for an invention capable of commercial application. For it to meet the requirements of patentability there has to be Novelty, Utility and Non-obviousness. There must be an inventive step, which under law, is one, which is not obvious to the person skilled in the art. The invention may relate to a new product or an improvement of an existing product or a new process of manufacturing an existing or a new product.
 - 2.2 Design protection is available for any prototype, which influences consumer's choice by appealing to the aesthetic sense of the consumer. In other words, design protection is available for "the look of the article", appearance and other visual features. There is no design protection for functional features.
 - 2.3 Copyright: Patent seeks to protect the applied and extension research, the law of copyright seeks to protect pure or basic research. The requirements of copyright law are: Originality, meaning its origin to the author. Unlike patents, copyright law does not demand compulsory registration. Under the copyright, the form of the expression can only be protected and not the idea itself. Copyright subsists in any original work specified in the Copyright Act which are (i) a literary, dramatic and musical or artistic work, (ii) a cinematograph film and (iii) a sound recording. Literary works include computer programs, tables and compilations including computer databases.

- 2.4 Know-how and confidential information can be protected only so long as the owner is able to keep them secret and takes action against unlawful use of such information by others by an action of breach of confidence or contract.

3 PROCEDURE FOR IP PROTECTION

All applications for patents will be forwarded to Chairman, I P Cell, irrespective of whether the inventions have resulted from the in-house projects, or sponsored projects under R&D schemes. And the same will be managed by the IP Management Committee of the college, duly constituted by the Principal, VRSEC.

4 PATENT ELIGIBILITIES

VRSEC constitutes an exclusive IP cell. Any faculty, who believes to be in possession of a potential intellectual property generated while in service of the VRSEC may apply and seek discussion with Chairman of the IP Cell at an early stage of the research at a 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 straight away.

5 INTELLECTUAL PROPERTY MANAGEMENT COMMITTEE

The application for patent shall be scrutinized/examined by a Committee consisting of the following:

- | | | | |
|-------|--|-----|----------|
| (i) | Chairman, I P Management Committee | ... | Chairman |
| (ii) | Head of the Department of the Inventor | | Member |
| (iii) | Two expert members as identified by the Chairman | | " |
| (iv) | Chairman, I P Cell Member-Secretary | | " |

The inventors will be requested to make a presentation of their case before the IP Management Committee. In case, the Committee recommends for filing of patents, the Chairman, I P Cell will then process the application through one of the approved attorneys from the panel maintained at IP Cell.

6 ASSISTANCE IN FILLING THE PROFORMA

Once the IP Management Committee approves protecting the Intellectual output, the I P Cell shall provide a Patent Attorney for drafting the IP application. The following aspects need to be adopted to prepare the patent papers:

- Objective of the invention: What is the problem one is trying to solve? What are the issues involved?
- What prior art searches have been made? Which databases? Search strategies adopted? Did searches cover gray literature - advertisements, pamphlets, knowledge already available to public either published or unpublished?
- How does the present invention differ from the known prior art? It is important to establish that the invention is not an obvious extension of the prior art to prove non-obviousness. Are there any unexpected findings in the present invention? What are those aspects of the invention that previous workers have not been able to find solution for? What are the potentials for commercial applications of the new Intellectual Property in relation to the previous products in the same area, if known?
- To establish usefulness of the invention, one should highlight technical value of the invention and illustrate where and how the solutions obtained over the prior art can be applied with distinction. One might consider savings in the cost, materials, manpower, energy, durability, efficiency, time etc.,
- The boundary conditions of the parameters under which this invention works effectively and beyond which the invention may not work. Also outline several other applications of the invention if any.
- Furnish all the information in the proforma which can be collected from office of I P Cell or through e-mail.

If information on the format (each extending to at least a couple of pages) is given to the attorney, then the attorney will be in a position to 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.

7 FILING OF APPLICATIONS FOR IPR AND SUPPORT

7.1 All applications for IPR shall be filed by the Chairman, IP Cell in the name of the VRSEC as owner of the IPR. Inventor's name will be filled in the application at appropriate places. All applications will be filed in India. Inventors will assign the exclusive right of ownership to the college in order to facilitate the college to file, secure and commercialize the IPRs without any encumbrance.

7.2 PATENT CO-OPERATION TREATY (PCT) APPLICATION

Any patent which needs protection outside India, the procedure would be to first file a provisional patent in India and within 12 months, file a PCT application along with an application for filing an Indian patent and this would be based on the recommendation of the IP Evaluation Committee. The PCT route is preferred, efficient and economical.

7.3 The IP Cell would meet the expenses of IP to the stage of filing (i.e. the statutory fee and patent attorney's fee). If there are no takers for the technology within 30 months from the date of filing, VRSEC shall not resume the responsibility of further payments. In case the inventors need more time to identify the potential technology takers, they may approach the IP Management Committee to extend this time frame. In case the inventors are interested, VRSEC may re-assign such rights back to them to sustain such IP on condition that the inventor(s) pay VRSEC one and half times the initial expenses incurred by VRSEC for filing the IP. For the IP, where VRSEC has already incurred costs, the renewal of IPR protection is subject to the condition that every renewed IPR is actively used by at least one IP user. Otherwise, the VRSEC may decide to offer to the inventors re-assignment of the IP under the same clauses as specified above namely the inventor pays VRSEC 150 % of the costs incurred by the college in securing the IP.

- 7.4 If VRSEC opts not to undertake such protection in any specific country requested by the inventor(s), VRSEC may assign rights of the IP in that country to the inventor(s) for the purpose of such protection.
- 7.5 A decision on annual renewal of IP rights will be taken by the IP Management Committee. If VRSEC decides not to renew the IPR in any country, then it may assign the rights of the IP in that country to the inventor(s) upon a request to that effect from the inventor(s). In case of patents, the process of re-assignment will be completed in a period of three months before the due date for its renewal.
- 7.6 If an inventor decides to abandon or withdraw the application for a patent at some mid- stage of processing, prior approval of the IP Management Committee is required.

PROPOSED PLAN OF ACTION TO PROMOTE AWARENESS ON IP POLICY

1. Sri. Krishna Prasad, Smt. VDS Law College has been teaching a course covering Intellectual Property to Law students. His expertise may be used in the form of Guest Lectures to our HODs and faculty with Doctoral Degrees.
2. An I P Workshop may be conducted to perfect our draft policy by inviting experts from TIFAC, DST etc.,
3. The proposed draft policy may be circulated to all Heads of the Departments and solicit their views within a time frame of 3 days, so as to ensure that all of them will be familiar from the First stage of the IP Policy in our college.
4. A Research Committee may be constituted at the college level which will play active role in successfully taking forward the IP initiatives and ensuring filing of patents.
5. IP Cell has to be created at the departmental level and college level.
6. IP Management committee which will be the higher body of our college in the subject has to be created at the college level prior to the finalization and approval of the IP policy of our college.



**V R Siddhartha Engineering College
Vijayawada**

PRINCIPAL
V.R. Siddhartha Engineering College
AUTONOMOUS
VIJAYAWADA-520 007.

Handwritten signature in blue ink, appearing to be "JRP".