

# Indian Institute of Technology Jodhpur



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## Intellectual Property Rights (IPR) Policy December 2019

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## **1. PREAMBLE**

The Indian Institute of Technology, Jodhpur (hereafter called “The Institute”), is one of the young institutions to join the IIT Family in 2008. With a contemporary vision of promoting technology through thought and action, it embarked on its path to the creation of the much-needed technical human resources, promotion of learning, facilitating internationally competitive research and innovation, transferring developed knowledge and technology for economic value creation, to meet the emerging challenges of India simultaneously encouraging entrepreneurship among the budding youth for effective job creation. The institute is ground in its core values of integrity, dignity, inclusiveness and ethics, with a commitment to fairness, openness, and respect for intellectual property rights (IPR).

The Intellectual Property Rights Policy of the Institute provides an enabling, transparent and operative framework for the management of Intellectual Property (IP) resulting from the creative work, in the institute, and of its employees, students, researchers, persons associated with the institute in diverse capacities with short, medium and long term links with The Institute, collaborations with other institutions including industries & varied governmental / non-governmental agencies, and their like. This IPR Policy is also linked to all associated entities promoted by The Institute.

This policy is to be used as an operative process by the stakeholders / beneficiaries as a facilitative pathway for the enhancement of their creative work and concurrently deriving the maximal value of such creative work.

## **2. Key facets of the IPR Policy**

The essential facets of the IPR Policy include but not limited to:

- ❖ Establishing two IP management groups, namely i) Institute IP Management Group (IIPMG), and ii) Technology / Knowledge Transfer Group (TKTG), constituted with distinct roles and responsibilities for comprehensive management of IP from the steps of identification of various creations in the Institute, to their appropriate protection, publication, knowledge / technology transfer including commercialization
- ❖ Defining the main responsibilities of the Institute IP Management Group (IIPMG) to
  - Set-up and operate a time-bound enabling system for identifying creations in the institute based on a structured standardized documentation system to be proposed by IIPMG. The said system would enabled faculty/ students/ researchers to conduct early technology mapping with IP landscaping for self-assessment of the

IP Potential of their creations and to voluntarily approach the IIPMG and TKTG to seek advice on appropriate IP protection, technology transfer and commercialization

- Evaluate the creations when approached and arrange for their appropriate protection as intellectual property
  - Determine ownership of works / creations (including development of courses/course materials, books, thesis, papers, kits, etc. with and / or without substantial use of institute resources) and interact with IP Professionals to get IP applications drafted and prosecuted
  - Arrange for legal support, wherever necessary, to act on any oppositions to the Institute IP Applications (pre and/or post grants), defend and protect the IP obtained by the Institute against any infringement/unauthorised use by others
  - Establish formal benefit sharing arrangements with the creators on earnings resulting from commercialisation of their “Creations and IPR”
  - Provide guidelines on conflict of interests and resolution of conflicts with regard to non-compliance of the Institute IPR Policy
  - Outline a system and process in the innovation value chain to ensure that the researchers do not knowingly infringe IPR of others
  - Operate a systemic platform for the faculty and students for protection of their innovations created during their educational developmental process in The Institute thereby fostering their Creations with appropriate IP Protection for the initiation of entrepreneurship, start-up ventures, family businesses, etc.
- ❖ Setting targeted responsibility of the Technology / Knowledge Transfer Group (TKTG) to
- Select innovations and creations with / without their associated IP for evaluation and exploration of possible knowledge transfer / commercialization with potential industrial partners
  - Participate with the Institute IP Management Group to decide on filings abroad, Suggests that filing abroad will be processed through or by TKTG or with the Concurrence/ recommendation of TKTG strategies for linking the institute with industry and other commercialization partners
  - A policy to be prepared/formulated by TKTG to deal with contractual agreements, data ownership, data and material transfer agreements, IPR issues related to acceptance of grants from various organisations, government and non-government

bodies including industries, financial institutions, angel investors, including a specific policy for dealing with IP Trolls, etc.

- ❖ Creating a special corpus fund called “Institute IP Fund” to meet the financial requirements necessary for the management of Institute IP.
- ❖ Conducting IP familiarisation programmes and structured formal courses within the Institute’s educational system to equip the beneficiaries and stakeholders with the nuances of IPR and their relevance in the global socio-economic and technological development with specific emphasis to India
- ❖ Ensuring that IP practices in the Institute are contemporary and world class
- ❖ Providing a cohesive value-added platform within the associated entities promoted by IIT Jodhpur (such as start-ups / incubates in TISC, Technology Park, and their like) to facilitate and support IP related matters.

### **3. Creations, Modes of creations, Types of IP Protection**

#### **3.1 Creations**

Creations may be in diverse forms such as inventions with regard to products and processes addressing issues related to functionalities using methods of science and technology, expressions of the human mind, distinctive aesthetic features of shapes & ornamentations in as applied to articles of manufacture (disclaiming functionality), representations in various forms that help to establish a correlation between the representation (text, logos, sound, shapes, etc) and products / services originating from specified source(s).

Further, creations could be new plant varieties, new microorganisms, algorithms, software, artificial intelligent systems, methods of treatment, business methods, data, codes, structured databases, etc.

Creations may include academic materials in the form of course structures with resource material, publications of various types including books, monographs (both in digital and non-digital media), audio / audiovisual materials, software, thesis / dissertations, reports (commissioned or non-commissioned), exam questions, teaching methods, and similar works including hardware designs schematics and firmware, experimental protocols and communication protocols.

## 3.2 Modes of Creation and their Creators

The creations mentioned in section 3.1, could emanate from a person who is

- An employee of the Institute and has done the creation as part of his / her normal course of duties for which the person has been employed by the Institute
- A student who is enrolled in the courses offered by the Institute or even a student who is on an “exchange programme” and the like
- Associated with the Institute as student, faculty, staff, researcher, project worker supported by funding administered by the Institute, scholarships, research fellow with research fellowship administered through the Institute, contracts with third parties (governmental / non-governmental / national / international agencies) in which any of the person (s)/ department(s) of the Institute / Institute is a party
- Part of joint academic programs, R&D projects
- Part of consultancy projects. IP generated in such projects may be assigned by the concerned faculty to the sponsoring agency, wherein the concerned faculty member’s name shall be included as a creator in the said IP. The concerned faculty shall be permitted to accept any monetary award given by the sponsor for the said IP. Such awards shall be governed by R&D norms of the Institute
- A student, with faculty mentor as part of Institute’s Academic Programs, conducting exploratory entrepreneurial activity in any of the entities promoted by the Institute (such as TISC, Technology Park and their like)
- Visiting expert, adjunct faculty, and similar personnel associated with the Institute and is involved in activities related to the Institute as part of their defined responsibilities
- Engaged by the Institute under contracts for services during the course of or incidental to that engagement
- Working in the Institute and is on “lien” from some other institution. Ownership of IP generated while on “lien” by the person would be based on the usage of the resources (human and infrastructure) of the Institute
- Faculty involved in R&D programmes while on leave / sabbatical / short term industry stints and their like
- In the institute, comes up with creations in his / her personal capacity (not necessarily linked with his/ her formal employment) The underlying feature in all the modes

above involves the process of creation with creative inputs / contributions, and not mere routine work / activity carried out with or without being instructed.

### **3.3 Types of IP Protection**

IP Protection could be in the form of:

- **Patents:**

This is a legal tool that helps to protect inventions with regard to products and processes including software (under specific conditions), addressing issues related to functionalities using methods of science and technology. Discoveries are not capable of being protected by patents. Further, not all inventions are capable of being protected by patents.

The list of inventions not capable of being protected by patents (non-patentable subject matter) is listed in every national patent law. Even if an invention is capable of being protected by a patent, it should satisfy some benchmarks as required by the national patent laws.

These benchmarks are called novelty, inventive step and “capable of industrial application” (in some countries also called “utility”).

- **Industrial Design Registration**

This legal tool protects distinctive aesthetic features of shapes & ornamentations in as applied to articles of manufacture (disclaiming functionality) and appeal to an unaided eye.

- **Copyright**

This legal tool protects expressions of the human mind that include but not limited to academic materials in the form of course structures with resource material, publications of various types including books, monographs (both in digital and non-digital media), audio / audiovisual materials, software, thesis / dissertations, reports (commissioned or non-commissioned), exam questions, teaching methods, and similar works. These could also include works of architecture.

- **Trademark**

A trademark is a sign that identifies and distinguishes in the marketplace the products of one enterprise from those of other enterprises.

The products that it identifies may be goods or services. In some countries, the term “trademark” is used for goods while signs for services are called “service marks”.

Any sign capable of distinguishing goods or services can be used as a trademark, such as words, names, letters, numerals, drawings, pictures, shapes, colors, labels, or any combination of these. In most countries, taglines, advertising slogans and titles may also constitute trademarks.

- **Geographical Indications**

A geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. Moreover, in order to work as a GI, a sign must identify a product as originating in a given place. In addition, the qualities or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a link between the product and its original place of production.

- **Trade Secrets**

A trade secret is defined as any information that is: (1) not generally known to the relevant business circles or to the public; (2) confers some sort of economic benefit on its owner. This benefit must derive specifically from the fact that it is not generally known, and not just from the value of the information itself; and (3) the subject of reasonable efforts to maintain its secrecy.

A trade secret continues for as long as the information is maintained as a trade secret. Anything that is easily and completely disclosed by the mere inspection of a product put on the market cannot be a trade secret.

- **Data Ownership**

The Institute shall be the owner of data generated from a wide spectrum of investigations, research products surveys, etc., and therefore in due course would evolve into a value-added storehouse of such data.

The Institute would then operate not only as a repository of such data, but also be involved in transaction of data with other organisations, agencies, institutions, commercial organisations, intergovernmental bodies, etc.

While exercising its data ownership, the Institute would always be compliant with the existing directives / laws / policies regulating data ownership and transactions.

As mentioned in the introductory paragraphs, the two Groups constituted by the Board of Governors of the Institute, namely (i) the IP Management Group, and the Technology / Knowledge Transfer Group shall collectively be responsible for the

management of IP in the Institute. The roles and responsibilities of the two Groups are elaborated in Section 4 below

#### **4.0 Constitution of the Institute IP Management Group (IIPMG) and Technology / Knowledge Transfer Group (TKTG) and their Role**

The Institute Director shall set up an Institute IP Management Group (IIPMG) as the Manager of Institute's Intellectual Property, its governance and administration. The Institute shall also set up Technology / Knowledge Transfer Group (TKTG) to comprehensively manage all technology / knowledge transfer (irrespective of whether they are protected by IP or otherwise) to external agencies/institutions/industry.

The IIPMG shall comprise of at least 5 members, of which two members shall be deans / heads of departments from academic disciplines in the Institute, one member to represent the Institute Administration and two Professionals drawn from other institutions / organisations including industry. It is desirable that at least one of the Professionals drawn from external sources is a person with experience in Industry, with familiarity of IP operations in a business.

The TKTG shall comprise of at least 5 members, of which two members shall be deans / heads of departments from academic disciplines in the Institute, one member to represent the Institute Administration (especially finance) and two Professionals drawn from other institutions / organisations/ industry. It is desirable that these two professionals are persons with experience in Industry / Management consulting firms / technology brokers with operational experience in technology transfer and commercialisation.

The IIPMG and the TKTG, from time to time, shall have the right to co-opt Domain Experts, IP Experts, technology / knowledge transfer experts, to assess diverse Creations submitted to the Groups for the appropriateness of their IP Protection, commercialization potential and value to the Institute.

The TKTG would function the key technology/knowledge broker for the Institute and would closely work with the IIPMG to translate the "identified creations" for assessment of their commercial potential and further work towards the realization of their commercial value.

#### **4.1 Role of the Institute IP Management Group (IIPMG)**

The IIPMG shall manage a systemic platform for the governance and management of IP in the Institute, to enable the Institute personnel and those associated with the Institute (Section 3.2), especially the faculty, undergraduate and post graduate students and

researchers for protection of their innovations created during their educational developmental process in the Institute.

The IIPMG's role would, therefore, be crucial in fostering creations with appropriate IP Protection and to create an enabling vibrant innovation eco-system wherein the researchers including students feel encouraged to move towards entrepreneurship, start-up ventures, set-up family businesses, etc.

The IIPMG would function as per the following guidelines:

1. Set-up and operate a methodology for the time-bound processing of IP cases resulting from the innovations in the Institute, based on a structured standardized documentation system (preferably in the form of a e-governance system). The broad outline for such a process would be as follows:
  - Procure a smart tool for searching IP databases for the preparation of technology / knowledge landscapes and assessment of their IP potential. Also design a structured innovation disclosure form to capture the essential features of the innovations. Train the researchers to use the smart tools and to report their innovations using the innovation disclosure form.
  - The creators shall voluntarily submit to the IIPMG their respective innovation disclosure forms for a formal assessment of the suitability and appropriateness for IP Protection in the context of Institute's interests. In case of inventions, the inventors (creators) would submit their Pre-Assessment Patentability Reports together with the detailed Patent Landscape Report (prior art analysis) and the filled "IP Disclosure Form" to facilitate the process of decision making by the IIPMG
    - Whether the invention qualifies for a patent and
    - Whether the Institute should support the expenditure for IP Protection irrespective of whether the work is publishable or not. The IIPMG would not be involved in the assessment of whether a work is publishable or not. The IIPMG would only address issues related to the filing of appropriate IP applications prior to public disclosure of a work.
  - Constitute a Working Group with domain experts and IP professionals from its panel of experts and / or suggested by the creators, within three weeks of receiving the Creation Disclosure Form to evaluate the creations

and if found suitable for IP protection,

- Inform the creator(s) of its decision
- Initiate the process of assignment of rights of the said creations to the Institute
- Arrange for their appropriate protection as intellectual property of the Institute
- Incorporate name(s) of the creators appropriately as inventors for their inventions in patent applications, or as authors in the case of design registrations, copyright and trademarks

As a part of this activity, IIPMG shall

- Get the pre-assessment of patentability of inventions verified internally in the Institute or externally through experts to obtain a reasonable professional evaluation on the novelty of the creation, and in the case of inventions, also get the inventive step and industrial utility / usefulness evaluated
- Interact with IP professionals to get IP applications drafted and prosecuted
- If the IIPMG after receiving the Creation Disclosure Form to evaluate the creations decides that the said creation(s) is not suitable for IP protection with respect to current interests of the Institute, the IIPMG shall
  - Offer to the Creator(s) the option to file and prosecute the IP application in their name, at their personal cost, subject to the following conditions:
    - ✓ The Creator(s) shall for all time to come, to keep the Institute continuously informed in writing the steps being taken by the Creator(s) for the IP protection of the said creation
    - ✓ If the Creator(s) decide to approach any external agency / third party for funds / support for the filing and prosecution of the IP application(s) of the said creation, the Creator shall take prior written permission of the IIPMG
    - ✓ Any IP transaction (licensing / assignment) associated with such IP, shall be referred to the IIPMG and TKTG for prior clearance
    - ✓ All steps being taken by the /creator(s) for the commercialization of the said technologies / knowledge under this subsection shall be

intimated in writing to the TKTG and all benefit sharing arrangements between the Creator(s) and the Institute shall be guided by the policy and norms set by the TKTG and applicable at that point in time

- If any of the creations are evaluated to be maintained as a “trade secret”, then the IIPMG would initiate the necessary processes to ensure maintenance of confidentiality of the said creations and the associated information
  - The IIPMG shall ensure appropriate interactions between the IP Professionals and the creator(s) of the IP for technical inputs while drafting the IP applications and their prosecution. The IP professionals shall be hired by the IIPMG. These IP Professionals shall report to the IIPMG and keep the IIPMG informed of their interactions with the creator(s)
  - IIPMG shall prepare a formal report on each creation disclosed to it and provide the Technology/knowledge Transfer Group with its findings to trigger the TKTG to initiate their process for the realization of the commercial potential of the IP (and/or in the process of being protected)
2. The IIPMG with TKTG shall conduct IP awareness programmes to impress on the Institute personnel the essential aspects of intellectual property rights (IPR) and its role in enhancing the quality of innovations, increasing their probability for technology / knowledge transfer & commercialization. Further, these awareness programmes shall also demonstrate good practices of taking appropriate care of the IP and how not to knowingly infringe IP of others
  3. The IIPMG will ensure that adequate and timely IP protection has been provided and actions taken on all disclosures submitted to it, prior to publication and public disclosure of these creations
  4. IIPMG on behalf of the Institute shall arrange to bear the cost of the Institute owned IP Applications, prosecution, maintenance, enforcement, commercialization, etc., from the appropriate project grants obtained from various project funding agencies and the “Institute IP Fund”
  5. The IIPMG will arrange for legal support as necessary, to defend and protect the IP obtained by the Institute against any infringement / unauthorized use by others

6. The IIPMG will provide guidelines on conflict of interests and resolution of conflicts regarding non-compliance of the Institute IP Policy
7. The IIPMG may engage with associated entities promoted by Institute for commercial exploitation of Institute IPs

#### **4.2 Role of the Technology / Knowledge Transfer Group (TKTG)**

The main role of the TKTG is to continually explore the options and means for the commercialization of Institute's IP and nurturing in parallel Institute's thrust towards setting up entrepreneurship and startups through TISC. The TKTG would therefore function as Institute's outreach to the Industry / Businesses in India and abroad and become an operating channel for effective commercialization of creations from the Institute and Institute IP.

The TKTG shall set up the formal mechanisms to deal all forms of contracts, agreements, memorandum of understandings (MOUs), negotiations with external agencies for commercialization. The TKTG is therefore be responsible for all contractual agreements, material transfer agreements, IPR issues related to acceptance of grants from various organisations, government and non-government bodies including industries, financial institutions, angel investors.

The TKTG shall therefore act as a "IP Watch Dog" and vet the terms and conditions set

- By project funding agencies with respect of IP ownership
- For sharing of benefits from the earnings of resulting IPs
- For IP portfolio maintenance
- For acceptance of fellowships by the students, faculty, staff, etc.

Every Institute Personnel shall submit all such documents linked to IP given to them for signing by any external agency to the TKTG for a legal scrutiny and shall not sign such documents without the explicit written clearance by TKTG.

The same requirements apply to setting up joint projects, initiating collaborations, accepting consultancy projects, advisory assignments, etc.

The TKTG will set up and operate all precautionary policies and processes to deal with IP Trolls and their like operating nationally and internationally.

The TKTG from time to time may induct into its working teams, industry experts, technocrats , legal experts, consulting agencies and their like to help it to professionally

handle each case of technology / knowledge transfer and also conduct familiarization and training programmes to equip the Institute personnel with the rudiments of IP monetization, global good practices and also to conduct periodic audit of the processes being followed in the Institute.

The IIPMG shall provide its recommendations on selected developed innovations and creations with their associated IPR to the TKTG for evaluation and exploration of possible knowledge transfer / commercialization with potential industrial partners.

The TKTG may call for the entire documentation related to the said creations that includes the creation disclosure forms, the reports on prior art searches, the IP applications made, the prosecution history including the final form in which the IP has been granted / registered. The TKTG if appropriate may also initiate “a freedom to operate exercise” (FTO), to ensure that the said creations with its IPR do not infringe and existing IPR of any other party.

The TKTG shall conduct a “Due Diligence” on the creations with its IPR referred to is or identified by it, to ensure that all actions related to the said creations complies with the associated contracts / agreements / arrangements with the funding agencies supporting the project, collaboration arrangements, etc.

The TKTG is empowered to progress technology / knowledge transfer, conduct negotiations and conclude formal deals between the Institute and the identified industry partners including signing of working MOUs/ agreements to progress across the knowledge value chain.

As a Government funded Institution, the Institute is primarily committed to make all efforts to ensure that the benefits of the Institute Creations are made available to the largest sections our society. Accordingly, “Non-Exclusive licensing” would be the most preferred option for TKTG, though exclusive licensing or an assignment of the Institute IP may be considered on a case to case basis.

The TKTG shall establish formal benefit sharing arrangements with the creators on earnings resulting from commercialisation of their “Creations and IPR.

TKTG will ensure that formal agreements have been signed between the creators and the Institute on the benefit sharing arrangements between the institute and the creators.

In cases where a student, with faculty mentor as part of Institute’s Academic Programmes, conducts exploratory entrepreneurial activity in any of the entities

promoted by the Institute (such as TISC or Technology Park and their like), the TKTG shall provide appropriate frameworks for the transfer of the IP ownership.

The benefit sharing of the effective earnings of the IP shall be in the ratio of 60:40 between the Creators and the Institute. By effective earning is meant the net earnings from the commercial transaction from the IP after deducting all transactional costs.

The benefit sharing between the creators (for joint creations) of the apportioned part applicable to the creators (i.e. the 60 % of the effective earning of the IP described above) shall be mutually agreed in writing between the creators at the time of the disclosure of the creations to the IIPMG. The TKTG would facilitate the discussion between the creators at that stage if approached by the creators.

In the case of creations for which the IIPMG decided not find them either not suitable for IP protection and / or of no interest to the Institute, and the Creator opted for the route to file and prosecute the IP Applications in their own name at their own cost, and have complied with all the conditions set for such cases( elaborated in the section for the roles and responsibilities of the IIPMG), the benefit sharing of the effective earnings of the IP shall be in the ratio of 80:20 between the Creators and the Institute. By effective earning is meant the earning from the commercial transaction from the IP after deducting all the costs and projected costs associated with the said IP. This would include all the costs from the stage of filing of the IP, its prosecution, maintenance, etc.

The benefit sharing arrangement policy shall be reviewed from periodically and the TKTG may recommend to the Institute Board appropriate amendments for incorporation in the IP Policy.

The TKTG shall encourage its students, faculty and staff into an entrepreneurial mode and help them to establish start-ups and where necessary appropriately transfer the Institute IPR in favour of the start-ups under well-structured contracts between the Institute and such start-ups / entrepreneurships, and their like. The TKTG would make every effort to uphold such a spirit in its dealings in a case to case basis especially when dealing with start-ups under the TISC.

TKTG shall also impress on the parties with whom technology transfer / knowledge transfer contracts are being negotiated that the Institute as a policy does not knowingly infringe any IP of other parties. Notwithstanding what has been stated, the TKTG shall ensure that in all contracts with regard to its IP transactions, the Institute is indemnified by the Parties to whom the IP has been transacted with, from any infringement proceedings

including without limitation in all such aspects related to production of its IP related products, manufacturing defects, debugging applications associated with software products, etc.

Further, it will be the endeavor of TKTG in all contracts related to IP transactions between the Institute and Third Parties, to indemnify the Institute Creators from all proceedings related to the aspects referred to in this paragraph. Notwithstanding what has been stated, the Institute may be called upon by the associated third parties to who the Institute technology / knowledge with IP has been transferred, to provide technical support to defend such parties in any associated IP litigations.

All agreements to be signed by TKTG on behalf of the Institute shall seek jurisdictions of the courts in Rajasthan and / or any court in India and all the contracts / agreements shall be governed by the appropriate laws of India.

## **5. Ownership of IP and Cost of Managing IP**

### **5.1 Basic Features**

These are basic features of immense interest to the creators of IP and the Institute. The Creators of IP are closely linked with the people associated with the modes of creation of IP described in section 3.2 of this document.

However, ownership of IP will be decided based on various factors linked to the circumstances under which the creation was made.

Ownership of all “Creations” regardless of the source of funding but using significant resources of the Institute shall primarily lie with the Institute, if not otherwise specified by a contract.

### **5.2 Contracts**

In case of sponsored projects or projects that are governed by contracts between the Institute and another institution/Industry (other than consultancy projects), the ownership of the IP shall be governed by the terms and conditions set in the said contracts.

Even in such cases, the first disclosure of the creations shall be made to the Institute IP Management Group and all matters related to IPR of the said creations shall be administered by the Institute IP Management Group in consultation with the parties in the said contracts.

The creators are not authorized to sign any documents related to the ownership of

their creations and shall not sign any documents as regards the ownership of the Intellectual Property Rights of their creations resulting from the work under any contract without the explicit written directions of the Institute IP Management Group.

The creators shall be named either as inventors for their inventions, or as authors in the case of design registrations, copyright and trademarks. In the case of geographical indications (GI), the Institute IP Management Group shall decide on the ownership of the GI as appropriate.

### **5.3 Special Features on Ownership of Copyright**

Creations related to copyright and ownership of academic works are common to several departments and activities associated with the Institute and hence deserves a special mention. It is to be appreciated that creation of academic works is a substantial activity of the faculty / students and all those associated with teaching and instructional activities that need significant use of facilities of the Institute.

Further, it is to be appreciated that the Institute promotes, encourages academic freedom, nurtures excellence and fosters entrepreneurial spirit.

The Institute shall not claim ownership of copyright in Theses, Dissertations, reports and their like, lecture notes, question papers, model answers, case studies, monographs, books, textbooks, articles and other scholarly works including creative works that are not governed by sponsorships, research grants, or other agreements with any third party. However, in the case of Theses, Dissertations, reports and their like, lecture notes, question papers, model answers, case studies, the Institute shall reserve the right to use the above mentioned for purposes teaching, research, and any academic activity conducted by the Institute.

The types of creations using significant Institute resources that lead to a degree, diploma, certificates, through any programmes conducted by or on behalf of the Institute, or using grants that are administered by the Institute shall belong to the Institute (though not limited to those listed herein merely as illustration of the types of works) for which the Institute shall own the copyright are:

- a) Laboratory notebooks, Laboratory Manuals, Project documentations in diverse media, databases generated in the course of research, investigations, studies, etc
- b) Evaluation systems developed, course structures and content including curriculum, and their like

- c) Developed software and computer-generated / AI generated works, courseware, etc
- d) Diverse works of art, photographs, music, audio-visual, video, plays, works in all media
- e) registered and unregistered designs, logos, holograms and their like
- f) All types of Works specifically commissioned by the Institute

For all such category of works for which the Institute owns the copyright, the authors of such works shall seek a written consent from Institute IP Management Committee to get their work published by any external agency. The authors shall provide in advance to the Institute IP Management Committee the copyright terms and conditions provided by the proposed publishing agency for an assessment of its appropriateness.

The Institute shall provide a template for pre-assessment of copyright terms and conditions that are reasonable and acceptable to the Institute. The authors shall conduct a per-assessment of the copyright terms and conditions using the said Institute template with respect to terms and conditions set by the external agencies for the publication of the proposed work. The author shall submit to the IP management committee a compliance a report. However, in case of any doubts the authors may approach the IIPMG for any assistance in this regard.

The Institute IP Management Committee after due consideration of the Institute's interests, may decide to waive off the copyright ownership by the Institute and permit the author/external agency to own the copyright of the work. In such cases the author/external agency shall grant to the Institute a royalty-free license to reproduce and publicly distribute copies of the work for the purposes of teaching, research and any academic activities by the Institute including those covered under exceptions and limitations in the Indian Copyright Act.

#### **5.4 Respecting IP of Others**

The Institute as a matter of principle, respects and does not knowingly infringe the valid IP of others. It inculcates this principle in all those who are part of the Institute and / or are associated with the Institute in any manner.

The Institute directs the following:

- No use of unauthorised software / hardware in any of the Institute facilities / systems
- No use of any technology circumvention devices / technologies in any of the Institute facilities / systems
- All software and databases used in the Institute shall be licenced from authorized

agencies and all users in the Institute shall abide by any and all legal terms and conditions set by the authorized agencies from who the products have been procured. Persons using such software shall neither tamper nor indulge any act (s) that may be breach of the licence and the person indulging in such acts of infringement shall be solely responsible and liable as per law

- All licences shall be vetted by a competent authority selected by the IIPMG. Only after such a formal vetting, the products with the set licence conditions shall be procured by the concerned department in the Institute.

## **6. Documentation System in the Institute and Role of the Library**

### **6.1 Setting up of a standardized documentation system**

The Institute shall set up a standardized documentation system appropriate to each department so that all the work done in the Institute are systematically and chronologically documented with relevant details as the origin of a project, source of funding, the project team, project review system, progress of work with its success / failures, people involved at various stages of the project, people contributing with creative inputs to the project, the data and information with due authentication, etc. , actions taken based on review feedback, identification of prospective clients of the technologies and knowledge being developed, etc.

Every Department would be expected to implement such a formal documentation system and would audit the working of the documentation system periodically to ensure that this is being followed by the members of the department.

The Institute personnel would be trained to use and implement such a “standardized documentation system” as appropriate to the disciplines / department.

The Institute IP Management Group and the Technology / Knowledge Transfer Group would primarily rely on the formal documentation system adopted and implemented by each department in the course of their decision making.

## **6.2 Role of the Library as custodian of Data, Information, Knowledge, Theses, Dissertations, reports and their like**

Every thesis, dissertation, report, and their like are expected to be submitted to the library for documentation, preservation, and dissemination to the public.

However, the IIPMG and ITKTC as special cases may recommend to the library not to publicly display such documents for a certain period till the appropriate IP applications have been made. The IIPMG and ITKTC shall inform the library as soon as the IP applications have been made so that the library can put these items on public display.

Such a special arrangement would ensure that the IP of those creations for which the IIPMG and ITKTC have identified as relevant and would need to file and prosecute IP applications, the Institute's interests are not compromised by premature public display of such theses, dissertations, reports and their like. Further, such a special arrangement would also not compromise with the academic interests of the students, as their thesis / dissertation submissions do not get delayed due to the fear of public display of their documents prior to the filing of the IP applications.

Data, information and associated knowledge resource management would be the responsibility of the Institute Library.

The Institute library shall set-up a data management policy to ensure collection and archival of data/information generated by various departments including an appropriate data access authorization process. All the Departments/centers, including TISC, Tech-Park shall be required to follow the said policy.

## **6.3 Maintaining confidentiality of thesis, dissertations, reports in the course of examination / viva proceedings when IP applications are not yet filed**

It is conceived that there will be situations in which IP applications have not been filed and the candidate has submitted his / her theses / dissertation / report for evaluation for his / her degree/diploma/ certificate and examination proceedings are to be conducted.

The IIPMG/ TKTG may recommend that prior to IP applications, the theses/dissertation / report may be submitted under a cover of confidentiality. Under such circumstances, the examiners of these documents shall commit in writing to maintain confidentiality, and the entire examination process is conducted under such confidentiality.

Once the appropriate IP applications are filed and the IP application is published after the statutory lock in period the examiner / person conducting the evaluation shall be

informed and the confidentiality binding shall be withdrawn.

## **7. Conflict of Interest**

The Creator(s) / members of the IIPMG or TKTG, who are involved in the transaction of any of the Institute owned IP, knowledge/ technology / knowledge, shall necessarily have to declare to the Institute of any potential conflict of interest. By conflict of interest is meant that if any of the immediate family members of the creator(s) / members of the IIPMG or TKTG are associated any manner, or have any stake in parties or potential parties with whom the Institute is involved or has intentions of being involved in transferring technology / knowledge and IP, the Creator(s) / members of the IIPMG or TKTG would be required to disclose the details to the Institute.

## **8. Dispute Resolution**

In case of any disputes related to IP / transactions of IP / benefit sharing resulting from the effective earnings of the IP including the implementation of any aspect of the IP Policy, between the Creators and the IIPMG / TKTG, the aggrieved party may appeal to the Director of the Institute. The Director of the Institute would set up a working Group with set timelines to investigate the factual aspects of the grievances and make recommendations to the Director for an amicable resolution of the matter. The decision of the Director shall be final and binding on all the concerned parties.

## **9. Review of the IP Policy**

The IP Policy shall be reviewed every 5 years. However, as per the recommendations of the IIPMG / TKTG, the policy may be subjected to an earlier review.