



SRI BALAJI VIDYAPEETH

Deemed-to-be University

U/S 3 of UGC Act 1956

Accredited with 'A' grade in the First Cycle by NAAC

SBV POLICY ON INTELLECTUAL PROPERTY RIGHTS (IPR) – 2019

(Revised Edition of 2015)

SRI BALAJI VIDYAPEETH (SBV)
 (DEEMED-TO-BE-UNIVERSITY)
 ACCREDITED WITH "A" GRADE BY NAAC IN THE FIRST CYCLE
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Document Revision History

Date	Edition Number	Brief Description of change	Change Request Number
09/10/2015	Original	-	-
17 th December 2019	First revision	<p>Addition: Meaning of Patent Copyright Protection Modification in Methods of sharing of Net Royalty</p> <p>Responsibility in implementation of IPR Policy</p> <p>SBV MIPTECH</p> <p>IP Infringement</p> <p>Functions of Technology Creation Support Fund</p> <p>Ownership of IP generated in SBV</p> <p>Conflict of Interest & Legal Jurisdiction</p> <p>Constitution of SBV MIPTECH</p>	<p>SBV - IPR -PL- 2015: Page 2 Page 4 Page 7</p> <p>Page 7</p> <p>Page 8 Page 8</p> <p>Page 8</p> <p>Page 8 Page 8 Page 8</p>

TITLE AND APPLICABILITY:

SBV POLICY ON INTELLECTUAL PROPERTY RIGHTS (IPR) - 2019

The policy on Intellectual Property Rights would henceforth be known as **SBV POLICY ON INTELLECTUAL PROPERTY RIGHT - 2019**.

PREAMBLE

Sri Balaji Vidyapeeth (SBV) is a Deemed to be University registered under section 3 of UGC Act 1956 with NAAC “A” Grade and also with NIRF ranking (top 100 Universities), having a School of Biological Sciences, two constituent medical colleges namely **Mahatma Gandhi Medical College and Research Institute** and **Shri Sathya Sai Medical College & Research Institute** Sathya Sai Medical College and Research Institute, recognized by MCI, one Dental College **Indira Gandhi Institute of Dental Sciences**, recognized by DCI, two Nursing Colleges, viz. **Kasturba Gandhi Nursing College** and **Shri Sathya Sai Medical College & Research Institute** Sathya Sai College of Nursing recognized by INC, Faculty of Allied Health Sciences, School of Pharmacy, Central Inter-Disciplinary Research Facility (CIDRF), Centre for Yoga Therapy, Education and Research (CYTER), Centre for Music Therapy, Education and Research (CMTER), Centre for Health Profession Education (CHPE) and Medical Simulation Centre (MSC) under its folds.

Sri Balaji Vidyapeeth strongly believes in innovation and technology creation. Simultaneously in order to protect the interests of the inventors and the institution the Intellectual Property Rights (IPR) policy has been framed through the IPR Cell. A Technology Creation Supply Fund (TCSF) has been created under the IPR Cell for extending financial support for creation of technologies. The policy has been authenticated, keeping in mind the existing IPR laws in India for effective compliance.

PURPOSE

The purpose of the policy is aimed at the contributions of the students, faculty and scientists towards activities related to intellectual property. The crux of the SBV policy is based on the revised on IPR policy released by the Government of India that essentially takes into account all IPR related activities with reference to inter-linkages and synergistic growth facilitated by industry academia partnership. The policy has been revisited to fully conform to the initiatives of the government of India namely “Make in India”. The policy approach would be oriented towards more of indigenously developed technology/methodology for scaling up at an affordable cost. Since SBV enjoys the support of students, non-teaching staff, faculty and scientists - all in one campus, the joint efforts would culminate in an Incubation Centre that would comply with the Start-up policy of SBV.

SCOPE

The scope of the policy is based on the Vision document indicated in National IPR Policy 2016 which lays due emphasis on seven objectives with particular reference to the seventh objective which refers to the capacity development of institutions including the higher education institutions.

MEANING OF PATENT

'Patent' means a patent or exclusive rights granted by the Government for certain methods or processes of manufacture that are patentable, for which application is made to the Controller of Patents by a person or Institution or an Assignee of the original inventor claiming to be the true and first inventor for a Patent with respect to the article or process having utility, novelty and productivity. A Patent confers on the owner of Patents (Patentee) the exclusive right to make, use, sale or distribute the patented article in India and if the Patent relates to a process of manufacturing then the Patentee shall have the exclusive right to the method or process of manufacturing the article or substance in India. A Patent may be granted to two or more persons jointly for a particular period and is renewable. The policy takes into due account the concept of infringement that is enabled through civil and administrative remedies.

Whether the specialized article or process of manufacturing an article is patentable or not will be decided by the Controller of Patents or the Government on the application of the inventor and having objections thereto of any member of the public or interested persons.

AIM AND OBJECTIVES

The objective of creating a vibrant Intellectual Property Rights Policy by Sri Balaji Vidyapeeth is:

- To utilize the innovative and inventive creations in the Institution for public interest and for development of the Institution.
- To encourage Faculty and Scholars to come out with increased number of creative works that will help the Society, Community and Nation as a whole and stimulate the generation of IPRs from the talent pool available in the University and tap fertile knowledge resources.
- To acquire value for IPRs through commercialization wherever required so that the value and economic reward for the owners of IP Rights reach them for encouragement.
- To observe the guidelines as lay down by the Government of India with respect to Intellectual Property Rights and balance the interest of the

Patentee, the Institution and the Society. To strengthen the enforcement and adjudicatory mechanisms for combating IPR infringements.

- To strengthen and expand human resources in the University to increase the capacity for teaching, training, research and skill building in IPR.

TERMINOLOGIES

1. **‘Deemed-to-be-University’** means Sri Balaji Vidyapeeth (SBV).
2. **‘Policy’** means the policy created on Intellectual Property Rights (IPR).
3. **‘IPR item’** means Intellectual Property material or idea(s) for which securing IPR is being contemplated, is in process, is achieved or is not being contemplated.
4. **‘Covered person(s)’** means staff and employees: teaching, non-teaching, permanent, temporary, ad hoc or contract, full time or part time students and research scholar, visiting faculty, industrial personnel fellows, correspondence students and any other person who use the university resources or facilities or participate in University administered research. It will include all employees in the constituent colleges and units/wings of Sri Balaji Vidyapeeth.
5. **‘Creator’** includes person(s) who have developed the material or idea for patent, copyright, design and other forms of intellectual property who may be called the Patentee, inventor, author or contributor for different IP items.
6. **‘Creation’** includes material or idea for patent, copyright, design and other types of IP items in form of invention, authorship and contribution.
7. **‘Supported creation’** includes any creation under clause (6) above for which support of the Deemed-to-be-University has been extended.

PATENTS AND DESIGNS

A. Definitions:

1. **‘Inventor’** - A person who either individually or jointly makes an invention.
2. **‘Invention’** shall mean a patentable item or design.
3. **‘Supported Invention’** shall mean an invention made by a person/persons covered by the Policy either in whole or part:
 - i. with use of funding from or through Sri Balaji Vidyapeeth

- ii. With use of resources, belonging through SBV, of any kind which may include space, facilities and other materials and includes personnel.
- iii. Based on an agreement between SBV and a third party.
- iv. All the above categories will come under supported invention even if the covered person is employed in or working for another organization.
- v. Mere trial/use of the invention in SBV does not entitle the invention under the category of supported invention.

B. Disclosures:

Covered persons are under obligation to inform the IPR Cell of any supported invention and have to sign a disclosure document.

C. Ownership of supported Invention:

- 1) The disclosure document will be examined by the Patent Attorney agent to determine the inventor/inventors of that particular invention but the right of ownership will be with Sri Balaji Vidyapeeth and the Constituent Colleges/Centers will be added as joint applicant to a maximum of 2 organizations. The second applicant shall be from the Institute/Center where the Principal Inventor (PI) is working.
- 2) The Patent or a share in patent can be assigned or mortgaged or can be given on license. Such transfer of interest in the Patent must be in writing containing the Terms and Conditions and it should be filed in the Office of the Patents for registration within Six months or within further Six months if permitted by the Controller of Patents. Normally the transferee makes an application in the prescribed form.
- 3) Filing of patent application will be at the discretion of IPR Cell which will consider the commercial aspect and third party agreements. The inventor/inventors shall co-operate with SBV and its assignee in the patenting process without any remuneration.
- 4) SBV reserves the sole right regarding commercialization of an invention. SBV will consider the third party agreement while considering commercialization. All the steps will be taken keeping public interest in mind. SBV will try to keep the inventors informed about the developments in commercialization.
- 5) **Sharing of Royalty:** Royalties, if any, from any supported invention will be shared by SBV with the inventors as per the policy guidelines.

- 6) **Release of invention:** In situations where SBV does not file a patent application for an invention or when SBV abandons an already issued patent the inventor(s) can request for release of that invention to them. SBV at its discretion will release the invention after considering the implications of third party agreement, interest of SBV and interest of Public, provided the inventors will have to agree to the following:
- i. To reimburse to the Deemed University patent related expenses and fees, when they start getting income from the invention.
 - ii. To share with Deemed University 15% of net income, after deducting the expenses reimbursed to university and inventors legal, patent fee and licensing expenses from the gross income
 - iii. To honour any agreement entered by the Deemed University with a third party.
 - iv. To use the invention for public purpose and reassign it back to SBV in case of failure to do so.
 - v. To grant SBV, **Royalty Free** use of the invention for its own research, educational and non-profit purpose.
 - vi. To honour the Deemed University's liability and indemnity provisions.

COPYRIGHTS

1. Copyright is a form of Intellectual Property protection granted under Indian Law to the creators of original works of authorship such as literary works (including computer programs, tables and compilations including computer databases which may be expressed in words, codes, schemes or in any other form including a machine readable medium), dramatic, musical and artistic works, cinematographic films and sound recordings, which are governed under the Copyright Act, 1957 and which can be registered there under.
2. The copyright protection can be grouped under the following heads:
 - i. Ownership of copyright
 - ii. Jurisdictional aspect
 - iii. Cognizance taken by the Court
 - iv. Infringement of copyright
 - v. Availability of alternative remedy and
 - vi. Rectification of copyright
3. Other than in cases of computer software and data bases, authors are entitled to own the copyright and the income generated from that for

books, films, video cassettes, musical works and any other copyrightable material prescribed under Indian copyright law. The authors must keep public interest in mind. The related provisions of the Information Technology Act, 2000 will apply with respect to online copyright issues.

4. When the Deemed University commissions copyrightable work from the covered persons the work will be considered as “work made for hire” and the copyright will rest with the Deemed University.
5. When there is an agreement with a third party regarding copyright of a material, that agreement will be honored first while simultaneously trying to protect the interest of the public and also of the authors to the extent possible.
6. The Deemed University may acquire rights of copyright or copyrightable material from the author(s) after entering an agreement with the latter at any point of time.
7. In circumstances where the involvement of the Deemed University is substantial through use of resources of any kind, the Deemed University will have a share in the royalty which may be agreed upon with the author prior to commissioning of the project.

COMPUTER SOFTWARE

Computer software shall include all types of computer programs, irrespective of the form of expression or material on which it is embedded, accompanying explanatory materials and computer database.

Supported computer software: A computer software which has been developed -

1. Under or subject to agreement by Deemed University with a third party, or
2. With use of funds from or through the Deemed University, or
3. With use of any other kind of resources of the Deemed University.

Disclosure Obligation:

The inventor of software is under obligation to disclose the computer software to the Deemed University.

Ownership:

- 1) The Deemed University shall own all patents, copyrights and other IP rights including all the computer software for which IP is not contemplated upon and has received the discretion to commercialize them. The distribution of income, if any from them, will be as per the policy.

- 2) Release of supported computer software: The Deemed University, as owner, has the right for not going for commercialization of the software and has the sole discretion to release that software subject to a written agreement with all the inventors keeping certain rights to the Deemed University.

UNPATENTED MATERIAL

1. Supported unpatented materials include all unpatented, un patentable materials, including biological material like cell lines, proteins, organism and other materials for which patent application has not been filed, or patent cannot be issued, and which have been developed by covered persons:-
 - i. With agreement by Deemed University with third party
 - ii. With use of funds directly or through the Deemed University and for use of other resources like space, material and facilities.
2. Contributors are the covered person(s) as will be decided by the Head of a Laboratory or by the Principal Investigator of a Project.
3. Ownership of the right of such material will be with the Deemed University which will also have the discretion for their use in research and for commercialization. The contributors will get a share from the earning, if any, as per the policy.

ROYALTY SHARING

1. Royalty includes gross receipts from receipt of cash, securities and other equity shares, but excludes items like research funding, gifts and other non-cash offerings from enterprises against the use of Deemed University's IPR.
2. Net royalty means gross receipt less out of pocket expenses by the Deemed University towards
 - i. Filing, securing and maintaining patent and other forms of IPR including the legal & patent agent fees and litigation expenses.
 - ii. The process of licensing of IPR.
 - iii. Development, packing, transportation and distribution cost.

3. Method of distribution of Net Royalty:

Administrative	15%
*Creator's personal share	50%
Creator's Department share	10%
Creator's College / School share	10%
Technology Creation Support Fund	15%

*The Creator's personal share will be reduced to 25% if the creator resigns or leaves SBV.

4. Distribution of income among multiple creators:

- i. Among multiple creators of a single IPR item it will be done in pre-agreed proportion among the creators; failing this it will be distributed equally among them.
- ii. When multiple developers from multiple laboratories develop a single IP item, the distribution of income among laboratories will be as per pre-agreed term among creators, failing which it will be equally distributed among laboratories.
- iii. When multiple developers develop a single unpatented material, the distribution of income will be as per pre-agreed term among creators; failing this the proportion will be decided by the Head of the Laboratory.
- iv. Multiple Creators Scheme channeled through single license or package, will be affected as per pre agreement among creators, failing which the TCSF will decide upon the value of individual creations. The distribution of the value of individual creation will be as per sub-clause i, ii and iii as enumerated above.

RIGHT TO APPEAL

With regard to the above clause Distribution of income among multiple creators (4) (iii) & (iv) with respect to Distribution of income will lie with the IP Cell.

PORTABILITY OF ROYALTY SHARES

Only the personal share is portable with the creator if he/she leaves the Deemed University. All other shares will be retained as before.

WHO WILL BE RESPONSIBLE TO IMPLEMENT THE SBV IPR POLICY?

The SBV - MIPTECH will be the nodal agency that shall be responsible for the implementation of the SBV IPR Policy. As the awareness and compliance with the IPR policy increases, the SBV - MIPTECH may delegate the overseeing of the implementation and compliance to groups/individual departments/representatives and retain the final say in case of any clarifications/conflicts.

SBV - MIPTECH:

Functions of SBV - MIPTECH will have the following duties:

1. Review of framing of IPR policy periodically & bringing necessary changes if necessary
2. Hearing of appeals
3. Motivating inventors
4. Facilitating acquiring IPR
5. Any other duties as needed

APPEAL PROCEDURE

In case of any conflict, grievance regarding ownership of IP, processing of IP proposals, procedures adopted for implementation of IPR policy and interpretation of various clauses of IPR policy, any aggrieved person can appeal to the administrative body formed for the purpose to resolve the issue. In case the appellant is not satisfied with the decision of such a body, he/she can appeal to the Vice Chancellor of SBV, whose decision shall be final.

IP INFRINGEMENT

In case of violation/infringement of any intellectual property rights such as patent infringement by the SBV faculty/students/project staff/supporting staff/visitors or any third party infringing upon the IPR of an SBV inventor, SBV would create an appropriate administrative body, which would first investigate the matter and make recommendations to the Vice Chancellor for resolution of such violation/infringement. In case of any third party infringing upon IPR of SBV, the above administrative body would investigate and make recommendations to the Vice Chancellor including need for any legal course of action.

FUNCTION OF TECHNOLOGY CREATION SUPPORT FUN (TCSF)

To extend financial support for creation of technologies

OWNERSHIP OF IP GENERATED IN SBV

If IP protection is to be undertaken, SBV - MIPTECH shall bear all the costs for the same and shall refund any expenses incurred by the inventor undertaken for IP protection.

If the inventor has not utilized the time, funds or facilities of SBV, the SBV - MIPTECH can assign a larger share of the revenues to the inventor(s) with the sanction of the Director or a specific agency set up for the purpose.

CONFLICT OF INTEREST

All inventor(s) shall explicitly declare any conflict of interest that may arise from the implementation of IP protection, publication of associated research, licensing and Commercialization of the invention(s). For example, if a spouse or relative working for an external agency is to be listed as a co-inventor and royalty is to be shared with them.

LEGAL JURISDICTION:

As a policy, all agreements signed by the Institute and dispute(s) arising there from, will be subject to the legal jurisdiction of the Court of Ad judicature at Puducherry only and shall be governed by the appropriate laws of India.

The intellectual properties can be broadly listed as:

- a) Patents
- b) Copyrights
- c) Trade/Service marks
- d) Industrial designs
- e) IC layout designs
- f) New plant variety and Biotechnology inventions
- g) Traditional knowledge and Geographical Indications

The constitution for the SBV MIPTECH will be as follows:

Sl. No	Designation	Role
1	Vice-Chancellor, SBV	Patron
2	Dean - Research, SBV	Chairperson
3	Dean - MGMCRI	Advisor

4	Dean - SSSMCRI	Advisor
5	Principal - IGIDS	Advisor
6	Principal - KGNC	Advisor
7	Principal - School of Pharmacy	Advisor
8	Director - CIDRF	Advisor
9	Registrar, SBV	Member
10	Vice Principal (Students), MGMCRI	Member
11	Vice Principal (Curriculum), SSSMCRI	Member
12	Director - CHPE	Member
13	Director - CYTER	Member
14	Dy. Director - CHPE	Member
15	General Manager (Admin), SBV	Member
16	One Assistant Professor, SSSMCRI	Member
17	One Scientist, CIDRF, SBV	Member
18	Coordinator - Innovation Council, SBV	Member-Secretary

Notwithstanding the clauses and sub-clauses of the policy the university reserves the right to enter into agreement with third parties on different terms.

INVOLVEMENT OF MEDIA, IF ANY

Advertisements, Press release, Press report, recordings by the channels and dissemination of information through the proposed SBV digital Council.

INVOLVEMENT, IF ANY OF MAJOR FINANCIAL IMPLICATIONS CONCERNING EXTERNAL AGENCIES

Would be dealt with, as deemed appropriate by the competent authority, from time to time and on a case to case basis.

EXCEPTIONS, IF ANY

NIL

ANY OTHER PERTINENT DETAILS



Constant liaison between SBV and marketing agencies: to enable transfer the technology for the larger benefit of the Community with special reference to Cost effectiveness and reliability of the marketed product.

ENQUIRIES

All enquiries related to this policy should be addressed to the Chairperson of MIPTECH, SBV with copies marked to Head of HR and Legal Officer and Registrar, SBV.

APPELLATE AUTHORITY

For all difficulties pertaining to this policy, the power to remove difficulties rests with the Vice Chancellor, who is the Patron of the SBV-MIPTECH

Sl.No	Role	Name	Designation	Signature
1	Prepared by	1. Dr. Senthil. M 2. Mr. Ralph Alexander Matthews 3. Prof. Renuka. K 4. Dr. Deepa Bopanna	Secretary, MIPTECH, SBV Legal Officer & Head, HR Principal KGNC, SBV IPR Attorney	
2	Reviewed by	Prof. C. Adithan	Dean - Research, SBV	

Approved by: Prof. A.R. Srinivasan, Registrar, SBV:

