



Maharshi Karve Stree Shikshan Samstha's
**Cummins College of Engineering
for Women**

Sharpening Engineering Acumen with a difference

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Intellectual Property Rights (IPR) Policy

Mission: Our mission is to Nurture Innovation, Research and Development among faculties and students.

Part I:

Faculty and students of **Maharshi Karve Stree Shikshan Samstha's Cummins college of Engineering for Women, Nagpur** (Here onward referred as **Institute**) are involved in various **Research and Development** activities. Many of these activities further give rise to the **Intellectual Property (IP)** in the form of **Patents, Copyrights, Designs, devices / instruments, software** and other **inventions**.

This document provides the guidelines and states the policies of the Institute with respect to **Disclosure, Protection, Ownership and Licensing of Intellectual Property** generated with or without any external funding. It also provides the guidelines relating to the procedure of filing patent applications via the **Cummins College of Engineering for Women, Nagpur IP cell**.

1. Purpose

The purpose of the IP cell is to

- Activate, promote, encourage, facilitate and safe guard research and development activities in the areas of Engineering, Technology, Science and Humanities.
- Secure the legal interests of students, faculty and the Institute.
- Create an innovation culture which will stimulate the creation and development of Intellectual Property at the institute.

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- State the policies of the Institute with respect to Disclosure, Protection, Ownership and Commercialization of Intellectual Property generated with or without any external funding.
- Provide the procedures and guidelines for Securing the Intellectual Property Rights through filing of necessary applications such as Patents, Industrial Designs, Trademarks, Copyright and other available mechanisms.

2. Objectives

The IP cell aims to

- Protect Intellectual Property and make it available to industry and others while providing recognition to its faculty / students and other individual inventors.
- Put forth a transparent administration system for the ownership control as well as the assignment of Intellectual Properties and sharing of the revenues generated by the intellectual properties generated and owned by the Institute.
- Frame standards for do's and don'ts for the Institute and creators of Intellectual Property relating to inventions, discoveries and original works originating from the Institute.
- Make the Institute a prime academic research institution enabling it to make use of developed IP for the maximum possible benefit of the creators as well as the Institute.
- Assisting the Institute with respect to Industry funded projects and related arrangements with a focus on Intellectual Property Rights.

3. Definition of Key Terms

Definitions of terms frequently used in this policy document are

- **Institute:** Institute means Maharshi Karve Stree Shikshan Samstha's Cummins College of Engineering for Women, Nagpur.
- **Principal:** Principal means the Principal of Maharshi Karve Stree Shikshan Samstha's Cummins College of Engineering for Women, Nagpur.
- **Research Committee:** Committee formed by the institute comprising of Principal and selected faculty members of the institute to administer the activity relating to the Research and IPR policy and such other relevant matters as shall be determined

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from time to time. The committee will guide and recommend the policies relating to the Research and IPR in the Institute.

- **IP Cell:** An activity centre or nodal agency formed under the Research Committee to execute the IPR Policy and administer the activities relating to the Intellectual Property Rights in the Institute.
- **Invention:** An invention means a unique or novel device, method, composition or process. It can be an improvement upon a machine, or product or a new process for creating an object or process; which is not obvious to others skilled in the same field.
- **Inventor / Creator:** Inventor or Creator can be the Institute Personnel who are permanent / temporary / on probation employee or visiting faculty; or research scholars / students / research fellows / assistants of Cummins College of Engineering for Women, Nagpur; who creates intellectual property using the facilities / resources of the institute and meets the criteria for inventor ship under Indian patent law and regulations.
- **Intellectual Property (IP):** An Intellectual property (IP) refers to creations of the mind, such as inventions, literary and artistic works, designs and symbols, names and images used in commerce. IP is protected in law by, for example, patents, copyright, trademarks etc. which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.

Intellectual Property includes, but not limited to

- New and useful scientific and technical advancement in the form of innovations, inventions, products and processes, computer hardware and software, materials, biological varieties etc. which are patentable.
- Industrial and architectural designs, models, drawings, software, creative, artistic and literary works teaching resource materials generated, records of research etc., which are copyrightable. Trademarks, service marks, logos etc.

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- Industrial Designs, models, drawings, artistic work which are registrable as an Industrial Design.
- **Patents:** A patent is a set of exclusive rights granted by the government organization to an inventor or assignee for a limited period of time in exchange of detailed public disclosure of an invention. Patents are a form of intellectual property.
- **Patentee:** A patentee is a person or organization who obtains and holds a patent for something. Also called as 'Patent holder', 'Patent proprietor', Applicant, Assignee.
- **Industrial Design:** An industrial design is that aspect of an article which is ornamental or aesthetic. It can be 3-dimensional features such as the shape or surface of the article or 2-dimensional as patterns, lines or colour.
- **Copyright:** Copyright is a form of intellectual property, applicable to certain forms of creative work. Copyright is a legal right created by the law of the country that grants the exclusive rights to the creator of an original work, for its use and distribution. Copyright may apply to a wide range of creative, artistic, intellectual form or work. But it broadly covers theses, literacy works, poems, musical compositions, plays, motion pictures, paintings, drawings, photographs, computer software, industrial or graphical designs etc.
- **Trademark:** Trademarks are distinctive design or graphics, logo, symbols, words, or any combination thereof which uniquely identifies an organization or its products or services, and guarantees the item's genuineness. Copyright gives its owner the legal rights to prevent the trademark's unauthorized use.
- **Revenue:** Revenue is the payment received by the Institute usually for the legal use of an Intellectual Property, as per the agreement.
- **Licensing:** Licensing in patent simply means that the patent owner grants permission to another individual or organization to make, use, sell etc. his / her patented invention. This takes place according to agreed terms and conditions for a defined purpose, in a defined territory, and for an agreed period of time.
- **Assignment:** Assignment means that the Intellectual Property Right is assigned / transferred to another individual or organization to make, use, sell the Intellectual

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Property. The assignment takes place according to agreed terms and conditions, for a defined territory through an agreement known as an Assignment Agreement.

4. Structure of the IP Cell

The IP Cell of the institute under Research Committee (RC), will be the nodal agency of the Institute responsible for processing (Evaluating, Protecting, Commercializing and Managing) all IPR related matters addressed in this policy i.e. any Intellectual Property generated out of the efforts of the Institute personnel. The research committee of the institute will be comprising of Principal and selected faculty members of the institute and will administer all policies, activities related to Research and IPR and other relevant matters as shall be determined by time to time. The Dean (R & D) shall be responsible for the implementation of all the recommendations through Research Committee. Institute's Management Committee (MC) may unanimously make changes in this policy, if needed, and such changes would be effective for inventions and other research results arising out in the future. All the personnel of the Institute are required to observe this Institute's policy on Intellectual Property Rights as may be decided by the Management Committee from time to time.

5. Responsibilities of the IP Cell

IP Cell will be responsible for following activities to protect Institute's Intellectual property Rights.

- **IP awareness:** The IP cell will undertake appropriate measures which will promote awareness of IP rights and strive to develop an IPR culture within.
- **IP Counselling:** Counsel and interact with inventors of potential inventions / intellectual properties / products and assist them in identifying/ assessing the IPR potentials.
- **IP Management:** Filing, maintaining, monitoring and managing of patents and other Intellectual Property Rights such as Industrial Designs, Copyrights, Trademarks etc and coordination between attorneys, faculty / student inventor(s) and other related authorities. IP Transactions: Promotion of the IP Rights held by the Institute in the Industry to commercialize the Intellectual Property by way of

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Licensing, Assignment; Advising, drafting and monitoring of all IPR related Agreements and related documentation.

- **IP Policy Formulation and Amendments:** Framing of IP policy and amendments from time to time according to need.
- **Documentation:** IP Cell will maintain necessary documents.



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Part II: Policy Framework

This section defines Applicability, Ownership, Disclosure, Infringements, Liability and Indemnity Statement by Inventors, Transparency of IP Administration, confidentiality and Commercialization of Institute owned IP related policies.

2.1 Applicability of IPR Policy

- 2.1.1 The IPR policy of MKSSS's Cummins College of Engineering for Women Nagpur is to be followed by all the personnel Students, Permanent or Temporary Faculty, Visiting Faculty, Staff, Researchers, Research Associates, Jr. research fellows of the institute, herein after referred to as personnel of the Institute or Institute Personnel, in all the matters.
- 2.1.2 This policy covers all rights arising from Intellectual Property devised, created or made by all the personnel of the institute. The IP arising from academic research includes Patents, Designs, Trademarks, Service Marks, Copyright, Know-how and Undisclosed Information.
- 2.1.3 The IP cell of the institute under Research Committee, will be the nodal agency of the Institute, responsible for Evaluating, Protecting, Commercializing and Managing all IPR related matters addressed in this policy i.e. any Intellectual Property generated out of the efforts of the Institute personnel.
- 2.1.4 As the IP framework scenario is changing / evolving very rapidly, this policy may be altered from time to time to suit the needs.

2.2 Ownership

- 2.2.1 MKSSS's Cummins College of Engineering for Women, Nagpur will own all Intellectual property including Patents, Designs, Trademarks, Service Marks Copyright, Know-how, Undisclosed Information etc., created by all the personnel of the Institute. The Intellectual Property created through sponsored research, where the sponsor does not claim Intellectual Property Rights, creator



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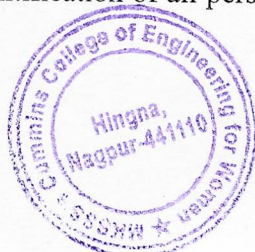
will exclusively assign all the global rights to the Institute. The Intellectual Property created by joint research with an independent entity (third party), the Institute shall claim all the Intellectual Property of the part of ownership wherein the inventors, creators are Institute personnel and students.

- 2.2.2 The institute reserves the right to enter into an agreement with any entity for joint development / research to be conducted by the Institute personnel and students and reverses the rights to ownership on the Intellectual Property developed through such development and or research.
- 2.2.3 The Institute reserves all rights to apply for IP protection in India / throughout the world / specific countries for suitable protection of the IP generated.
- 2.2.4 The Institute reserves all rights to apply for renewal of IP rights.
- 2.2.5 The Institute reserves all the rights to commercialize, monetize the IP Rights.

2.3 Disclosure

- 2.3.1 The institute personnel and students shall sign necessary documents relating to disclosure of information as defined by the institute.
- 2.3.2 When the creators believe that they have generated any unique idea whether a concept, product, process, method, composition or any combination whether patentable or not patentable and / or any form of Intellectual Property, they shall report it promptly in writing, in the form of Invention Disclosure Form (IDE) along with relevant documents, data and information, to the Institute through the appropriate authority, Head of the Department (HOD). By this disclosure, the inventor(s) shall assign the rights of the disclosed invention to the institute and shall sign necessary documents if any for the purpose. **In case the creator(s) fail to do so, an appropriate disciplinary action, suggested by the college disciplinary committee, will be taken against them.**
- 2.3.3 The information provided in Invention Disclosure Form shall constitute a full and complete disclosure of the nature, particulars and other details of the Intellectual Property, identification of all persons who constitute the creator(s)

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of the property, and a statement of whether the creator believes he or she owns the invention disclosed, or not, with reasons.

- 2.3.4 The creators of the IP shall provide the necessary and complete information to IP Cell to enable it to determine patentability of the art.
- 2.3.5 The creator shall furnish all additional information and execute such documents from time to time as may be requested for effective protection and maintenance of proprietary rights of the Institute in the Intellectual Property.
- 2.3.6 Where there are different creators of components that make up a system, the individual creators and their contributions must be identified and can be treated separately.

2.4 Infringements, Liability and Indemnity Statement by Inventors

- 2.4.1 The Inventors / creators of the Intellectual Property under the terms of this policy shall be required to determine and to state that to the best of their knowledge the Intellectual Property does not infringe on any existing copyright or other Intellectual Property or other legal rights of third parties.
- 2.4.2 If any part of the work is not the original work or creation of the creators, the creators must show that the necessary permission for use has been obtained from the owner, or state their reasons for believing that such permission is not necessary as the use constitutes fair use. They will further certify that the work contains no libelous material nor material that invades the privacy of others.
- 2.4.3 In case a third party alleges infringement of their rights by a creator, and the Institute IP Cell finds prima-facie that the creator may have made false claims, the Institute will take immediate steps to dissociate itself from the said Intellectual Property. All agreements with creators should indemnify the Institute against all damages arising out of such litigation.

2.5 Confidentiality

- 2.5.1 Where any form of Intellectual Property is created, the creator shall agree to maintain all relevant details of the invention, creation, secret and confidential





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until the process of securing such Intellectual Property by filing applicant under relevant laws is initiated by the Institute. The creator shall not disclose any such information in full or part to any person or entity without securing a written permission from the Institute to disclose such permission, The creator shall clearly define the purpose of such intended disclosure while seeking permission from the Institute. In the case of protection through confidentiality, the same information will be kept secret and confidential as long as the Intellectual Property has commercial value.

- 2.5.2 Inventors and / or Institute personnel must take care not to disclose confidential details of Institute owned Intellectual Property in their publications, speeches or any other communications with outside world.
- 2.5.3 All Institute personnel, shall treat all IP related information as confidential till that information is public knowledge only through and by the Institute.
- 2.5.4 The Institute personnel shall not directly, either during or after a period of their appointment, disclose to any third party or use for their own purposes or benefit or the purposes of any third party, any confidential information about the Intellectual Property of the Institute unless that information is public knowledge or he/she is required by law to disclose it.

2.6 Transparency of IP Administration

- 2.6.1 The Institute will inform the creators of Intellectual Property of progress regarding filing of the patent, commercialization and / or disposition of the Intellectual Property. The Institute and the creators shall maintain complete transparency in sharing information at all stages of the process. The creators shall keep the Institute informed of updates or development of the Intellectual Property, which lead to tangible effects on the property
- 2.6.2 The Cell may seek the assistance of experts in searching for Prior Art and filing the application. However, in such cases, confidentiality of the IP shall be strictly ensured.

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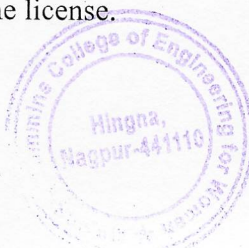
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2.7 Commercialization of Institute owned IP

- 2.7.1 The Institute shall license, assign its Intellectual Property Rights in all forms at its discretion for commercialization through third parties who may or may not be the creator through the grant of exclusive /non-exclusive Licenses, or assign its ownership rights to third parties / creator safeguarding the interests, financial or otherwise, of the Institute.
- 2.7.2 The Institute holds all the rights and shall handle the evaluation, marketing, negotiations and licensing of the MKSSS's Cummins College of Engineering for Women, Nagpur owned IP.
- 2.7.3 Institute may retain the rights for research exemption and experimental use of patents, design rights and under fair use of copyrights and trademarks.
- 2.7.4 The Institute reserves rights to extend, modify or terminate the type of existing license provided.
- 2.7.5 When the creators OR a third party is interested in commercializing an item of Intellectual Property after inspecting the relevant Technology Profile, they must sign a confidentiality agreement, demonstrate technical and financial capability to commercialize the Intellectual Property. The institute may review the situation and can decide whether the Intellectual Property can be commercialized and what will be the terms of license to be made between Institute and Creator OR Third Party.
- 2.7.6 Confidentiality Agreements will continue to be in force even if the process of commercialization is aborted at any stage.
- 2.7.7 The license may be subject to additional terms and conditions, such as revenue sharing with the Institute or reimbursement of the cost of statutory protection, when the development of the Intellectual Property is licensed. If the Institute finds that the third party has not taken steps to commercialize the property within one year of acceptance of the license, the Institute will have complete right to terminate or revoke the license.

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- 2.7.8 If the Intellectual Property is commercialized, the creator OR Third Party may be required to pay a license fee or royalty to the Institute in a proportion as 70% for the creator / inventor and 30% to the Institute. However, this can be changed based on case to case.
- 2.7.9 The costs of transfer of interest / rights / ownership and maintenance of rights in the Institute-owned property by way of license, assignment or otherwise devolution of rights for such purposes, will be borne exclusively by the licensee, assignee, and person acquiring such rights. The Institute may under special circumstances retain a non-exclusive royalty-free license to use the property for teaching and research.
- 2.7.10 Revenue sharing agreement can also be made among inventors, in case of multiple inventors in the given IP application (in absence of such agreement, royalty share will be done on an equal basis)
- 2.7.11 Where the inventor / Creator(s) and external third party requesting for the license of the same IP, preference for licensing may be given to the inventor(s) based on the nature of technology amongst other considerations.

Undertakings, Agreements and Contracts

- Undertaking to be signed by all personnel to observe the IPR policy
- Disclosure, Confidentiality Agreement, Assignment Agreements by IP Creators
- Relevant Documents to be signed by the creators, inventors while filing relevant IP application/s
- Revenue Sharing Agreement
- Technology transfer agreement, license agreement, IP Assignment agreement

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2. Visvesvaraya National Institute of Technology, Nagpur.
3. Ramdeobaba University, Nagpur. (Innovation & Entrepreneurship policy)
4. Intellectual property India (www.ipindia.nic.in)



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