



**University of
Technology**
Serving Education Since 1976

Established by Rajasthan State Legislature Act No. 28 of 2017
Empowered under section 2(f) of UGC Act 1956 to award Degrees, Diplomas and Certificates
Sponsoring Body Deepshikha Kala Sansthan Reg. No. 307 / 76-77



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Technology**
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INTELLECTUAL PROPERTY RIGHT POLICY

(Approved by 5th Meeting of Academic council held on 05.08.2019)

University of Technology

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Introduction

The University of Technology (UOT) has been established by the Govt. of Rajasthan through State Legislature under the Act No 28 of 2017 and recognized by UGC under section 2(f) of the UGC Act 1956. In the University, faculty members, research scholars and the students are engaged in research and development work of considerable importance. Such works may lead to evolution of intellectual property know-how, copy-rights, designs, instruments, devices, processes, specimen, software and other inventions having potential for commercialization with or without the registration under different Acts enacted by the Government for protection of intellectual properties.

Intellectual Property Rights (IPR) refer to the legal protections granted to the creators and owners of original works, inventions, and innovations. These rights enable individuals and organizations to control the use and distribution of their intellectual creations, ensuring that they can benefit from their efforts. University of Technology aims to protect the original creation of the faculty, staff, research scholars and students. The R & D programmes create intellectual property (IP) in various forms such as patents, copyrights, Trademarks, designs, instruments, devices, processes, software and other inventions, which can be commercially exploited to bring considerable socio-economic benefit to the country. The purpose of IPR is to encourage creativity and innovation by granting creators exclusive rights to their work for a specified period. This protection not only rewards inventors and creators for their contributions but also stimulates economic growth by fostering a competitive environment where new ideas can thrive.



An Intellectual Property Rights (IPR) policy is a comprehensive framework that establishes guidelines and procedures for the management, protection, and commercialization of intellectual property within an organization or institution.

Objectives of IPR policy: The University has formulated this intellectual property policy for the management of intellectual property to:

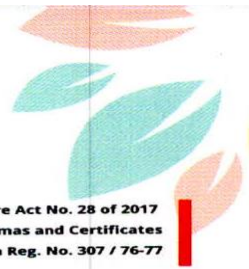
- to foster an environment that promotes the creation of new ideas, inventions, and creative works by ensuring that creators and inventors are recognized and rewarded for their contributions.
- Foster, stimulate and encourage creative activities in the widest sense in the areas of Technology, Science, Arts and Management.
- To encourage innovative research leading to the generation of new knowledge, ideas and inventions
- To provide faculty members, researchers and students the university assistance in assessing the patentability and commercial potential of their inventions
- To strengthen the research quality and academic standard
- The IPR policy provides the mechanism for preservation and use of intellectual property and procedures through which invention and discoveries made in the course of university research are disseminated to the public through the transfer of technology.

Definitions: The meanings of the terms in this policy are given below:

- **Intellectual property (IP):** Intellectual Property refers to creations of the mind for which exclusive rights are recognized under the law. This can include inventions, literary and artistic works, designs, symbols, names, and images used in commerce. IP rights are legally protected to ensure that creators, inventors, and businesses can control the use of their creations and benefit from their innovations.



- **Intellectual property Rights (IPR):** Legal rights granted to individuals or organizations for their creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce. IPR allows creators to control the use and distribution of their intellectual assets and benefit financially from them.
- **Patents:** Patents are Legal protections granted for new and useful inventions or discoveries, which give the patent holder exclusive rights to make, use, sell, or license the invention for a specific period.
- **Copyright:** Copyright is a Legal right granted to the creator of original works of authorship, such as literary, musical, and artistic creations, which allow the creator to control the reproduction, distribution, performance, and display of their work
- **Trademark:** A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.
- **Industrial Designs:** An industrial design constitutes the ornamental or aesthetic aspect of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color.
- **Geographical Indications:** Signs used on products that have a specific geographical origin and possess qualities, reputation, or characteristics inherent to that location. They help protect the reputation of regional products and prevent misleading practices.
- **Plant Variety:** Legal protection granted to new and distinct plant varieties that are created through breeding or genetic modification. This protection allows breeders to control the propagation and commercialization of the plant variety.
- **Collaborative Activity:** Is the research undertaken by the personnel in academic institution, in cooperation with industry and/or another researcher(s), who are not the personnel from the academic institution.



- **Creators:** Include any employee of the university whether employed full time or part time or on probation or temporary basis either in the university and/or in projects and those who are research workers, research scholars or students or project fellows who are responsible for the creation of an intellectual property using the facilities of the University.
- **External Partners:** Individuals, organizations, or institutions outside of University of Technology that collaborate or engage in projects, research, or business activities. External partners may contribute resources, expertise, or intellectual property to collaborative endeavors.
- **Researcher:** Persons employed by the University, including faculty, staff, research scholars and students who use the resources of the university and perform any research task or participate in any research project(s) administered by the university including those funded by external sponsors.
- **Invention disclosure:** Means a written description of an invention that is confidentially made by the inventor to the university.
- **Patentee:** Means the person for the time being entered on the register of patents kept under the Indian Patent Act as the generator or proprietor of the patent.

Scope & Applicability of the IPR Policy

This IPR Policy regulate the ownership, distribution, and commercial development of technology by the University faculty, staff members, and students, other partaking organizations and Government funding Agencies in the programs taken up by the University. This document will equally be applicable for the research works carried out by the University with other organizations at their Premises. Moreover, it covers Technology Transfer Policy and the incentives for the inventors.

Ownership of Intellectual Property



The University shall be the owner of all intellectual properties including inventions, software's, designs and integrated circuits, specimens, created by creators as a result of university research or created by substantial use of university facilities. Specific provisions relating to IPR made in contracts governing the collaborative /sponsored activity shall determine the ownership of IP in case of sponsored or collaborative research. Usually where there has been external corporate, foundation, trust, Government or industrial funding of any project, the IP generated from such a project shall be jointly owned by the University, creator of IP and the funding agency which has provided funding under a specific agreement with the University. The right to ownership may be retained by the creator of the intellectual property.

Technology Transfer

The commercial exploitation of IP shall be done through the transfer of technology agreement or by licensing, which can be exclusive, non-exclusive or sole, including the revenue sharing clauses. In case of commercialization of IP, on the recommendation of IPR Cell, the university shall enter into revenue sharing agreement. The revenue earned through commercialization of IP shall be shared reasonably between the inventor and the university.

Dispute resolution

In the circumstances of any dispute, the inventor or any aggrieved person may appeal to the IPR Cell. All efforts shall be made to address the issue of the aggrieved party. The decision of the IPR Cell shall be considered final and binding.

Regulation of IPR Policy

The IPR Policy shall be regulated by the University through the IPR Cell. In case of any issues relating to the interpretation of this policy, the IPR Cell is solely responsible to interpret. IPR Cell is responsible for the effective application of the policy in the university. It can also recommend any changes which is required in the policy to the chancellor of the university, who shall consider such changes/recommendations.



Revenue sharing

The University and Inventors/researchers, all share in the revenue earned from the licensing of patents for their inventions. Under the Current Policy the net earnings from the commercialization of IP owned by University of Technology would be shared as follow:

1. When University is the Creator, the income from economic use of intellectual property will be shared amongst the University and Research Team as 60% and 40% respectively.
2. When the individual researcher or a team of researchers is the Creator and has used substantial University resources, the Revenue shall be shared amongst the individual researcher, team of researchers and the University and as 60%, 40% respectively.
3. When the creation is the result of funded research, the income from economic use to be received from the Institution funding the research will be on revenue sharing basis at the level determined in the agreement assigning economic use of intellectual property to that institution when it is the economic user. In such cases the income shall be shared between the team of researchers and the University as 60%, and 40% respectively.
4. When a Company, Industry or Commercial Undertaking other than Funding Institution is the economic user, the income receivable from the economic user will be as provided in the licensing agreement with that Company, Industry or Commercial Undertaking. Such income will be shared as 60% and 40% between the Funding Agency and the University respectively. The University will distribute the income it so derives to itself, researcher/team of researchers as in the preceding para.
5. The shares as mentioned above shall be determined after deducting the direct expenses if any from the total income received by the University.
6. The creator(s) share would be declared annually and disbursement will be made to the creator(s) or their legal heir, whether or not the creators are associated with the University at the time disbursement.
7. Co-creators that is research team members of IP shall sign at the time of disclosure a Distribution of IP earnings agreement, which shall specify the percentage distribution of earnings from IP to each co-inventor. The co- owners of intellectual property may at any time by mutual consent revise the distribution of IP Earnings.



Liability in case of contravention of IPR

In the event of any contravention of IP rights by faculty, staff or collaborator the university will not be liable for any claim or civil suit or criminal action initiated by the third party.

Jurisdiction

All agreements signed by the university and dispute arising there shall be subject to the jurisdiction of District Court of Jaipur and shall be governed by appropriate laws of India.

OPERATING GUIDELINES OF IPR POLICY

University of Technology aims to impart futuristic and high quality technical, management sciences and multidisciplinary education to the young and talented Indian and International students. We strive to become the front runner in the field of education in India by attracting and nurturing the best talent and providing them a platform where they can strengthen and grow their core competencies and build their career as world class professionals. Every member of our university wishes to enjoy diverse opportunity for personal intellectual and professional growth learning and working at university will foster quick, well-rounded minds, well-equipped to succeed in our fast-changing world. There is an Intellectual Property Cell (IPC) for the management of the intellectual property in which the University has stake/share, technology transfer activities and for the implementation of the IP Policy.

The IPR Committee for approval for patent filing would consist of:

S. No.	Position	Member (IPR)
1	Vice Chancellor	Chairperson
2	Dean, Research	Convener
3	Dean/HODs Nominated by Vice Chancellor-02	Members
4	Professors Nominated by Vice Chancellor-02	Members



5	Registrar	Member Secretary
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Responsibilities of IPR Cell

- IPR Cell has responsibility of framing of IP policy and amendments from time to time.
- The IPR Cell has responsibility of filing, maintaining and monitoring of IPR
- The IPR Cell shall bring coordination between attorneys, inventor, and University of Technology authorities.
- IPR Cell is responsible for advising, drafting and monitoring of all IP related MoUs of University of Technology.
- The IPR Cell shall strive to promote awareness of IP rights in the University.
- The IPR shall conduct workshops/seminars/conferences at national and international level based on IPR.

Application Procedure

Every application relating to Intellectual Property shall be forwarded to IPR Cell through the Dean/Head of the respective school.

Record Keeping

All data and details generated should be systematically recorded in the concerned School with particular reference the following:

- a) No abbreviations or terms, except their use is a standard practice in that particular discipline, should be used, unless clearly explained in a table at the front or back of the book.
- b) Crucial data or descriptions or experiments, which relate to valuable inventions or discoveries should be signed and sated by the creator, supervisor, or coordinator of the project.
- c) Modifications, if any, should be made by drawing a line through the deleted matter and writing cancelled beside it. The corrected data (clearly marked as such) should be entered immediately below, authenticated by the creator with his/her initials and date.



d) Samples of new products by a new method should be preserved, if possible, and photographed for the record. All photographs should be dated and signed by the creator on the reverse.

When Should Faculty Approach IPR Cell to Discuss a Possible Patent?

Any faculty or researcher, who believes to be in possession of a potential intellectual property generated while in service of the University may approach and set up discussions with the IPR Cell at any 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 straightaway.

Evaluation of Patent/Copyright applications

The IPR Cell may seek help of professors as domain experts to preliminarily evaluate the proposals for the prima-facie patentability. The domain experts would be required to enter into a Non-Disclosure Agreement. The inventors may be requested, if necessary, to make a presentation of their case before the IPR Cell. In case the Cell recommends for filing of patents, the IPR Cell will process the application through one of the approved attorneys from the panel maintained at the IPR Cell.

Assistance in Filing

Once the IPR Cell approves protecting the Intellectual output, a patent Attorney shall be identified by the Cell for drafting the IP application. The following aspects need to receive attention:



- Adequate information is to be given to the Attorney to enable him 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.

Filing of Applications for IPR and Support

- All applications for IPR shall be filed by the Registrar in the name of the University as owner of the IPR. Inventor's name will be filled in the application at appropriate places. Inventors will assign the exclusive right of ownership to the University in order to facilitate file, secure and commercialize the IPRs without any encumbrance.
- The IPR Cell would meet the expenses i.e. the statutory fee and patent attorney's fee, for processing the patent applications.
- If an inventor decides to withdraw the application for a patent at some mid-stage of processing, prior approval of the IPR Cell is required.

Amendments:

The University reserves the right to amend these Ordinances at any time as required. The Vice-Chancellor/President upon recommendation by the Intellectual Property Rights Cell may amend these Ordinances.

Logo and the Emblem of University:

The logo and Emblem of the University are the exclusive identity and property of the University of Technology and no person shall without prior permission of the University can utilize the logo and / or emblem of the University for any commercial purpose.