

Name of the Policy/ Guidelines	Intellectual Property Rights Protection
Short Description	Policy and guidelines on protection of intellectual property rights
Scope	This policy is applicable to all faculty, students and research scholars of the constituent colleges and departments of NITTE (Deemed to be University).
Policy status	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Revised
Date of approval of Version 1	
Revision No.	0
Brief description of last revision	Not Applicable
Date of approval of current revision	Not Applicable
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Approval Authority	Board of Management
Responsible officer	Registrar

NITTE (DEEMED TO BE UNIVERSITY) POLICY ON INTELLECTUAL PROPERTY RIGHTS

Introduction

Research and development carried out by the faculty or research students or postgraduate students of Nitte (Deemed to be University) may result in inventions, innovations, know-how, copyrights, devices or processes that may have commercial applications. Commercial application of these can be of considerable economic importance to the country and contribute to societal development. Nitte (Deemed to be University) recognizes the importance of protecting intellectual property generated through research at national or international level. This document states the policy of Nitte (Deemed to be University) regarding protection, ownership and licensing or commercialization of intellectual property that is generated in the University with or without external funding.

Definitions

Copyright means the exclusive right granted by law for a certain period of time to an author to reproduce, print, publish and sell copies of his or her creative work.

Intellectual property means any property generated out of intellectual effort by the Faculty/Reserchers/students. This may include new and useful scientific advancement in the form of innovations, products, processes, biological varieties which are patentable as well as drawings, designs, writings, teaching materials, resource materials that are copyrightable.

Policy statements

1. Nitte (Deemed to be University) has a policy to nurture, stimulate, and encourage original and innovative activities in all academic disciplines. The Policy of the University is to protect the legitimate interests of faculty/research scholars/students and to implement transparent administrative system for ownership control, assignment of intellectual properties and sharing of revenues generated through licensing of intellectual property or transfer of technology.
2. **Ownership**
 - 2.1. Nitte (Deemed to be University) will be the owner of all intellectual property generated by the faculty/researchers/students unless specific agreements or contracts have been made by the University as specified below before the creation of IP with any agency funding research leading to generation of IP.
 - 2.2. In case of sponsored research, collaborative research with other institutions, or consultancy work, specific provision made in the agreement or MOU regarding ownership of IP shall apply. The MOU/contract might require (a) joint ownership of IP or (b) full

ownership of IP by the sponsor of a consultancy assignment or (c) exclusive licensing of the IP owned by Nitte (Deemed to be University) to the sponsor or nominee. The MOU should specify conditions such as who will bear the cost of patent filing, registration, maintenance and also who will have the right of first refusal to such IP if applicable. The faculty involved in sponsored research/consultancy will assist the University in deciding the best option considering the nature of research or consultancy, expertise and facilities provided by the University and extent of funding provided.

- 2.3. If a Nitte faculty on study leave or sabbatical in another organisation creates an IP in that organization which is partly based on work carried out in Nitte, then the Faculty has to inform Nitte about the IP and the extent of IP sharing between Nitte and the Organisation where the work was finalized will be determined on case to case basis depending on the extent of work carried out at Nitte that has contributed to the IP.
- 2.4. Nitte will be the owner of copy right for all work including software or apps developed using resources of Nitte.

3. Evaluation and protection of IP

- 3.1. The Directorate of Research of Nitte will coordinate all activities related to IP protection such as patenting.
- 3.2. The faculty involved in the invention, innovation, process or any IP will submit information to the Research Directorate in the prescribed format through the Head of his/her Department and Institution.
- 3.3. It is important that patent application is filed before publication or disclosure in any form in public domain.
- 3.4. The Directorate of Research will screen the application for adequacy of information provided and will perform *prior art* search.
- 3.5. Applications meeting the requirements upon preliminary screening will be placed before an expert screening committee. Depending on the subject of the application, the Director (R&D), in consultation with the Vice Chancellor will constitute an Expert Committee to screen the applications and determine eligibility for further processing.
- 3.6. The Expert Committee will make recommendation on (a) whether the application can be filed and defended through online process or whether any legal firm should be involved (b) whether the case is fit for international patent application considering the costs involved.
- 3.7. The Vice Chancellor will make the final decision based on the recommendation of the Expert Committee.
- 3.8. The Directorate of Research will arrange either online filing of application of patent or filing patent through a legal firm, as required by each case.

- 3.9. All Nitte staff associated with patent activity will keep IP related information, for which they have access as part of official duties, as strictly confidential.
- 3.10. In case the sponsor of a research project has agreement/contract/MOU specifying that the responsibility and cost of patenting to be borne by the Sponsor, the Faculty, Researcher will provide information to the Directorate of Research on the ongoing process and the outcome of patent application.
- 3.11. Nitte will bear the cost of patenting in all cases where the ownership fully lies with Nitte. In case of patents coming out of sponsored research, cost sharing will be as per contract/agreement/MOU. In case of renewals, the chances of commercialization will be evaluated before paying for renewals.
- 3.12. Nitte (Deemed to be University) may consider requests to file patents overseas on case to case basis depending on the merit of the case and the chances of commercialization..

4. Licensing of IP and technology transfer

- 4.1. The Faculty/Researchers involved in any IP owned by Nitte will make efforts to identify potential firms/agencies that could be interested in obtaining license to commercially exploit the IP.
- 4.2. Nitte will notify through the University website regarding availability of IPs for licensing and invite expression of interest from firms/agencies specifying their offer and timeline for commercialisation.
- 4.3. The Directorate of Research will coordinate the process of licensing/technology transfer. The Directorate may constitute Expert Committee to evaluate the proposals from firms/agencies interested in obtaining license for commercial exploitation of IP. The Vice Chancellor will make the final decision based on the recommendations of the Committee.
- 4.4. The terms and conditions of licensing will be decided on case to case basis. Licensing could be either exclusive or non-exclusive as mutually decided by Nitte and the licensee.
- 4.5. Revenue sharing between the Faculty/researcher and Nitte will be decided as per policy of the University at the time of licensing.
- 4.6. In case the ownership of IP is shared between Nitte and research sponsor, licensing process will follow protocol agreed between the research sponsor and Nitte in the contract/MOU. If the process has not been specified in the contract/MOU, a separate agreement specifying the process will be made before starting licensing process.

5. Publication based on IP

- 5.1. For protection of IP, at least a provisional patent application should be filed before publication of research by the Faculty/Researcher.

5.2. While preparing the publication after this step, the Faculty/researcher will take care to protect commercial value of IP without affecting the exchange of information.

6. Liability and indemnity

6.1. In any license agreement, Nitte will take indemnity from legal proceedings against the University or its Faculty/Researchers without limitation, for reasons including but not limited to manufacturing defects, design guarantee and commercial performance.

6.2. IP will obtain through appropriate agreement, indemnification from the licensee against any direct or third party legal liability arising out of commercial exploitation of IP.

7. Dispute resolution

In case of any dispute regarding the IP between the Faculty/Researchers involved, the decision of Vice chancellor, Nitte will be final and binding.

8. Jurisdiction

All agreements related to IP signed by Nitte will have jurisdiction of the courts in Mangalore and shall be governed by appropriate national and state laws,

