

**INTELLECTUAL PROPERTY RIGHTS CELL
BHARATHIAR UNIVERSITY
COIMBATORE – 641 046**



**Bharathiar University IPR Policy
(BU-IPR)
and
Miscellaneous Services Policy
(BU-MSP)**

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TABLE OF CONTENTS

Section No.	Title	Page No.
	Volume I- Characteristic, Scope & Objective	1
I	Executive Summary	2
II	The University Innovation Ecosystem	3
III	Uniqueness, Strengths & Aspirations of the University	5
IV	Need for an IPR Policy Document	7
V	Scope of IPR Policy Document	7
VI	Objectives	8
	Volume II – IP Policy Framework	13
I	Preamble	14
II	Terms and Definitions	14
III	Framework for Governance& Administration	15
IV	Process and Procedures	17
	Volume III – Guideline for Procedures and Management	19
	Part 1 – Intellectual Property Rights& Related Services (Statutes)	20
	Part 2 – Miscellaneous Services (Non-Statutes)	36

Volume I

Characteristic, Scope & Objective

I. EXECUTIVE SUMMARY

Universities are the prime drivers and contributors towards the knowledge economy of a nation, contributing in terms of human capital in variants of skill development, knowledge transfers, technology development and capability / **Capacity** building.

Bharathiar University, a state university, has established itself as the frontrunner in achieving the objectives of it being instituted and has evolved to be known as a potential and principal institution in fostering creativity and innovation, the prime components of any knowledge economy. Along with this, an inclusive, comprehensive, flexible to adopt and evolve, lucid and easy to understand policy will catalyze and bring out the total potentials of the University in Rapid Sustainable Development, Inclusive growth, positive socio-economic impact and value creations with human and environmental co-existence in harmony.

The rationale for the policy is centered on equitable, justifiable and proportionate distribution of values to stakeholders and beneficiaries of the value creation and transacting ecosystem. The policy shall ensure adoptability, ownership, responsibility, accountability, transparency and traceability for all contributors and beneficiaries by bringing systems and process in effect.

II. THE UNIVERSITY INNOVATION ECOSYSTEM

The University is a composite and collaborative ecosystem performing the function of acquisition, generation, imparting, transfer and ensuring percolation of Knowledge, Technology and Skill for a positive socio-economic, Socio-cultural and socio-political transformation.

The transformation can be translated through the efficient functioning of The University and effectively leveraging its Assets. The **components or the assets-acquired or created- by the University**, are the platform and medium to create **transferable value and transactional value**. The components can be grouped into:

- a) Information, Knowledge & Technology
- b) Human Resources, Skills & Know-hows
- c) Establishments, Infrastructure & Capabilities
- d) Systems, Processes, Practices and Standards
- e) Other resources- Like Materials and Samples

1. The Activities & functions of the University

Like any academic and research institute the university envisages to gather, curate and disseminate – skill and knowledge, employing its own assets for the defined purpose. The purpose is achieved vide its functions that are

i. **Teaching, Learning, Skilling and Evaluating:**

Acquiring, disseminating and evaluating the transfer of knowledge that is already prevalent, in the fields and subjects dealing with Arts, Science, Engineering and Technology along with other faculties of knowledge. This function is common and is governed and evaluated based on common parameter so far as other institutes engaged in similar activities.

ii. **Research, Development, Design, Deployment and Dissemination:**

The University defines its character and uniqueness and claims its proprietary assets by way of

- (a) Generating new data, ideas, information and knowledge.
- (b) Developing skill to apply the new knowledge generated (Know-hows).
- (a) Creating new frontiers in systems of knowledge and technology transfer.

The above activities will produce outcomes which are characteristically unique to the University. In view of this, University alone can claim ownership of those outcomes.

iii. **The Anticipated Outcomes** can be broadly classified into:

- (a) Intellectual Property Assets and their management.
- (b) Intellectual Property services as well as Allied and associated services.
- (a) Miscellaneous Services which may be non-statutory intellectual property related services.

The above can be validated and valued based on the property being either a) Transferable or b) Non-Transferable.

Both transferable and non-transferable assets and service classes, shall have transactional value estimated to capitalise on (One way transfer like seminars, workshops, awareness camps are non-transactional the values of such transaction may carry a monetary value or utility value that can be gauged and measured). These strategic assets and services are deployed to the beneficiaries and dependents of the University. They can be packaged into offerings and deliverables, as a service to the society at large and the industry in particular.

2. **The beneficiaries** can be largely classified as:

- i. Internal Beneficiaries- Departments and Individuals (Intra & Interdepartmental)
 - ii. Institutions & Research Organizations
 - iii. Industries & Commercial Organizations
 - iv. Society & Non-Governmental Organizations (NGO)
 - v. Government and Government related Organization.
3. **The Process of Development, Deployment and dissemination** is set through appropriate and prescribed channels such as
- i. Entrepreneur Development Cell: Entrepreneurship development models such as Spin-off's, Incubators and Accelerators.
 - ii. Technology Licensing and Technology Transfers (Assignment and Licencing)
 - iii. Testing, Certifying and Validating.
 - iv. Know-how and Skill deployment.
 - v. Advising, Coaching, Consultancy, Mentoring, Projects, Training.

III. UNIQUENESS, STRENGTHS, & ASPIRATIONS OF THE UNIVERSITY

The strategic assets of the university are the ones that differentiates the institute from any other institutes and confers its tactile advantage for growth, its renown, uniqueness, reckon and sustainability. It also defines the institutess character and unique nature conferring its identity.

Bharathiar University is one among of the potent universities of India which holds the ability to establish the link between the Government, Society and inventive minds of University. The university was established in 1982 and more than its pristine advantages of having positioned itself in the Western Ghats, it has to offer itself to safeguard the interest of the resources and generate data regarding the same being the best hotspot in the world.

The University constitutes 39 departments addressing the regional needs in various fields. In addition to this, the School of distance education (SDE) of this university provides education to those who are not able to acquire regular mode of education.

It has several world renowned colleges and academic institutes affiliated to it. It is associated with state run industrial parks and interlinked to other institutions such as Home sciences, Institute of Forest Genetics and tree Breeding, Tamil Nadu Agricultural University, Cotton research, SITRA, SBI, SACON. It also houses a unique R&D centre in collaboration with Defense Research and Development Organization (DRDO) Government of India (GOI), to cater to the needs of defense services of our country. The University has strong alumni linkage who have a global foot print.

Above all the University has a great track record and proof of its excellence in the contributions to the functions it represents. The faculty members have established research collaborations with world renowned institutions and have attained a platform with international visibility. The research concepts have attracted financial assistance from various funding agencies which has fruition into products and publications. University faculties have several well cited publications and their H-Index and G-Index are, all time high. Our faculties have now started to offer consultancy, advisory, testing and certification services to the needy.

The efficient and effective functioning of the university can only be achieved exclusively by leveraging its strengths & unique propositions and hence the university aspires to capitalize on all its strengths mentioned above in order to make a self-sustaining model and provide an equitable and even distribution of benefits for all the stakeholders and associates.

IV. NEED FOR AN IPR POLICY DOCUMENT

It becomes the right and duty of every institution to preserve its identity and character. Each institute strives to claim, secure, safeguard and protect its potentials and also positions, in order to leverage its capabilities it possesses.

The competence and capabilities can be put to advantage only when they remain relevant to the socio-economic contributions.

To retain the character, identity and repute and leverage and exploit on its strengths and continue to evolve in the spheres of advantages the university needs to have a Policy document enforced as a reference, framework and guidelines in order to reflect upon itself and continue to improve upon its capabilities and outreach to the society.

Policy document needs to be designed to suit the requirements and functioning of the University.

V. THE SCOPE OF IPR POLICY DOCUMENT

The policy is a reflection of repute, integrity and character of the University. It is expected to cover broadly the subject of a framework and guidelines to draft, approve, adopt, enforce, review and periodically amend to evolve the procedures of governance, management and implementation, legalization, monetization and distribution of benefits derived from the offerings and deliverables that belong to the university.

The policy document is not necessarily the code itself of governance but it is a framework and guiding principles in order to formulate the process and standardise protocols for governance.

The scope of the policy covers the entire constitutional functions of the nation and limits itself to the governing statute of the University. It defines and designates the territorial and judicial limits. The scope of the document is extended to all possible university constituents but limited to the following two parts namely,

1. **Part I** : Framework and Guidelines for Intellectual property rights and related services.

2. **Part II** : Framework and Guidelines for Miscellaneous services.

The objectives of the policy document are defined under 7 major aspects of the university innovation ecosystem and each aspect is taken to be inter-related, based on which the document shall be inferred and interpreted. The Preamble and the objectives are common for both the parts. The detailed implementation and codes of governance, rules and procedures for implementations shall be drafted, approved and adopted for enforcement through the procedure defined herein.

VI. OBJECTIVES

Objective 1 Outreach and Promotion

In order to Encourage, Promote, Sensitize and create awareness among the stake holders the University as a policy shall,

- i. Create public awareness about the economic, social and cultural benefits of various types of IPRs, among all beneficiaries and stakeholders of the University.
- ii. Create awareness on the importance and need of the legal and economical implication steps and process involved in **translating to benefits** Stimulate, encourage, incentivize, promote, outreach, training, Educate, familiarize.

Objective 2. Extending Support

The University shall enable a support system and render supportive ecosystem in order to

- i. Assist in searching and making available relevant information on the modes of commercialization of the inherent capabilities
- ii. Understand and Adopt to systems, structure, constituents, functions, processes in order to capitalize on one's competence and capabilities

Objective 3 Legislation & Codification

It become essential to give a structure and code to of the rules to effectively make decisions and have a control over the intangible assets of the University. To effectively bring the governance the policy shall draft a framework and guidelines that shall align with all the laws, acts, statutes enabling effective governance over the IP Management and its administrative systems. This shall enable,

- i. A strong and effective structure, systems, process & governance, which balance the interests of rights between the owners and beneficiaries
- ii. Adoption of all rationale, doctrines, principles of law to constitute and provide a framework and guidelines for effective and transformative governance of IP assets and services for generation, hiring and translating it to socio-economic values and transferring the benefits equally and equitably.

Objective 4 Governance, Administration and Management of Intangible Assets

Efficient and effective administration depends on the means and modes of Enacting, enforcing& executing the coded procedures and rules that are formulated. In order to place a foolproof governance system for the intangibles, the system shall be.

- i. Guided by the policy frame work through a well-defined and coded Intellectual property management Systems (IPMS) and Miscellaneous service offering system.

- ii. Administered by Constituting, Appointing, Nominating and electing Bodies of governance and administration.
- iii. Empowered to stimulate and generate intangible assets of value.
- iv. Able to Improvise, Modernize and strengthen the Administrative systems catering to the IPR and IPR related services and also the Miscellaneous Services administration.
- v. Empowered to Plan, Budget and provide adequate funds for efficient functioning and self-substance of the establishment
- vi. Capable of effective Governance by identifying right components and constituting the ecosystem, Classifying and structuring the flow of information and procedural systems.
- vii. Capable of Mapping & Categorization of outcomes as a service offering.
- viii. Be able to provide appropriate and adequate Processing support by adopting the best practices to incentivize and create values out of the outcomes generated by the activities of the university.

Objective 5 Enactment, Enforcement and Adjudication

The fundamental and prime objective of governance of the IP is to safeguard and secure the interests of the stakeholders without any risks or disputes. Effective Enforcement of the coded procedure edified as a rule in the manual as guided by the framework of the policy document shall ensure minimal or no disputes arise. However, in case of dispute the system and procedure should have clarity of re - mediating such disputes through a transparent and accountable system of governance and administration. This shall ensure that any risks and potential liabilities are completely absolved primarily for the University and its constituents. To ensure this the policy framework should provide for,

- i. To strengthen the enforcement and adjudicatory mechanisms for combating and resolving conflicts and infringements.
- ii. Mechanisms, means and modes.
- iii. Jurisdiction.

- iv. Modes of resolving and providing remedy over conflicts and disputes. Well defined steps and sequences of internal mediation procedures are to be ensured before resorting to judicial and legal remedy.

Objective 6 Capacity building and staying relevant to new forms and emerging IP

The subject of Intangible and Intellectual Property is nascent and continuously evolving. Hence, there are new legislations being proposed and enacted in most of the nations including India. In order to be prepared and to remain relevant to the context of IPR it is important to keeping updating. It therefore becomes important to

- i. To provide adequate infrastructure for keeping an update on the evolving systems of Intellectual Property.
- ii. The subject being nascent, buoyant and culpable it is pertinent to recruit, strengthen and expand human resources. The Human Capital Development shall institute capacities for teaching, training, research and capacity building in IPR systems.
- iii. To provide adequate allocation of funds to install needed technologies.

Objective 7 Translating IP Assets and miscellaneous services to Commercial & Social Values

The ultimate objective of any IP Generated should create social impact and thereby values. Therefore, it is important to define mechanisms of Transfer, Deployment, and monetization of the IPs Generated by the University. For which the IP administrative system should

- i. Be capable of planning and Strategising the modes, means and methods of deployment of the IPs generated.
- ii. Scout market and appropriate channels in order to realise the commercial values of the IPs owned or co-owned by the University.
- iii. Should develop skills to negotiate, create a demand, value and valorise the IP Assets and other services available to be offered.

- iv. Should be capable of building adequate knowledge on the technology market and the innovation ecosystem.
- v. Shall bring to place appropriate instruments of transfer and conveyances which can be negotiable or non-negotiable.

Volume II

IP Policy Framework

I. PREAMBLE

The University represented by its constituents including **the governing bodies, faculty, students – part time or full-time-and all employees** consent to give unto them a document of this IPR policy that shall

Continuously Encourage, Motivate and Spur – creation, innovation and deliverable capabilities.

Guide, bring awareness and Understand, – on the models and methods of acquiring, disseminating, popularising their potentials and properties.

Support – Technically, legally and financially- on the procedures of safeguarding and securing the ownership and benefits and

Ensure – translation of the capabilities realise appropriate commercialisation of values and the benefits are equitably and justifiably shared among the stake holders and the beneficiaries, Without compromising on the universities legality, legitimacy, integrity, repute, rights and its entitlements while the core consideration and deep interest is founded upon the University being considered as a major contributor to the national knowledge economy that will enable a sustainable development of humanity, society and its dependent social sections in general and at large and also primarily towards the purpose and cause of the university being instituted in specific.

II. TERMS, DEFINITIONS & INTERPRETATIONS

1. All the terms mentioned herein would bear the defined meaning as conferred by the statute (hitherto referred to as ‘The Statute’) governing the Bharathiar University.
2. All terms bearing the definitions as in ‘The Statute’ shall be the basis of interpreting any term defined in the framework, code of governance, rule and

procedures particularly pertaining to the subject matters related to intellectual property and or intangible assets.

3. The terms and definitions in this document hitherto referred as ‘The BU Policy’ or any other complementary or supplementary documents succeeding the BU Policy, shall adopt those terms and definitions from ‘The Statute’.
4. Some of the terms in this document may have specific reference to the subject matter of Intangibles and Intellectual property. Some of them will adopt the terms, definition and its meaning as it is from the govern law and act of the union or state applicable to the law of the land. Terms, definitions and meanings Other than those adopted from the statute or, the laws or acts shall essentially be defined clearly for appropriate interpretation specific to the context and subject of the Intellectual property and other Intangible assets.
5. The definitions, terms and meanings with which the subject shall be in order, to avoid ambiguity in interpretations of the code or procedure and further avoid complication of conflicting terms (*intra vires* and *ultra vires*).
6. Other than the terms defined in any part of ‘This BU Policy’ or any related document every word and term shall bare the common meaning of the language and unless otherwise the context requires the explanations shall be given therein.

III. FRAMEWORK OF GOVERNANCE & ADMINISTRATIVE SYSTEMS

The Policy aims to integrate IP and other miscellaneous services as a policy and strategic tool in the university development plans. It foresees a coordinated and integrated development aligned to the IP system of India and the need for a holistic approach to be taken on IP legal, administrative, institutional and enforcement related matters.

While IPR Cell shall be the nodal point to coordinate, guide and oversee implementation and future development of IPRs in the university, the responsibility for actual implementation of the plans of action will remain with the University

authorities through administrative and governance boards concerned in their assigned capacities.

Public and private sector institutions and other stakeholders, including State governments, may also be included to participate in supporting the implementation process.

These Ordinances shall govern the intangible assets encompassing Intellectual Property Rights and other miscellaneous services of the University, faculty members, students and others in the work, product, ideas and inventions created in connection with the activities of the University.

The rules for enforcement shall be defined by the following grammar

1. Doctrines of enforcement
2. Cause and action principles
3. Purpose of Action Principles
4. Consequence and Corrective action principals
5. Absolute need for amendment and scope therein to amend

The enforcement of the policy shall be executed through the reference and interpretation of this contextual guidance of ‘The Bharathiar University Policy’.

The enforcement of the BU policy shall be governed by the following proposed bodies, that may be constituted or appointed as and when needed.

A. Governing Bodies and Councils

1. Constitutional Draft Committees
2. Constitutional Review Committee
3. Apex Administrative Council
4. Governing Council and Directorates
5. Management and Enforcement Council
6. Expert Committee
7. Technical Expert Council
8. Legal Expert Council
9. Commercial & Financial Council

B. The enforcement of the Policy shall be implemented adopting and constituting the following documents.

1. Policy Framework Constitution Document
2. Procedural Systems- Rules and Regulation (Governing Structure & Bye-laws where needed)
3. Forms and templates for procedural formats and documentation.
4. Grievance Redressal Mechanisms.

IV. PROCESS AND PROCEDURES

A. Common Code of Procedure

1. Approval of Policy draft or amendments there in
2. Adoption of the approved draft or the amendments
3. Enforcement and regulation of the adopted Rules and Regulations
4. Amendments and Scope provided for authority of amendment

B. Specific Code of Procedure pertaining to

1. Governance & Administration
2. Management & Execution
3. Monitoring & Surveillance
4. Surveys & Audits
5. Commercialization & Translation to socioeconomic values
6. Conflict Resolution and Dispute Redressal

C. Subject Classification and Consideration for implanting the BU policy

The enforcements shall encompass the following subjects of concern

1. Intellectual Property and its related services
2. Miscellaneous Services
3. Inward Intellectual properties
4. Outbound Intellectual properties
5. Properties arising out of collaborative research or engagement
6. Open Source Systems and Licences

D. Provision for Amendment of this Document

The power and authority of the amendment of this policy documents shall be Vested with the Apex administrative council .

The scope of amendment may be considered at 3 levels.

- a. **For the University Administration-** When it infringes the scope and function of the university administration a recommended council by the Vice-chancellor is to be the final authority to recommend the amendments for approval.
- a. **IPR Directorate** – Shall be provided with the scope of amendment to decentralize decision making and carry out internal amendments regarding procedures to ease out practical difficulties in implementation and those amendments that shall have ease of adopting the policy. Those amendments that shall not disrupt the university norms and functions of authority shall be carried out.
- b. **Expert and Technical councils-** constituted with term of office or constituted temporally shall be empowered to approve amendments regarding procedural difficulties in adopting the services. This shall enable the final beneficiaries so as to have ease in documenting and creation of records.

Volume III

Guideline for Procedures and Management

PART I

I. Intellectual Property Rights & Related Services (Statutes)

1. Intellectual Property Rights

- a. **Intellectual** is the subject that pertains to determining originality and ownership.
- b. **Property** is an asset that is created through ones intellectual potentials that is transferable and can be transacted for a value.
- c. **Rights** are the Moral and Economic rights conferred by the code of law and statutes, to an individual to prevent the illegal use of the individual's intellectual property.

2. Source of Intellectual Property

The Intellectual property may be generated from various sources and its nature and ownership can be defined based on the source and type of engagements. Any intellectual property may be an outcome of the following process

- a. Research and Development (henceforth 'R&D') or similar activities or assignments, within the University.
- b. R&D and similar activities or assignments undertaken by the University from or for external agencies.
- c. R&D or similar activities conducted by Individual or a team of researchers independently or in collaboration with other universities, agencies or organizations as a single participation or multiple participation.

3. Types of Intellectual Property

Intellectual Property shall include Patents, Trademarks, Copyrights, Integrated circuits , Industrial designs, Geographic Indications, Trade Secrets and other species such as computer software or printed material, any new and useful process, machine, composition of matter, life form, article of manufacture, software, copyrighted work, such things as new or improved devices, circuits, chemical compounds, drugs, genetically engineered biological organisms, data sets, software, musical processes, or unique and innovative uses of existing inventions. For the purposes of these Ordinances Intellectual Property may or may not be patentable or copyrightable.

a. Intellectual Property Enforced by statute (Laws, Acts and Rules)

Intellectual Property protections are conferred under a statute, prevailing law, Act and rules and notifications therewith related to, encompasses

1. The Copyright Act (1957)
2. The Trade marks Act (1999)
3. The Patents (Amendments) Act (2005)
4. The Designs Act (2000)
 1. The Semiconductor Integrated Circuit Layout–Designs Act (2000)
1. The Geographical Indications of Goods (Registration and Protection) Act (1999)

b. Intellectual Property not Enforced by statute (Laws, Acts and Rules)

Intellectual Property that are not covered under the statute and are evolving in the fields of intellectual property are

1. Traditional Knowledge, Folklore
2. Seeds and Varieties Protection
3. Biodiversity
4. “Sui generis system”
5. Test Data Protection
6. Data Privacy

II. Intellectual property Management Systems

I. Administrative and Procedural framework for IP & Related service governance

The Directorate of Intellectual Property Rights shall be constituted with the following councils and its members

1. Apex Governance Council
2. Directorate
3. Evaluation Council
4. Dispute Redressal & Ethics Council

1. The Apex (IP) Governance Council

The Apex (IP) Governance Council shall **consists of**

- i. A Chairman of the DoIPR (Vice- Chancellor, Bharathiar University),
- ii. Director, Directorate of IPR, Bharathiar University will be the Convener of DoIPR
- iii. An appointed council by the above members

2. Directorate of Intellectual Property Rights (DoIPR)

Shall **consists of**

A. Director

1. **A Director**, must possess the following Qualifications:
 - a. A residential professor of a university.
 - b. Should be aware of the knowledge and skills involved in the legalities and procedural aspects of filing any of the IPR forms as according to the rules of the law
 - c. Should hold at least one granted IP granted in his name and
 - d. Preferably have handled grants and projects with references to the IPR agreements of such funding agencies.
 - e. Preferably with an experience in technology transfer or product transfer

- f. Should have an understanding on handling the legal instruments of technology transfer such as MoU, LoI, CDA, NDA etc
- g. Should be capable of handling, drafting and / (or) understanding of primarily Licensing agreements, Transfer of technology agreement, Material Transfer Agreements and other such agreements and interpret the meaning and essence of those agreement.

Under the Director shall function an

3. Evaluation Council

The council shall consist of

- a. **Five (odd number of) members** in total
- b. **The five members shall mandatorily and automatically include** the Director.
- c. **The other 4 being** members as a representative of diverse faculty and Subject Matter Expert (SME)
- d. **One Legal Expert** with sufficient experience in handling IPR related cases, to ensure all the legality of the procedures.
- e. **One Technical Expert (Internal Representation)** Who shall be a full-time resident faculty of Bharathiar University, with appropriate representation from the relevant field of Science, Technology and Engineering or from the fields of Commerce, Arts and management to appropriately represent the commerce faculty.
- f. **One Technical Expert (External Representation)**Who shall be a experienced faculty/expert from an institute or industry outside of Bharathiar university, with appropriate representation from the relevant field of Science , Technology and Engineering or from the fields of Commerce, Arts and management to appropriately represent the commerce faculty
- g. **One Techno-Commercial Strategist**, who shall have an experience in the Transfer of Technology and who is a representative of the industry dealing with technologies along with the knowledge and experience in handling IPR.

The qualification of the external and internal technical council members are as follows:

- i. **They** should have experience in the procedures of patent filing **and / or** any other intellectual property rules and regulations.
- ii. They should have played an active role in creating awareness and should have contributed to the cause of Intellectual property

Over and above based on the need, the council may co-opt more members as and when necessary with appropriate justification recorded with the Director of the IPR Directorate and subsequent approval from the directorate and if warrants from at least one member of the Apex governing council.

4. Dispute Redressal & Ethics Council

- a) This committee shall be constituted as and when required and from case to case basics.
- b) This committee prime objective is to resolve any conflicts arising out of the claim of ownership, adopting of procedures, deeds that may derogatory to the Universities goodwill or deemed to be adverse depicting a breach on the ethics and conduct of anyone involved in the process thereof.
- c) The committee shall consist of odd head count not less than 3 members of 7 members as per the gravity of the case.
- d) The member shall be chosen from a data base of members and shall consist maximum of internal members and a representation of external members if necessary based on the complexity of the case being dealt with.
- e) The committee will be formed at the time of seeking remedy and shall stand automatically dissolved once the dispute is resolved.
- f) The members shall be chosen only from the list approved by the apex governing council that shall be regularly update.

- g) The consideration and procedures and defining the duties and objective to constitute the Committee shall be defined by the Directorate and be approved by the Apex governance council after the Bharathiar University policy coming into effect.

III. Responsibilities and Functions of the Directorate

1. The Directorate shall ensure that there is a balance in representation of members in the council in all the fields and subjects relates as in it may be technical or commerce or arts.
2. Approvals are to be given for core and relevant corrections and recommendations by the Governing council or Core Council while the recommendations and approvals may be subjected to the observing council only for administrative purposes.
3. The meeting of the IPC shall be convened by the Convener (Director of IPR Cell) from time to time. The University shall provide adequate support and secretarial staff. The committee will scrutinise and recommend the patent filing applications and the final approval will be made by the Chairman of IPC.
4. The University IP Cell may organize Seminars and Presentations to expose participate to the basic concepts of IP Cell and its strategic role in Indian context through interactions with experts.
5. The IP Cell will also assist the principal and other investigators of important projects being undertaken, from time to time.
6. The Council will decide upon the membership and admittance of members by appropriate procedure defined and being brought as act. This may be reviewed from time to time by the council to incorporate appropriate changes to facilitate the ease and volume of intellectual property holdings by the University.
7. There shall be a consideration for differentiating an employee and the student for being a member however it is left to the discretion of the Council and the final authority being the recommendation of the council to the Director of the IPR Cell.

8. The IPR Cell and its constituted council may form a Grievance Redressal Council to settle matters regarding the IP ownership and other such related disputes that may arise from time to time.
9. It is suggested that the University when entering into collaborations with any other organization/institutions, to communicate clearly that the ownership shall belong to the University. However, unless otherwise in a special or extraordinary considerations the University shall request the partnering/ collaborating/ granting institution or organization, to obtain a No Objection Certificate (NOC), prior to processing and prosecution of the IP that is generated out of the collaborative outcome.

IV. Determination of Ownership of Intellectual Property

1. All IP filings shall be encouraged primarily for the members of the university and thereby the DoIPR.
2. In order to align with the rules and claim ownership and benefits enabled by the university in terms of assistance in filing and in transferring and commercialization of the IP, the inventor or creator shall mandatorily disclose to the DoIPR and or to the University.
3. It is mandated by the University and the DoIPR that the inventor or creator shall not display, disclose, demonstrate or exhibit the IP created in the University to anyone else or enter into any such agreements that may be considered as breach or infringement of the universities property, the university reserves all the rights to take any such appropriate actions deemed necessary to claim or re-claim the IP created by the inventor and the university through the IPR Cell reserves all rights to recall and reclaim all or any such assistance rendered to the inventor. If in such cases the inventor or creator claims that the university has no claim over the concerned invention and that the IP was created purely by the facilities and investments of the inventor, then any inability or infringement proceedings arising out of such cases may be faced by

the inventor and the university and the DoIPR absolves itself of any such liabilities and infringement proceedings.

4. IP shall be owned by the University if created as a result of University research or created by substantial use of University facilities or resources
5. The Creator at his option may retain ownership when the IP developed is without utilising the University resources.
6. The University faculty and students may publish their research outputs provided that are not copyrightable/ patentable intellectual property.
7. The aim of the Institute's policy on patents, copyrights, and other Intellectual Property is to make available the Institute's Technology to industry and others for the benefit of public, while providing recognition to the inventors and encouraging the prompt and open dissemination of research results.
8. With the exception of student theses (Ownership of Copyrights in Thesis), rights in patentable inventions, mask works, tangible research property, trademarks, and copyrightable works, including software ("Intellectual Property"), made or created by any university faculty, students, staff, and others participating in any of the university programs, including visitors, are as follows:

a. Inventor(s)/author(s) will own Intellectual Property

that is:

- i. not developed in the course of or pursuant to a sponsored research or other agreement (the faculty advisor, administrative officer, or the office of sponsored program contracts administrator can advise on the terms of the agreements that apply to specific research); and
- ii. not created as a "work-for-hire" by operation of copyright law (a "work-for-hire" is defined, in part, as a work prepared by an employee within the scope of his or her employment) and not created pursuant to a written agreement with the university providing for a transfer of copyright or ownership of Intellectual Property to the university; and

- iii. not developed with the significant use of funds or facilities administered by THE UNIVERSITY
(“significant use” shall be incorporated by the Guide / supervisor)

b. Ownership of all other Intellectual Property will be as follows:

- i. The University owns Intellectual Property made or created by THE UNIVERSITY faculty, students, staff or others participating in research pursuant to a sponsored research agreement to which THE UNIVERSITY is a party;
- ii. Ownership of copyrightable works created as “works-for-hire” or pursuant to a written agreement with THE UNIVERSITY providing for the transfer of any Intellectual Property or ownership to THE UNIVERSITY will vest with THE UNIVERSITY;
- iii. Ownership of Intellectual Property developed by faculty, students, staff, and others participating in THE UNIVERSITY programs, including visitors, with the significant use of funds or facilities administered by THE UNIVERSITY will vest with THE UNIVERSITY, unless otherwise executed through appropriate means of documents and instruments of conveyance.
- i. **Revenue Share-** 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 75% and 25% respectively.
- ii. For the purpose of filing to get an IPR filling rules and commitment for filing assistance may be provided under the discretion of the DoIPR council.
- iii. It is mandated that to realize the value of the assistance being offered , part of a filling fee shall be mandated to be borne by the inventor while filing for the Patent process. The Terms and value shall be decided under the consideration of an appropriate councils and committees.

V. Open Source mode of governance of IP

The University Policy also provides scope of embracing any other mode of co-ownership of collaborative work through license modes such as the likes of the ‘Creative Commons’ that is validated to be an open source license and shall be in order and the will of the university to embrace the open source license.

VI. Significant Use of THE UNIVERSITY-Administered Resources

- a. When Intellectual Property is developed by THE UNIVERSITY faculty, students, staff, visitors, or others participating in THE UNIVERSITY programs using significant THE UNIVERSITY funds or facilities, THE UNIVERSITY will own the Intellectual Property.
- b. If the material is not subject to a sponsored research or other agreement giving a third party rights, the issue of whether or not a significant use was made of THE UNIVERSITY funds or facilities will be reviewed by the inventor’s/ author’s laboratory director or department head, and a recommendation forwarded to the DoIPR
- c. The Chairperson of the IP Governing council will make the final decision on this issue and on any dispute or interpretation of policy relating to Intellectual Property.
- d. Textbooks developed in conjunction with class teaching are excluded from the “significant-use” category and not considered “works-for-hire,” unless such textbooks were developed using THE UNIVERSITY-administered funds paid specifically to support textbook development. Otherwise, the author is the owner.

Generally, an invention, software, or other copyrightable material, mask word, or tangible research property will not be considered to have been developed using THE UNIVERSITY funds or facilities if:

- a. Only a minimal amount of unrestricted funds has been used; and

- b. The Intellectual Property has been developed outside of the assigned area of research of the inventor(s)/author(s) under a research assistantship or sponsored project; and
- c. Only a minimal amount of time has been spent using significant THE UNIVERSITY facilities or only insignificant facilities and equipment have been utilized (note: use of office, library, machine shop facilities, and of traditional desktop personal computers are examples of facilities and equipment that are not considered significant); and
- d. The development has been made on the personal, unpaid time of the inventor(s)/author(s).
- e. When an Intellectual Property is not subject to a sponsored research or other agreement (such as an equipment agreement), but has been developed using significant THE UNIVERSITY funds or facilities, the DoIPR may, at its discretion and consistent with the public interest, license the inventor(s)/author(s) exclusively or non-exclusively on a royalty basis.

The inventor(s)/author(s) must demonstrate technical and financial capability to commercialize the Intellectual Property, and the IPC will have the right to terminate such license if the inventor(s)/author(s) have not achieved effective dissemination within three years. Where such a license is issued, the inventor(s)/author(s) may be required to assume the costs of filing, prosecuting, and maintaining any patent rights.

VII. Information disclosure and licensing and conveyance protocol shall be through properly defined , following forms:

1. Non-Disclosure Agreement
2. Confidentiality Agreement
3. Memorandum of Understanding

I. For Technology / IP Transfer Agreement the following procedure will be adopted by The University:

- a. Promote and encourage application oriented scientific research;
- b. Under its supervision, benefits of inventions to reach the common man
- c. Encourage, assist and provide mutually beneficial rewards to the University and inventor member.
- d. University to secure sponsored research funding at all levels of research.
- e. **Patents:** - It shall be competent for the Syndicate to acquire patents in respect of any discovery or invention made by the faculty or research students working in the University.
- f. **Right to be in joint name:** -The patent shall be acquired in joint names of the University and the persons responsible for the discovery or invention.
- g. **Expenses of registration:** -The expenses in connection with the application and renewal fees of patents shall be borne by the University, if the University has a part of the ownership of the patents.
- h. **Sharing of profits**-Any profit accruing from the patent shall be shared equally between the University and the person responsible for the invention or discovery.
- i. **Exploitation of patents:** -The person responsible for the invention or discovery shall render free service to the University in connection with the exploitation of the patent. The terms on which patents may be offered for exploitation shall be determined solely by the Syndicate. Educate faculty members, staff and others regarding University's intellectual property.
- j. Provide legal support on conditions that are necessary and with the discretion power of the governing bodies of the directorate
- k. Report applicable laws and regulations in a timely manner.

II. Owner / Transferor / Beneficiary / Transferee of IP Shall Have the Rights to Obligation and Responsibilities of

- (a) Disclose the invention in a proper manner.
- (b) Provide assistance throughout the period of Intellectual property rights procedures

III. Invention and Proprietary Information Agreements

- a. All members of THE UNIVERSITY community-including visiting scientists and fellows – who participate in either sponsored research or Institute-funded research or who use significant funds or facilities administered by The University must agree to the terms in THE UNIVERSITY’s Invention and Proprietary Information Agreement and sign the agreement. By accepting such funds or using such significant facilities, the individual agrees to assign to THE UNIVERSITY or its designate his or her title to Intellectual Property created through the use of such funds or facilities.
- b. It is the responsibility of the administrative officer of each laboratory or department to distribute these forms and to collect signed copies. The forms should be signed in triplicate: one copy to be retained by the individual, one by the laboratory or department, and one forwarded to the IPR Cell.
- c. Any questions regarding the meaning of any terms in this agreement should be addressed to the IPC. Copies of the form are appended to the Guide to the Ownership, Distribution and Commercial Development of THE UNIVERSITY Technology, or may be obtained from either the designated officer in each laboratory or department or the IPC.

IV. Ownership of Copyrights in Theses

The ownership of copyrights in student theses is governed by the following:

- a) Copyright ownership of theses generated by research that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grant from funds administered by the Institute shall be determined in accordance with the terms of the support agreement, or in absence of such terms, shall become the property of the University. Copyright ownership of theses generated by research performed in whole or in part utilizing equipment or facilities provided to the Institute under conditions that impose copyright restrictions shall be determined in accordance with such restrictions. Questions regarding restrictions imposed on any of the Institute's facilities or equipment may be addressed to the administrative officer of the laboratory or department or to the appropriate contract administrator in Office of Sponsored Programs.
- a) Students will own the copyrights to theses not within the provisions of a); however, a student must, as a condition to a degree award, grant royalty-free permission the Institute to reproduce and publicly distribute copies his/her thesis.
- b) Where significant use is made of THE UNIVERSITY facilities or equipment provided to THE UNIVERSITY without copyright restrictions, students own copyrights as per a); however, software code, patentable subject matter, and other Intellectual Property contained or disclosed in the theses are subject to the significant use policy set forth in Section 13.1.2. above.

V. Disclosures and Technology Transfer

Government is funding significantly for research at The University, and hence the University is obligated to the Government regulations to report promptly to the appropriate government agency any inventions conceived or reduced to practice during the course of a government-sponsored research program such as CSIR, DBT,

UGC, DRDO, etc). The University similarly is obligated to report inventions to its sponsors who provide financial support for research.

In order to comply with these policies and contract terms, inventors and authors must report to the DoIPR any Intellectual Property (as defined in Ownership of Intellectual Property above) created during the course of a sponsored research agreement or with the use of significant funds or facilities administered by the Institute.

The form for reporting the creation of Intellectual Property is entitled to THE UNIVERSITY under Technology Disclosure Agreement and a copy is (Shall) appended.

Distribution and Commercial Development of THE UNIVERSITY Technology, or may be obtained from the IPC. Copies of the disclosures should also be submitted simultaneously to the inventor's project supervisor and the department head. There is a space on THE UNIVERSITY Technology Disclosure Form to identify the sponsor that funded the research resulting in the Intellectual Property.

VI. Third-Party Products and Services

(a) Restrictions on Use of Certain IT Resources from Outside Sources

Special restrictions are often placed on the use of IT resources – such as hardware, software, databases, and documentation – acquired from outside sources. Use of such IT resources may be further restricted by patent law, as a trade secret, or by contract in the form of a license or other agreement. Members of THE UNIVERSITY community are required to abide by the restrictions imposed by law or by contract on IT resources acquired for use at the university. Any individual who arranges for authorized distribution of information technology products and services from outside sources must advise the people having access to the products and services of all the associated usage restrictions.

(b) Copyright of Software

Unless it has been placed in the public domain, most third-party software is protected by copyright law and may be subject to restrictions on use, copying, and distribution. More information on copyright can be found at Section Reproduction of Copyrighted Materials shall be under consent of the author and shall not be for commercial uses as defined by the Indian Laws.

PART II

Miscellaneous services (Non - Statutes)

GUIDELINES

Deliverables Identified so far which have transactional values are the following

1. Testing and Certification services.
2. Transfer of Technology
3. Consultancy and Advisory Services
4. Enablement and Facilitation services
5. Sensitization and Awareness services
6. Training for Skill and Knowledge transfer services

Consulting Agreements

It is the responsibility of individual members of the THE UNIVERSITY community to ensure that the terms of their consulting agreements with third parties do not conflict with their commitments to the Institute (Full-Time Service, Conflict of Interest, and Outside Professional Activities). Each individual should make the nature of his or her obligations to the Institute clear to any third party for whom he or she expects to consult. Specifically, the scope of the consulting services should be distinguished from the scope of research commitments at the Institute.

The Institute will not negotiate any consulting agreements on behalf of any faculty, student, or staff member; however, any questions regarding the Institute's policies may be directed to the Technology Licensing Office.

Functions of the Cell

Creation of data base and a directory, on the Consultancy potentials of the staff and the University with the available facilities.

Bringing out brochures, fliers and newsletters regarding the ongoing University Industry-Interactions, Industry News, Training Programs, discoveries made by the University and at the interacting industries/community and keep a good liaison with them.

Co-ordination of R&D projects between University Departments and Industries in the area of product/process development and technology transfer.

Assisting in signing of MoU and other documents for the University faculty based on products and processes.

Providing consultancy services of diverse nature as outlined in the consultancy rules.

Offering industrial research projects which provide solution to industrial problems.

Offering services of testing/material characterization and certification.

Offering training programmes in awareness / motivation / scrutiny for small / medium scale industries and also for the University faculty, both at their site and also at the University Departments in order to gear up University-industry interaction.

Development of specialized continuing Education Programmers for updating skills and knowledge for the Industry personnel, social action agencies and the University students by organizing summer training programs/practical sessions.

Offering Certificate/ Diploma programs related to Science, Applied Science, Technology, management and other professionally- oriented fields. The duration and number of credits will be fixed as per the existing Bharathiar University norms.

Organising campus interviews by inviting industries and other agencies to the University campus/ other selected place in order to provide trained manpower for the benefit of the industries and other agencies and also for students of the University in getting gainful employment.

Organizing orientation programs for foreign/ local entrepreneurs for setting up industrial units.

Involving experts from the industries in designing the academic programs of University departments like (a) curriculum development (b) teaching programs and Research programs.

Any other functions to be assigned by the advisory council of the UII Cell from time to time.

The Services IC cell is classified into the following three types:

- I. Consultancy
- II. Technical services and
- III. Conduct of programs

The faculty members of the University may undertake consultancy or provide technical services to industry and other organizations or conduct any program coming under industrial consultancy. The rules framed for all the three types are presented below:

Consultancy Rules

The Consultancy provided will be of the following types:

- a) Institutional Consultancy and
- b) Individual consultancy and
 - a) **Institutional consultancy** relates to advice rendered to an Industry / Organization or work done for them, by a Department / Group / Individual on behalf of the University. The Principal Consultant will be identified by the Vice-Chancellor in consultation with the Dean (IC).
 - b) **Individual Consultancy** relates to work undertaken by the academic staff member in his/her individual capacity.

The Institutional / Individual Consultancy services may be categorized into three classes.

- a) **Advisory consultancy** – In this class, the University facilities are not used and it includes retainer consultancies.
- b) **Service Consultancy – Category I** – In this class, the University equipments are used, but consumables and other Materials are not required.
- c) **Service Consultancy – Category II** – In this class, the University equipments are used. Materials and consumables are provided by the University.

A request for consultancy services shall be received by the Cell on behalf of the University. It may, how-ever, be received directly by a faculty member and forwarded to the UII Cell its consideration. The faculty members of the University will be permitted to use the facilities of the University if necessary.

Approval of the consultancy proposal shall be done as per the procedure mentioned below:

Procedure for Approval:

- a) Consultancy works/projects shall be undertaken only upon the approval of the Chairman/Chairperson based on the recommendations of the Director Consultancy Cell, duly forwarded by the Head of the Department / **Institution.**
- b) All proposed consultancies involving the use of the Departmental equipments/ facilities shall have the approval of the Head of the Department.
- c) MoU with Industries, governmental and non-governmental agencies can be established by the consultants/faculty members upon prior approval by Chairman on the recommendations of the Director of the Cell and the authorized signatory for all MoU shall be Registrar, Bharathiar University.

While approving a consultancy proposal, the following shall be taken into consideration:

Conditions for Submission:

- a) An individual faculty **may allot a maximum of one third of his/ her time to consultancy**, the other two thirds of time being spent in teaching and research of **the official working time**
- b) An individual faculty can avail a total of 50 days ON DUTY LEAVE in **an academic year** to **carryout** his/her consultancy work at the rate of six working days in a month or not more than 30 days at a stretch in an academic year, subject to the approval of Vice-Chancellor on the recommendation of the Dean (IC) and the Head of the Department.
- c) The total annual income of an individual from consultancy work shall not exceed his/her total emoluments for **one year**.

While working out the cost of consultancy project, the following shall be taken into consideration.

Setting up of Start-up companies

All the reference to enabling a start-up ecosystem shall mandatory refer to the start-up policy (2019) of India

There are requests from Industries to start R&D labs inside the University campus in collaboration with University Departments. Such proposals may be entertained and facilities including infrastructure may be provided as per PWD norms after through scrutiny of the proposals by the University administration and approval of the Vice Chancellor.

Guidelines for Budget, Costing and Distribution of costs and revenue shall be prepared and consolidated on recommendation of the working committee.

-END-