

## **RESEARCH PROMOTION POLICY (Revised)**

**(Approved in 4<sup>th</sup> meeting of the Academic Council held on 17.11.2021)**

GLA University, Mathura lays strong emphasis on the sponsored/ collaborative interdisciplinary research funded by the various government/non-government international and national agencies with a strong industrial interaction. The university has set up modern laboratories and the supporting infrastructure. As an outcome of the aforementioned activities the faculty members from the various departments of GLA University is committed to produce quality research articles.

### **1. PROLOGUE**

GLA University is committed to the pursuit of excellence in research and aims to achieve international recognition through interdepartmental and inter-institutional collaborative research programmes across the spectrum of Science, Engineering and Technology namely, Civil Engineering, Computer Engineering & Applications, Electronics & Communication Engineering, Electrical & Electronics Engineering and Mechanical Engineering, Bio- Sciences and Technology, Mathematics, Physics, Chemistry, Management Sciences, Pharmacy as well as Law and Social Sciences. GLA University shall ensure that research in all fields that include trans and multidisciplinary types grows exponentially, keeping the ethical norms and research standards intact.

### **2. OBJECTIVES**

- To establish world class research culture, ambiance and infrastructure.
- To facilitate inter, multi and transdisciplinary research.
- To publish papers in journals of international repute, file patents (National, International) and transfer technologies to relevant industries.
- To continuously monitor the research outputs for ensuring quality by appropriate committees.
- To create quality human resources for scientific research.
- To recognize both faculty members and students on their research output.
- To aim to stand among the top-notch Research Universities across the globe.
- To promote the globalization of research to achieve Global visibility.

## 1. GLA University– RESEARCH PROMOTION SUPPORT SCHEMES

### (a) RECOGNITION SCHEMES (EXISTING)

GLA University recognizes the research carried out by its faculty members and research scholars for publishing papers, contribution to h-index of the university through citations, funded projects and patents.

#### ➤ Journal Publications:

In order to enhance research culture in the GLA University through Quality Publications, following reward guidelines were implemented:

Publications in SCI/ABDC – B and above journals, reward of Rs. 50,000/- per paper.

Publication in Scopus/WoS/ABDC – C journals, reward of Rs. 20,000/- per paper.

I	Papers with two Authors	First Author	60%
		Second Author	40%
II	Papers up to three Authors	First Author	50%
		Second Author	25%
		Third Author	25%
III	Papers with more than three Authors	First Author	40%
		Remaining 60% to be divided equally in rest of the Authors	60%

#### ➤ Patents:

- If a faculty member publish his/her patent of research work, he/she will be rewarded with Rs. 25,000/- which is equally divided among all inventors and in case his/her patent is granted, then he/she will be rewarded with Rs. 1,00,000/- for that patent which is also equally divided among all inventors.

➤ **Chancellor's Award and Vice-Chancellor's Award:**

The Chancellor's Award and Vice-Chancellor's Award worth Rs. 1.51 lakh and Rs. 1.00 lakh respectively for Research Excellence have been implemented. The criteria for award are as given below:

<b>Group I (Publications)</b>	<b>Group II (Patent, Consultancy and Awards)</b>	<b>Group III (Research)</b>
List of all published papers in SCI journals only with title, name of authors, volume, issue no., year, pages and impact factor by Thomson Reuters. Previous 3 years consistently published two papers to his/her credit.	Patent submitted/awarded. One/two patents awarded by National/International bodies.	M.Tech./M.Sc./M.Pharm./Ph.D. Supervision. Ph.D. One/two Ph.D. awarded in last 3 years.
Conferences - international and national. Invited/Session Chair/oral papers presentation	Consultancy details and amount received Rs. 5.0 lakhs and with any one condition fulfilled of A category.	Research collaboration with others Institutions on National and International level in addition to any one condition of A.
Books/monographs based on the research work of the faculty as a sole author with additional condition with A.	Award for distinguished work with additional condition of A.	Affiliation with other research centre of National/International eminence with A.
Working as reviewer/Refereeing/ editing research papers of SCI journals with A.	Patent reviewed and frequently honoured to review the patents with A.	Research projects funded by external agencies with A.

The candidate should score marks in at least two of the three criteria to be eligible for the award. A committee appointed by Hon'ble Vice-Chancellor will finalise the names as per the given guidelines.

➤ **Following clauses have been proposed for approval by the Academic Council in its meeting to be held on 17.11.2021 :**

**1) Book/Chapter:**

- One Book author of BCI/WOS indexed will be rewarded Rs 50000/- however, Rs. 20000/- will be rewarded to Scopus indexed book.
- Textbooks, edited books or book chapters published by reputed publishers with ISBN number only are eligible. Quality of publishers will be verified by University Research Committee.
- One who claims for an edited book cannot claim for his/her contribution to a chapter in the same book.
- Thesis as a book and manuals will not be considered.
- Conference proceedings published as Lecture notes are not considered as book chapter.

**2) Funded Project**

**a) FUNDED PROJECT/CONSULTANCY:**

- For a government sponsored Research projects 50% of overhead charges will be awarded to PI and CO-PI. Furthermore, 60% of the said amount will be rewarded to PI and remaining 40% to Co-PI.
- GLA University has separate policy on consultancy (Annexure-I).

**b) UNIVERSITY FELLOWSHIP FOR PH.D. CANDIDATES**

**Minimum Eligibility Criteria for the selection of PhD Full Time (Stipend) Research Scholars (Rs. 25000/- (Full) and Rs. 15000/-):**

**Academic Qualification**

- NET / GATE / GPAT etc. (Desirable)
- 65% in Master's degree (Mandatory), However 55% for Applied humanities and Management.
- Publication's if any. (Desirable)
- Performance in test and interview (60% in both the section & Interview) (Mandatory)

## **Academic Engagement**

- 02 Years bond (Mandatory) (Same for Category I and II)
- 8 Hrs. Lab / Tutorial Academic engagement, however, 4 hrs is applicable for category-II. (Mandatory)
- The research scholar is expected to publish One Paper per year after the completion of his/her state of art presentation (Mandatory) (Same for Category I and II)
- Any other academic / research assignment given by the department.

\* All kind of leaves (same as applied on Assistant Professors of the University) will be sanctioned through Chairmen DRDC.

\*If any Research scholar wishes to terminate his/ her candidature, he/she shall inform the Dean Research and Development/ Chairmen DRDC of the department giving one-month notice.

### **c) GLA UNIVERSITY SEED MONEY FOR FACULTY MEMBERS**

- A grant in the form of research seed money is given to the full-time faculty members of GLA University, who have submitted project proposals for funding and waiting for the sanction of grant.
- The call for research proposals would be made by Dean Research and Development in the month of October every year.
- All proposals received would be evaluated for their quality by a committee headed by Dean Research and Development, and recommended applicants will receive the seed grant.
- The Project period is two year from the date of sanction and is expected to be conducted by the faculty member himself or herself. Hence no manpower would be supported in the Grant.
- It is expected that the grantee shall submit the report of the research done to Dean Research and Development.

### **3) POST DOCTORAL FELLOWSHIP (PDF)**

- The duration of the fellowship will be initially for a period of 1 year, renewable for 2<sup>nd</sup> and 3<sup>rd</sup> year on satisfactory performance of the PDF scholar in the half-yearly review meeting.
- There is no provision for providing manpower support under this scheme. The PDF scholar is expected to undertake the research objectives by himself/herself during the entire duration of the fellowship.
- The PDF scholar will be reporting to the HOD/Guide/Mentor and has to take minimum 12 Hrs of teaching load.
- The PDF scholars are not eligible to receive any other fellowship from any Government or Non-Governmental source during the tenure of the fellowship.
- The PDF scholars will not be allowed to work with their Ph.D. guide/co-guide.
- The PDF scholars are entitled to a total Casual Leave (CL) of 12 days per academic year (July to June).
- If any PDF scholar wishes to terminate the fellowship, he/she shall inform the Dean Research and Development/ Chairmen DRDC of the department giving one-month notice.
- If the candidate wants to quit before 6 months, he/she should repay 50% of stipend received till that date.
- GLA University reserves the right to terminate the Fellowship at any stage if it is convinced that appropriate progress is not being made or the grant has not been utilized properly.

### **4) FINANCIAL SUPPORT FOR RESEARCH PAPER PRESENTATION IN NATIONAL /INTERNATIONAL**

#### **(i) Conferences/ Seminars/ Professional bodies Membership Fee**

- Faculty members are eligible to get financial assistance on case to case basis for attending Conferences in India and abroad.
- A faculty member can seek reimbursement only if he/she is a presenter/first author/ Invited speaker/orator, provided no other agency had given financial help for the same. A faculty is not eligible for reimbursement, for just chairing a session or attending the conference.

**(ii) For Workshops/Training:**

- Expenses can be reimbursed up to maximum of Rs. 10000/- per annum. If it is conducted by a National Association/national Institute/Industry/University and is supported by recommendations of the Head of the Department/Course Chairperson.

**5) INCENTIVES TO TEACHERS WHO RECEIVE STATE, NATIONAL AND INTERNATIONAL RECOGNITION/AWARDS (INCLUDING FINANCIAL SUPPORT)**

The following awards will be given weightage in the performance evaluation form. However, the first six will have more weightage than the rest of the thing.

**Category - A**

- Nobel Prize, Bharat Ratna
- International awards by UN, WHO, UNESCO & International Academics, International Universities like Magsaysay, Pulitzer
- Padma awards

**Category - B**

- Janapith, Sahitya Academy National Awards from agencies like UGC, CSIR, DBT, ICMR, National Academics, MCI, ICSSR, ICHR etc., President of India Special awards like B.C. Roy award etc. (Overseas training/ fellowship awards by funding agencies not included)
- State Government awards for Science, Medicine etc., Science etc., like Uttar Pradesh Council for Science & Technology (UPCST) awards & Best Teacher/ Research awards of Universities.
- Fellowship titles of national academics, Awards of national level professional associations in Science, medical Science etc., (FAMS, FNA, FNASc etc.,)

**Category - C**

- Technology Transfer & Commercialization agreement - 5% of the revenue generated from technology transfer will be shared with inventors.
- Trademarks / Copyrights

- In addition to this teaching component is having students credit, feedback and the activities like video recording, MOOC course preparation extra care for slow learners, project guidance and innovation in class room teaching are given due weightage.

### **NOTICEABLE POINTS:**

- Incentives will be paid to GLA University faculty members only.
- Paper must have GLA University affiliation mentioned in it.
- Research papers published in UNPAID (SCI/SCOPUS/WoS/ABDC and equivalent) Journals only will be considered.
- If a paper is written by GLA University author with himself/herself at first position and remaining authors of externally affiliated, then full incentive will be awarded to the author of host institution.
- The University recognize its full time faculty members who received awards, recognition, fellowships at State, National, International level from Government/Govt. recognised bodies.
- In collaborative research paper author can claim either reward or his/her API points.
- If faculty is not holding the position of first author in collaborative research especially in the case of paid journal, Rs.10000/- and Rs.5000/- will be reimbursed for journal publications and conference publications respectively.
- First and corresponding authors will get equal and higher weightage in comparison to other authors (Max point will be 100% of a paper's point)
- Author get entitled for reward only after indexing of the article (Web of Science/ SCOPUS), published with volume/issue/page numbers. If the paper is accepted and published online but not yet assigned with volume/issue/page numbers is not considered.
- If an author completed his/ her publication requirement as per API, after the completion of the publication requirement (As per API), the author will be rewarded with an amount of Rs. 5000/- per Scopus publication.

  
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## INTELLECTUAL PROPERTY RIGHTS POLICY

(Approved in 4<sup>th</sup> meeting of the Academic Council held on 17.11.2021)

### 1. Preamble

The GLA University, (hereafter referred to as GLA) has, over the past two decades, been undertaking to train good quality scientific and technical manpower and providing answers to a variety of challenging technical problems that may arise in various fields, through its competent faculty and proficient supporting staff, to become one of the leading centers of teaching, research and extension in Engineering and Technology and dedicated to excel in every sphere of its activity. It has been constantly encouraging and nurturing research, scholarship, innovation and academic excellence.

The GLA University recognizes that intangible assets like inventions, copyright, know-how, designs and other creative and innovative products generated during the scientific and intellectual pursuits of its faculty and its students and provides a competitive edge to the University. It, therefore, has formulated its intellectual property rights policy to provide guidelines to its faculty, academic and non-academic staff, research scholars, students and outside agencies and sponsors on the practices and rules of the University regarding intellectual property rights (IPR) and obligations which includes the nature of intellectual property, its ownership, technology transfer, commercial or non-commercial exploitation and confidentiality requirements. The policy is expected to promote a conducive environment for both curiosity and market-driven research and development activities at the university and to bring forth original works of authorship.

This policy discusses intellectual property issues in order to safeguard the principles of academic freedom, allocate a fair share of the benefits to all those involved in the creation of intellectual property, and encourage the drive to conduct research, transfer technology and benefit materially from the generation of intellectual property. The policy laid down in this document is expected to further the commitment of GLA University to providing an environment where scholarship and innovation, including ideas, discoveries, creative and artistic works, tangible results of research and developmental work, can flourish, leading to development of intellectual property. It will also enable the Institute to make beneficial use of such developed intellectual property for the greatest possible benefit to the public, the university and the creators involved.

It is to be stressed that this IPR policy is to be treated more as a guideline than a rule in the legal sense because of the evolutionary scenario in the nation's IPR policy and is, therefore, subject to changes if a need arises. This document together with the appendix (operating guidelines) and the annexures (some use full information on patents and copyright) and (salient features of IPR and services provided by IPR Cell) are designed to give a wholesome picture of Intellectual Property (IP) management at GLA.

## 2. Purpose

The purpose of the IPR policy of GLA is to:

- a. Facilitate, encourage, promote and protect scientific inquiry, research pursuits and the educational freedom of its faculty, researchers and students;
- b. Create a revolutionary progressive culture which fosters the invention and development of IP at the University;
- c. Provide a clear understanding of the rights and responsibilities of the faculty staff, and students and protect the interests of the University members;
- d. Establish an IPR management policy and procedural guidelines for converting the knowledge generated in the University to wealth;
- e. Enable the University to make beneficial use of IP so as to confer maximum benefit to the inventors, the University and the society at large and;
- f. Shape the University as a prime academic research University practicing highest ideals of scholarship and teaching through dissemination of the benefits of IP generated at the University to the community and society.

## 3. Definitions:

- I. **Intellectual property (IP)** used herein broadly means any property generated out of creations of the mind or intellectual effort of the creator, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce, either having proprietary value or is protected by any statute. IP is protected in law by, for example, patents, copyright and trademarks, 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.
- II. **Intellectual property Rights (IPR)** means the rights derived from the IP, e.g. patents, industrial designs, copyright, trademark, geographical indications, etc.
- III. **Background information** means technical information and know-how owned or controlled by the partners of a collaborative Research and Development programme before the start of the programme, in the same field as the subject matter of the programme or in related fields as necessary for the execution of the programme.
- IV. **Background intellectual property** means the intellectual property owned or controlled by the partners of a collaborative Research and Development programme before the start of the programme, in the same field as the subject matter of the programme or in related fields and necessary for the execution of the programme.
- V. **Foreground intellectual property** means the intellectual property generated during the course of a collaborative Research and Development programme.
- VI. **University Personnel** in this policy document includes all the faculty members, staff,

students, research scholars (Internal and External), visiting scientists, professors and other professionals who are hired either on a full-time basis or part-time basis.

- VII. Patents** - A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.
- VIII. Copyright** - Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.
- IX. 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.
- X. 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.
- XI. Geographical Indications** - Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods.
- XII. Work for hire** is defined for the purposes of this policy as any work commissioned by the Institute, from a creator as defined by this policy for a consideration or otherwise, or from an external agency. In all such cases the ownership of the resulting intellectual property shall be assigned to the University in a written contract between the concerned parties.
- XIII. Fair use**- this is the amount of copying allowed by law so that copyright shall not be a stranglehold on the progress of human knowledge. Limited portions of a work can be copied without the rights holder(s)' permission for non-commercial and academic uses, although the exact permissible percentage may have to be determined by the courts. In general, use of a small part of a work which does not hurt the present or potential market for that work is allowed under fair use, but there are many grey areas where the law has to be decided on a case-by-case basis. Fair use in the classroom during regular teaching is understood more liberally than that permissible in teaching for distance education multimedia packages. This is because distance education packages are commercial products and hence permission has to be sought for the use of any intellectual property held by others which may be quoted or reproduced in the package. The possibility of fair use exists only in the case of copyright and does not apply to patents.
- XIV. Creator** refers to an individual or a group of individuals at the Institute, who make,

conceive, reduce to practice, author, or otherwise make a substantial intellectual contribution to the creation of any intellectual property. “Creator” includes an “inventor” in the case of inventions under Patent Law, an “author” in the case of works falling under the Industrial Designs Law and/or Copyright Law.

- XV. Commercializable intellectual property:** Commercializable intellectual property is that intellectual property which can be transferred to a commercial organization through patent licensing or confidentiality agreements for the purpose of exploitation on the market. Such property is to be safeguarded either under patent laws or by secrecy as is relevant and practicable.
- XVI. Usual University Resources:** Usual University resources mean facilities such as office space, standard laboratory facilities, library, normal access to software, computers and networks, standard secretarial services, salary and perquisites.
- XVII. University Supported Resources:** University-supported resources mean special facilities and equipment, specific funding, intellectual property already owned by the Institute, requisitioning the time and labour of students and staff through Institute administrative channels, or at the Institute’s instance and expense, and remission by the University of any or all of the normal duties of staff or students to provide time or resources for the purpose of generating intellectual property.

#### 4. Objectives

Universities and public research institutions (PRIs) are the factories of the knowledge economy. Intellectual property (IP) adds another mechanism for universities to disseminate the knowledge that they generate and to have that knowledge used in the economic sector.

The IPR policy of GLA University aims to:

- a. Facilitate protection and valorization of intellectual property generated by its faculty, staff and students as a result of their intellectual and scientific pursuits at the GLA during the tenure of their employment/engagement at the GLA and thereby offer scope for wealth generation, alleviation of human sufferings and betterment of human life;
- b. Usher in prudent IP management practices within GLA to promote IPR awareness and culture among its faculty, staff and students;
- c. Provide a comprehensive single-window reference system for all IPR related issues and;
- d. Proactively create an environment for generating new knowledge through research, development, discovery of new knowledge and innovation compatible with the educational mission of GLA;
- e. to set and make available a policy for conducting the dissemination of GLA’s intellectual property for commercial use, so that such use imparts the benefits of the intellectual property to the public while safeguarding the interests of the creators or licensees of such property, and in the process generates revenue for GLA and the creators.
- f. To set up and maintain an office to provide services to the employees and students for effective commercial utilization of intellectual property generated at GLA in the interests of all concerned, and to oversee the fair distribution of the returns accruing there from in accordance with this policy and its amendments.
- g. To provide legal support as GLA deems necessary to defend and protect the interests of GLA and creators of intellectual property against unauthorized use of such property.

## **5. Scope/Coverage**

This policy covers all rights arising from the intellectual property devised, created, or generated by the faculty members, staff, students, research scholars (both internal and external categories), persons employed in sponsored research and consultancy projects and visiting scientists/ professors/professionals who participate in teaching and research work being carried out at GLA University either on a full-time basis or part-time basis, irrespective of the eligibility of these rights for registration. The IP arising from academic research includes patents, designs, trademark, copyright, know-how and undisclosed or confidential information.

## **6. Policy Statement**

The University is committed to promoting, protecting, managing and commercializing Intellectual Property consistent with the recognition that among its primary objects and functions are teaching, research and meeting the needs of the community and society. It supports the commercialization and exploitation of IP, which can provide an additional source of revenue to the University and also accrue benefits to staff and students. At the same time, the University recognizes traditional academic values and expectations.

## **7. Ownership of Intellectual Property**

### **a. Patents and Inventions**

i) In all the applications filed by the University for the ownership of intellectual property rights, the persons who have directly contributed intellectual inputs shall be mentioned as inventors or creators.

ii) The University will require to be assigned to it such intellectual property as is created by creators:

\* through the use of Institute-supported resources and which is in the opinion of the Institute commercializable by the Institute and its assigns;

\* intellectual property created through sponsored research where the sponsor does not claim intellectual property rights.

### **b. Copyrights**

i. The University is the owner of the copyright on all teaching and instructional materials developed by the employees of the University as a part of any of the academic programmes of activities at the University. However, the author shall have the right to use the material in his/her professional work.

ii. Books, articles, monographs, speeches, and other communications produced by the staff members in the course of research and teaching using University resources will be outside the purview of this clause. The University recognizes faculty ownership of the copyright in such traditional works of authorship.

iii. In cases where the copyrightable works including software are created by the employees of the University with significant use of University's resources, the University may

demand assignment of the copyright of such works either in full or in part depending on the extent to which the University's resources have been used to produce the copyrightable work

- iv. The University shall be the joint owner of the copyright of works produced by non-university personnel associated with or engaged in any activity of the University with the intellectual contribution of the University personnel.
- v. If any copyrightable work is produced during the course of any sponsored /or collaborative activity, the ownership of copyright will be determined either according to the terms and conditions (related to IP) specified in the contract, if any, governing such activity or through mutual consultations and agreement with the sponsoring/collaborating agency.
- vi. In the case of a thesis/dissertation/project report written by a student, the ownership of copyright shall rest with the student. The student will provide to his/her department a copy of the laboratory records, including software, of an investigation for a thesis or dissertation for use in teaching and research by the GLA University. However, in such cases, the University may demand assignment of the ownership of the copyright in full. Where the University does not demand such assignment or where the copyright has not been assigned to the University, the University will be entitled to a non-exclusive, non-transferable license to use the work within the University for noncommercial educational and research purposes or to possess a limited number of copies for such purposes, whichever is relevant.
- vii. Any copyrightable work generated as a work-for-hire will normally belong to GLA University unless otherwise specified in the original contract for the work.
- viii. If GLA University foresees a gainful return from the copyrights, it may initiate steps to file and protect such copyright and share the financial benefits with the creator on mutual terms and conditions.
- ix. Assignment of copyrights to GLA University: Copyrightable works which fulfill the conditions below will be assigned to GLA University: computer programmes, circuit diagrams and layouts, designs etc. if in the Institute's opinion they are commercializable by GLA and its assigns,

**c. University-Supported Research**

All rights in respect of the intellectual property generated out of investigations carried out at the University making use of the University supported resources (not usual University resources) shall vest in and be the absolute property of the University except in cases where such investigations are carried out either jointly with other institutions and agencies or under sponsorship by an outside agency.

**d. Sponsored Research**

- i. The IPR of inventions or copyright arising out of research projects undertaken on behalf of and entirely funded by a sponsoring agency shall be registered jointly in the name of the University and the sponsoring agency if the sponsoring agency bears the cost of securing and maintaining the IPR registration equally. Where the sponsoring agency is not forthcoming for filing a joint IPR application, the University, at its discretion after giving due notice to the industry, may apply with absolute ownership and will meet the

entire cost of securing and protecting IPR. If the sponsoring agency funds the research projects only partially or if there are multiple sponsors for the same project, the sharing of IPR will be decided through mutual consultations and appropriate agreements.

- ii. If the sponsoring agency is an industry, the industry may opt for one of the following arrangements for sharing the IPR with the University in cases where clause 7 IV(a) does not apply:
  - i) The ownership or right to use the generated IPR will rest with the industry but the industry has to pay the University an initial lump sum and subsequently reasonable annual royalties for a specified period in recognition of their contribution to the project. The terms of ownership or right to use the IPR will be governed by a specific a priori agreement between the University and the sponsoring industry. The right to use the generated IPR rested in the sponsoring industry may be exclusive or non-exclusive or sole in nature. In case of exclusive license, if the industrial sponsor fails to exploit within a mutually agreed time limit, the University may permit third-party exploitation of the IPR.
  - ii) The ownership of the IPR will rest with the University but the exploitation rights will rest with the industrial sponsor either exclusively or non-exclusively or solely, in lieu of an initial lump sum payment and subsequently annual royalties for a specified period or other benefits to the University. In case of exclusive rights (i) Third-part exploitation will be permitted if the industrial sponsor fails to exploit the IPR within a mutually agreed time limit in the license agreement. ii) The University will retain user rights for further research and development.

#### **e. Joint Research**

If the intellectual property is an outcome of joint research undertaken by the University personnel with external organizations/agencies/individuals, the IPR will be owned jointly by the University and the collaborators. The cost of filing and maintaining the IPR and the revenue generated by its commercial exploitation will be shared by the University and collaborators according to an agreement. If the collaborators are not either forthcoming or agreeing to share the cost, the University, at its discretion, may decide to file and maintain the IPR at its own cost. In this case, the sharing of revenue accruing out of the commercial exploitation of the IPR will be solely decided by the University.

### **8. Technology Transfer**

- a. The University shall take all necessary steps for the commercial exploitation of the IPR obtained either in its name or jointly with other agencies, to the fullest possible extent that is reasonably practicable, without undue delay. The commercial exploitation of the IPR will be done under the agreements involving technology transfer, licensing (exclusive or nonexclusive or sole) and revenue sharing models.
- b. The University shall try to identify the potential licensee(s) for commercial exploitation of the IPR to which it has absolute ownership. In case of joint ownership, the University will offer the first right to commercially exploit the joint IP, whether or not the same has been formally protected by patent(s). The licensing, in this case, would involve payment of a lump sum in the beginning as a technology transfer fee and payment of a royalty from the first date of the commercial exploitation for a mutually agreed period. If the

collaborator refuses to exercise the is option, the University will proceed to commercialize the IP in a manner that it deems fit.

- c. In the event of the other collaborating organization/industry not undertaking the commercial exploitation within a period of two years from the first date of development of technology, the University reserves the right to license the use of IP to a third party.
- d. To promote and encourage entrepreneurial activities by its staff, the University may reassign, under an agreement, its ownership of the intellectual property to the inventor(s) or creator(s) of the property, who opt to market, protect and license it on their own with minimal involvement of the University.

The fees to be paid to the University by the assignee consist of all patenting and licensing expenses and the appropriate amount of royalties, equity, or other value received by the inventor(s) or creator(s).

- e. The University would endeavor to exploit the IP either by itself or by commissioning a Technology Management Agency to bring to fruition the IP produced by its personnel.

The inventor(s)/Creator(s) may seek the University to assign the rights to them after a certain holding period.

## **9. Revenue sharing**

The revenue accruing out of the commercial exploitation of IPR (i.e. the technology transfer fee and subsequent royalty payments) would be shared appropriately between the inventor(s) and the University. Currently, this ratio is 80:20. Where the University reassigns the IPR rights to its inventor(s)/creator(s), he/she/they shall reimburse all the costs incurred by the University, which include protection, maintenance, marketing and other associated costs.

## **10. Infringements, Damages, Liability, and Indemnity Insurance**

As a matter of policy, the University, in any contract between the licensee and the University, shall have clauses of indemnity, infringements, damages and liability in the contract. The details of these clauses will depend on the situation and terms and conditions agreed upon by the parties to the contract.

The University shall retain the right to engage or not to engage in any litigation concerning patents and license infringements.

## **11. Conflict of Interest**

The inventor(s) are required to disclose any conflict of interest or potential conflict of interest, if the inventor (s) and/or their immediate family have a stake in a licensee or potential licensee company, then they are required to disclose the stake they and/or their immediate family have in the company.

A license or an assignment of rights for any invention, technology or patent to a company in



which the inventor(s) have a stake shall be subject to the approval of the IPR Cell.

## **12. Dispute Resolution**

In case of any disputes between the University and the inventors regarding the implementation of this IPR policy, the aggrieved party may appeal to the Chancellor of the University. Efforts shall be made to address the concerns of the aggrieved party. The Chancellor's decision in this regard would be final and binding.

## **13. Application of Policy:**

This policy shall be deemed a part of the conditions of employment for every employee of the University and a part of the conditions of enrolment and attendance of students at the university, students on enrolment and to all existing staff and students.

Further, the University reserves the right to amend the IPR Policy as and when such a need arises/deemed fit.

All potential creators who participate in a sponsored research project and/or make use of University-supported resources shall abide by this policy and shall accept the principles of ownership of intellectual property as stated in this policy unless an exception is approved in writing by GLA University.

## **14. Right to Regulate Policy:**

The IPR Cell shall have the responsibility for interpreting the policy, resolving disputes, the application of the policy and recommending changes to the policy from time to time to the Chancellor through the Registrar and Vice-Chancellor. The Chancellor shall consider such changes/recommendations and take such decision there on as he/she deems fit. The IPR policy may be reviewed after three years or earlier if a major change in the same takes place at the National Level.

## **15. Jurisdiction:**

As a matter of policy, all agreements signed by the University and dispute(s) arising there from, will be subject to the legal jurisdiction of the District Court of Mathura and Allahabad High Court (including its benches) and shall be governed by the appropriate laws of India.

# **INTELLECTUAL PROPERTY RIGHTS POLICY OF GLA UNIVERSITY**

## **(Operating Guidelines)**

### **1. Introduction**

The GLA UNIVERSITY is a premier institution devoted for undergraduate and postgraduate education in Engineering, Science, Management and Humanities and advanced research in all these fields. GLA has been constantly encouraging scholarship, research, academic excellence and innovation with the aim of creating an environment for open dissemination of research results and free exchange of information amongst academicians and scholars. GLA, along with its role as a facilitator for generation of fundamental knowledge in science and technology, undertakes also programs of social and economic relevance to the country. GLA, therefore, has set in place, systems and mechanisms to structure the process of commercial exploitation of the knowledge generated at GLA under the provisions of IPR regimes in the country.

### **2. Intellectual Property Rights Cell (IPR Cell)**

The IPR Cell is constituted for formulating the guidelines and policies for adoption by GLA after due approval by the Board of Management of the University and to carry out executive actions for their implementation. The Intellectual Property Rights Cell arranges for the speedy processing and filling of applications for patents and to effectively implement the policy and guidelines of the University in respect of Intellectual Property Rights.

I. The cell will have the following structure:

Convener of the IPR Cell : To be nominated by Chancellor from amongst the Senior Professors of the University

Two Associate Faculty members : To be nominated by Chancellor from amongst the Faculty of the University

II. The cell will have an IPR legal Advisor /consultant who will be appointed by GLA. He/ She will be a well-known practicing attorney and would render the necessary advice to IPR Cell to provide information on most vulnerable patent rules and regulations in the wake of patent Co-Operation Treaty (PCT) and so on. He / She will also assist in drafting and evaluation MOUs and filling of patent and copyright applications.

III. The cell shall inter-alia have the following responsibilities

- IP Counselling: IPR cell will counsel and interact with inventors of potential intellectual products and assist the University in identifying the IPR potentials.
- IP Management: Filing, maintaining and monitoring and managing of patents and coordination between attorneys, faculty (inventor (s), and GLA authorities.
- IP Transactions: Advising, drafting and monitoring of all IP related MOUs of GLA.

- IP Policy Formulation: Framing of IP policy and amendments from time to time for consideration of the University authorities.
- Promoting IP-Awareness: The IPR cell will undertake such measures which promote awareness of IP rights and strive to develop an IP culture within GLAfraternity.
- Capitalization of IP Assets: The cell shall periodically recommend patentable technologies to potential licensing agencies, CII, and other Financial Institutions to invest in venture capital towards the new technologies. The cell shall identify specific industries and direct marketing of these technologies and promote advertising in-house technologies of GLA via electronic media / newspapers and magazines. The IPR cell would also enlist the services of reputed Management Consultants for capitalization and commercialization of patented technologies owned by GLA. The IPR Cell will interact with the faculty members, patent attorneys, financial institutions and industries and follow-up on royalty payments from industries.
- Assistance in Technology Transfer: The Cell shall handle transfer of all technologies developed at GLA.
- Reporting on IP assets and IPR management: IPR Cell will submit periodically reports on IP assets and current status to Registrar/Vice Chancellor and the Board of Management of the University for consideration and advice.
- Appointment of a panel of attorneys for processing /filling of applications for patents etc.
- Periodical patent/Intellectual audits through professional experts.
- To recommend terms of payment of annuity retention fees for Professional services
- To advice such proactive measures which will promote commercialization of patents, including exhibition of patents, industry meet etc.
- All matters for securing the protection and management of IPs in the interest of the country, University and the inventors
- Seeking expert advice from renowned financial consultants, including experts from the financial/ business Institutions such as FICCI, CII, IDBI, etc...

IV. The IPR Cell will report to Vice chancellor of the University. It will seek the guidance of Registrar and Vice Chancellor in discharging its responsibilities.

### 3. **IP Protection-Some Explanatory Notes (To be read in conjunction with GLA-IPR –Annexure: some useful information on patents and copyright)**

The Intellectual Property could be protected in the form of: patent, Industrial design, Trademark, Copyright, confidential information, Technical know-how, Mask works, process, plans, specifications, guidelines, graphics, training materials, software programs, records, drawings, instruction guides, student materials, new techniques, algorithms, concepts etc. The intangible product of the intellect must have potential for industrial application or potential for augmenting the S&T knowledge base if it must be protected by the GLA University.

- I. **A Patent** is granted for any invention capable of commercial application. For it to meet the requirements of patentability there has to be Novelty, Utility and Non-obviousness. There must be an inventive step, which under the law, is one, which is not obvious to the person skilled in the art. The invention may relate to a new product or an improvement of an existing product or a new process of manufacturing and existing or a new product.
- II. **Design Protection** is available for any prototype, which influences consumer's choice by appealing to the aesthetic sense of the consumer. In other words, design protection is available for "the look of the article", appearance and other visual features. There is no design protection for functional features.
- III. **Copyright:** Patent seeks to protect the applied and extension research; the law of copyright seeks to protect pure or basic research. The requirements of copyright law are: Originality, meaning its origin to the author. Unlike patents, copyright law does not demand compulsory registration. Under the copyright, the form of the expression can only be protected and not the idea itself. Copyright subsists in any original work specified in the copyright Act which is (i) a literary, dramatic and musical or artistic work, (ii) a cinematograph film and (iii) a sound recording. Literary works include computer programs, tables and compilations including computer data bases.
- IV. **Know-how** and confidential information can be protected only so long as the owner is able to keep them secret and takes action against unlawful use of such information by others by an action of breach of confidence or contract.

### 4. **Procedure for IP Protection:**

All applications for patents and copyright (as per proforma GLA/IPR-01 and GLA/IPR-02 respectively) will be forwarded to Convener, IPR Cell through the Dean of the School/the Director of the Centre irrespective of whether the inventions have resulted from the in-house projects, or sponsored projects.

### 5. **Record Keeping Procedures:**

All data and details generated by a creator in the course of creation of intellectual property should be systematically recorded in the concerned School/Centre, with particular reference to 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 dated 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 or of 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.

## **6. When Should Faculty Approach IPR Cell To Discuss A Possible Patent?**

GLA has created an exclusive IPR Cell. Any faculty, who believes to be in possession of a potential intellectual property generated while in service of the GLA may approach and set up discussions with the IPR Cell advisor 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 straight away.

## **7. Evaluation of Patent/Copyright applications**

Each application for a patent / copy right through an Invention Disclosure Form / Copyright Disclosure form as per proforma GLA/IPR-01 / GLA/IPR-02 along with IPR facilitation request (GLA/IPR-03)) shall be received and scrutinized/examined by IPR Cell.

The committee may seek help of other professors as domain experts to preliminarily evaluate the proposals for their prima-facie patentability. The domain experts would be required to enter into a Non-Disclosure agreement as per the proforma GLA/IPR-04 and sign a No Conflict of Interest Form as per the proforma GLA/IPR-05, before getting access to the proposal.

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 Convener, IPR Cell will process the application through one of the approved attorneys from the panel maintained at the IPR Cell.

## **8. Assistance in Filling the Proforma**

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:

- Objective of the invention: What is the problem one is trying to solve? What are the issues involved?
- What prior art searches have been made? Which database? Search strategies adopted? Did searches cover gray literature – advertisements, pamphlets, Knowledge already available to public either published or unpublished?
- How does the present invention differ from the known prior art? It is important to establish that the invention is not an obvious extension of the prior art to prove non-obviousness. Are there any unexpected findings in the present invention? What are those aspects of the invention that previous workers have not been able to find solution for? What are the potentials for commercial applications of the new intellectual property in relation to the previous products in the same area, if known?
- To establish usefulness of the invention, one should highlight technical value of the invention and illustrate where and how the solutions obtained over the prior art can be applied with distinction. One might consider savings in the cost, materials, manpower, energy, durability, efficiency, time etc.,
- The boundary conditions of the parameters under which invention works effectively and beyond which the invention may not work. Also outline several other applications of the invention if any.
- Furnish all the information in the proforma which can be collected from the office of IPR Cell or through e-mail.

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.

## **9. Filing of Applications for IPR and Support**

- I. All applications for IPR shall be filed by the Registrar in the name of the University as owner of the IPR. Inventors name will be filled in the application at appropriate places. All applications will be filed in India. Inventors will assign the exclusive right of ownership to the University in order to facilitate the University to file, secure and commercialize the IPRs without any encumbrance.
- II. Patent Co-Operation Treaty (PCT) application:  
For any patent which needs protection outside India, the procedure would be to first file a provisional patent in India and within 12 months, to file a PCT application along with an application for filing and Indian patent. This would be based on the recommendation of the IPR Cell. The PCT route is preferred, efficient and economical.
- III. The IPR Cell would meet the expenses i.e. the statutory fee and patent attorney's fee, for processing the patent applications.

IV. If an inventor decides to abandon or withdraw the application for a patent at some mid- stage of processing, prior approval of the IPR Cell is required.



## SOME USEFUL INFORMATION ON PATENTS AND COPYRIGHT

### 1. What is Intellectual Property Right(IPR)

IPR is a general term covering patents, registered design, trademarks, copyright, and layout design of integrated circuits, trade secrets, geographical indicators and anti- competitive practices in contractual licenses.

### 2. What are the legislations covering IPRs in India?

#### **Patents:**

The Patents Act 1970. It has been amended in 2005

Ref Link: [http://www.ipindia.nic.in/ipr/patent/eVersion\\_ActRules/sections-index.htm](http://www.ipindia.nic.in/ipr/patent/eVersion_ActRules/sections-index.htm)

#### **Design:=-:**

The Design Act 2000

Ref.Link: [http://www.ipindia.nic.in/ipr/design/design\\_act.PDF](http://www.ipindia.nic.in/ipr/design/design_act.PDF)

#### **Trademarks:**

The Trade and merchandise Marks Act.1999 (amended in 2010)

[http://www.ipindia.nic.in/IPActs\\_Rules/tmrAct/TMRAct1999.htm](http://www.ipindia.nic.in/IPActs_Rules/tmrAct/TMRAct1999.htm)

#### **Copyright:**

The Copyright Act, 1957 and Copyright rules 2013

Ref.Link: <http://copyright.gov.in/Documents/CopyrightRules1957.pdf>

Layout Design of Integrated Circuits: No Legislation exists.

### 3. Who are responsible for administration of IPRs in the country?

Patents, designs and trademarks are under the charge of the Controller General of Patents, Designs and Trademarks which is under the control of department of industrial Development, Ministry of Industry. Copyright is under the care of Ministry of human Resource Development.



#### **4. What is a patent?**

A patent is a legal monopoly which is granted for a limited time to the owner of an invention. Patent rights are granted by the state. Merely to have a patent does not give the owner the rights to use or exploit a patented invention: that right may still be affected by other laws such as health and safety regulation, or the food and drugs regulation or even by away, inherited, sold, licensed and can even be abandoned. As it is conferred by the state, it can be revoked by the state, it can be revoked by the state in certain cases even after grant, and world patent.

#### **5. What is the distinction between patented invention and know-how?**

The law does not require that the information disclosed in the patent specification be sufficient for commercial exploitation of the invention. Thus, a patent usually will not disclose sufficient information for commercialization.

Known-how on the other hand, covers all information necessary to commercialize the invention e.g. setting up a production plant. Such information would include for example, details of the production methods, the design drawings etc. It is this known-how developed around an existing patent and commercialized subsequently will be an infringement of the patent unless the patentee had agreed to commercialization on mutually agreed terms.

#### **6. How is an invention interpreted?**

To be patentable the invention must not only be novel but must involve an inventive step. An invention involves an inventive step if it is not obvious to a person 'skilled in the art' having regard to any matter which forms part of the state of the art but disregarding unpublished pending patent applications. Simplicity is not necessarily an objection for securing a patent. The means whereby the object is attained may be perfectly simple and common, yet there may be an inventive step if the inventor has developed a variant which will render more useful results as disclosed. It is immaterial whether the invention comes into existence by accident, but there must be some inventive step. whether or not it has been in the meantime sold or licensed. There is no such thing as What are patentable inventions under the patent Act, 1970?

Invention means any new and useful:

- a) Art, process, method or manner of manufacture
- b) Machines, apparatus or other article
- c) Substances produced by manufacture, and include any new and useful improvements of any of them and an alleged invention. However, inventions claiming substances intended for use; or capable of being used, as food or as medicine of drug or relating to substances prepared or produced by chemical processes (including alloys, optical glass, semi-conductors and inter-metallic compounds) are not patentable.

## **7. How is the novelty of and invention determined?**

The novelty is judged taking into consideration the knowledge available in India and elsewhere in the time of filling the application for a patent. In other words, the invention should not be known anywhere in the world prior to filing of the application for a patent.

## **8. What are the types of inventions which are not patentable?**

- a. An invention which is frivolous or which claims anything obviously contrary to well established natural laws e.g. different types of perpetual motion or machines which violate the third law of thermo dynamics.
- b. An invention the primary or intended use of which be contrary to law or morality or injurious to public health e.g. a process for the preparation of a beverage which involves use of a carcinogenic substance, although the beverage may have higher nourishment value.
- c. The mere discovery of a scientific principle or formulation of an abstract theory e.g. Raman Effect.
- d. The mere discovery of any new property or new use of a known substance or the mere use of a known process, machine or apparatus unless such a known process results in a new product or employs at least one new reactant.
- e. A substance obtained by a mere admixture resulting only in the aggregation of the properties of the components thereof or a process for producing such substance.
- f. The mere arrangement or rearrangement or duplication of features of known devices each functioning independently of one another in a known way.
- g. A method or process of testing applicable during the process of manufacture for rendering the machine, apparatus or other equipment more efficient.
- h. A method of agriculture or horticulture.
- i. Any process for medicinal, surgical, curative, prophylactic or other treatment of human 'beings, or any process for a similar treatment of animals or plants.
- j. Invention relating to atomic energy

## **9. When should an application for a patent be filed?**

Filing of an application for a patent should be completed at the earliest possible date and should not be delayed until the invention is fully developed for commercial working. An application filed with provisional specification disclosing the essence of the nature of the invention helps to register the priority by the applicant. Delay in filing an application may entail some risks like (i) other inventors might forestall the first inventor in applying for a patent for the said inventor (ii) there may be either an inadvertent publication of the invention by the inventor himself/herself or by others independently of him/her.

**10. What are the essential patent documents to be generated and submitted by a potential patentee?**

There are two types of patent documents usually known as patent specification namely

I) Provisional specification

II) Complete specification.

**I) Provisional Specification:**

A Provisional Specification is usually filed to establish priority of the invention in case the disclosed invention is only at a conceptual stage and a delay is expected in submitting full and specific description of the invention. Although, a patent application accompanied with provisional application does not confer any legal rights to the applicants, it is, however, a very important document to establish the earliest ownership of an invention. It is essential to submit the complete specification within 12 months from the date of filing the first application. This period is extendable by 3 months.

The provisional Specification is a permanent and independent scientific cum legal document and no amendment is allowed in this.

**II) Complete Specification:**

Submission of Complete Specification is necessary to obtain a patent. The contents of the specification would include information regarding the field to which the invention relates, background of the prior art giving drawbacks connected to the hitherto known details of the invention, the best mode of carrying out the invention and claims defining the scope of the invention. The contents of the complete specification should enable a reasonably skilled person in the art to work the invention without the help of the inventor.

**11. What are the criteria for naming inventors(s) in an application for patent?**

The naming of inventors is normally decided on the basis of the following criteria:

I) All persons who contribute towards the development of patentable features of an invention should be named inventors(s)

II) All persons who have made intellectual contribution in achieving the final results of the research work leading to a patent, should be named inventor(s)

III) A person who has not contributed intellectually in the development of an invention is not entitled to be included as an inventor

IV) A person who provides ideas needed to produce the germ of the invention need not himself/herself carry out the experiments, construct the apparatus with his/her own hands or make the drawing himself/herself. The person may take the help of others. Such persons who have helped in conducting experiments, constructing apparatus or making the drawings of models without providing any intellectual inputs are not entitled to be named inventors.

Quite often difficulties are experienced in deciding the names of inventors. To avoid such a situation, it is very essential that all scientists engaged in research should keep a factual, clear and accurate records of daily work done by them in the form of a diary. The pages in the diary should be consecutively numbered and the entries made should be signed both by the scientists and the concerned leader.

#### **12. Can a published or disclosed invention be patented?**

NO. Publication or disclosure of the invention anywhere by the inventor before filing of a patent application would disqualify the invention to be patentable. Hence inventors should not disclose their inventions before filing a patent application. If published after filing of the patent application, the number and date of the patent application should be given by way of information to public.

#### **13. What is considered the date of patent?**

The date of patent is the date of filing the complete specification. This is an important date because it is from this date that the legal protection of an invention covered in the patent takes effect. The term of the patent is counted from this date

#### **14. What is the term of a patent in Indian system?**

Term of every patent in India is 20 years from the date of filing of patent application, irrespective of whether it is filled with provisional or complete specification. However, in case of applications filed under PCT the term of 20 years begins from International filing date

#### **15. How does one keep a patent in force for the full patent terms?**

A patent has to be renewed from time to time by paying the prescribed renewal fees. If the patent is not renewed, it will cease to remain in force and the invention becomes open to public.

#### **16. What is expected from a patentee?**

A patentee must try to ensure that the patent is worked in India on a commercial scale and without undue delay. The patent is not granted to allow the patentee to enjoy a monopoly for the importation of the patented article. In other words, a patentee cannot sit over an invention and block the use of that invention.

#### **17. What is the nature of information needed while consulting a patent attorney?**

- An explanation of the history of the invention, where you got the idea from, how you developed it, any early failures and possible prototypes, with all your laboratory note books, etc., if possible. This will help the patent agent to explain the inventive step which is necessary to establish to obtain the patent, and it also increases his or her understanding of the invention so as to maximize the skill with which he or she can draft claims and specifications for it.

- What you think is the central part of it, the most inventive element or most useful aspect, together with what other similar prior inventions you know of or have developed the idea from an improved upon. If you have developed an improved version of your competitor's products, admit it, be totally honest. It is vital to be such so that the patent agent can define your invention properly in making the application and avoid excessive claims which might be struck down
- A detailed description of the best way of putting the invention into practical use, results of your tests and trials, etc., including all the failures and defects.
- Alternative ways of using the invention, and the substitutes for parts of it – i.e. will one chemical compound do as well as any other in the process, is there an optimum size, etc. it may be worth drafting the patent widely enough to cover less satisfactory alternatives\_ if this is possible- to prevent rivals from marketing a less satisfactory competing product which because of its defects might bring the whole genre of product into disrepute.
- Both after an initial search and during the course of the patent application it is important to respond quickly and accurately to queries which the patent agent may have, to help patent application on the way and to save you money. Thus the client should in particular keep the patent agent informed of any new developments or improvements or other changes made to the invention and any rivals which appear etc.

#### **18. What are the different types of work covered under copyright?**

Copyright covers:

- I) Literary, dramatic and musical work. Computer programmes/software are covered within the definition of literary work.
- II) Artistic work.
- III) Cinematographic film includes sound track and video film.
- IV) Record- any disc, tape, perforated roll or other device.

#### **19. What are the rights of a copyright holder (which when violated lead to infringement)?**

- a) In the case of literary, dramatic or musical work, not being a computer programme:
  - I. To reproduce the work in any material form including the storing of it in any medium by electronic means
  - II. To issue copies of the work to the public not being copies already in circulation
  - III. To perform the work in public, or communicate it to public
  - IV. To make any cinematograph film or sound recording in respect of the work
  - V. To make any translation of the work
  - VI. To do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi)
- b) In the case of computer programme:
  - i) To do any acts specified in clauses (a)
  - ii) To sell or give on hire, or offer for sale or hire any copy of the computer programme, regardless of whether such copy has been sold or given on hire on earlier occasions

c) In the case of an artistic work-

- I. To produce the work in any material form including depiction in three dimensions of a two dimensional work or in two dimensions of the dimensional work.
- II. To communicate the work to the public
- III. To issue copies of the work to the public not being copies already in circulation
- IV. To include the work in any cinematograph film
- V. To make any adaptation of the work
- VI. To do in relation to an adaptation of the work, all of the acts specified in relation to the work in sub-clauses(i) to(iv)

d) In the case of a cinematograph film

- I. To make a copy of the film including a photograph of any image forming part thereof
- II. To sell or give on hire or offer for sale or hire, any copy of the film, regardless of whether such copy has been sold or given on hire on earlier occasions
- III. To communicate the film to the public

e) In the case of sound recording

- I. To make another sound recording embodying it
- II. To sell or give on hire, or offer for sale or hire, any copy of the sound recording, regardless of whether such copy has been sold or given on hire on earlier occasions
- III. To communicate the sound recording to the public Explanation:- For the purpose of this section, a copy which has been sold once shall be deemed to be a copy already in circulation

**20. How is computer defined for the purpose of copyright?**

Computer includes any electronic or similar device having information processing capabilities.

**21. What is the definition of a computer programme?**

Computer programme means a set of instruction expressed in words, codes, schemes or any other form, including a machine readable medium, capable of computer to perform a particular task or achieve a particular result

**22. What is the term of a copyright?**

- a) If published within the life time of the author of a literary work the term is for the life of the author plus 60years.
- b) For cinematographic films, records, photograph, posthumous publication, anonymous publication, works of government and international agencies the term is 60 years from the beginning of the calendar year following the year in which the work was published.
- c) For broadcasting the term is 25 years from the beginning of the calendar year following the year, in which the broadcast was made.

## **SALIENT FEATURES OF IPR AND SERVICES PROVIDED BY IPR CELL**

### **IPR Policy:**

IPR is a general term covering patents, registered design, trade-marks, copyright, and layout design of integrated circuits, trade secrets, geographical indicators and anti-competitive practices in contractual licenses

The Intellectual Property could be protected in the form of:

**Patent** (to be registered),

**Industrial design** (to be registered),

**Trademark** (registered or otherwise),

**Copyright** (registered or otherwise) (in the form of plans, specifications, guidelines, graphics, training materials, software programs, records, drawings, instruction guides, student materials, new techniques, algorithms, concepts Confidential Information, Technical know-how, Mask works, Process)

**Intellectual Property (IP):** is an intangible knowledge and shall mean and include – all results, conclusions, deductions, inventions, ideas, improvements, discoveries, enhancements, solutions, processes, modifications, know-how, data and information of every kind and description conceived, generated, made, or reduced to practice as the case may be, designs, software programmes, genetically engineered microorganisms, business models and copyrightable work-resulting from the intellectual output of the faculty, staff, students, research scholars and other employees of the University.

IP is, thus, an outcome of the University supported research or sponsored research, industrial consulting or other forms of joint research and development work.

Although, a patent application accompanied with provisional application does not confer any legal rights to the applicants, it is, however, a very important document to establish the earliest ownership of an invention.

**Exceptions for Patent:** However, inventions claiming substances intended for use; or capable of being used, as food or as medicine of drug or relating to substances prepared or produced by

chemical processes (including alloys, optical glass, semi-conductors and inter-metallic compounds) are not patentable.

**Whether Patent can be revoked:** As it is conferred by the state, it can be revoked by the state, it can be revoked by the state in certain cases even after grant, and whether or not it has been in the meantime sold or licensed.

**Contest / Conflict with sponsoring agency:** Where the sponsoring agency is not forthcoming for filing joint IPR application, the University, at its discretion, may file the application with the absolute ownership and will meet the entire cost of securing and protection of IPR. Copyright: Patent seeks to protect the applied and extension research; the law of copyright seeks to protect pure or basic research.

If the intellectual property is an outcome of joint research undertaken by the University personnel with external organizations /agencies/individuals, the IP will be owned jointly by the University and the collaborators.

In case of joint ownership, the University will offer the first right to commercially exploit the joint IP, whether or not the same has been formally protected by patent(s). **IP Counselling:** IPR cell will counsel and interact with inventors of potential intellectual products and assist the University in identifying the IPR potentials.

In case the Cell recommends for filing of patents, the Convener, IPR Cell will process the application through one of the approved attorneys from the panel maintained at the IPR Cell.

If any copyrightable work is produced during the course of any sponsored /or collaborative activity, the ownership of copyright will be determined either according to the terms and conditions (related to IP) specified in the contract, if any, governing such activity or through mutual consultations and agreement with the sponsoring/collaborating agency.

**Services from the Cell can be availed by:** All the faculty members, staff, students, research scholars (Internal and External), visiting scientists, professors and other professionals who are hired either on full-time basis part-time basis. GLA, has set in place, systems and mechanisms to structure the process of commercial exploitation of the knowledge generated at GLA under the provisions of IPR regime in the country.

**Services provided by the IPR Cell:** Both after an initial search and during the course of the patent application it is important to respond quickly and accurately to queries which the patent agent may have, to help patent application on the way and to save you money.

The cell shall periodically recommend patentable technologies to potential licensing agencies, CII, and other Financial Institutions to invest in venture capital towards the new technologies.