



पं. रविशंकर शुक्ल विश्वविद्यालय, रायपुर (छ.ग.)

दूरभाष : 0771-2262802 (अकादमिक), 0771-2262540 (कुलसचिव), E-mail ID- academicprsu2@gmail.com

क्रमांक 7754 / अका. / 2018

रायपुर, दिनांक 27/12/2018

॥ अधिसूचना ॥

विद्यापरिषद् की स्थायी समिति की बैठक दिनांक 23.10.2018 में अध्यक्ष के अनुमति से अन्य निर्णय क्रमांक 1 में Draft रेगुलेशन Intellectual Property Right Policy की अनुशंसा का अनुमोदन कार्यपरिषद् की बैठक दिनांक 25.10.2018 में पूरक विषय सूची क्रमांक 01 में अनुमोदित किया गया है, जो निम्नांकित है -

Regulation No. - 181

(E.C. Under 25-10-2018)

Intellectual Property Right Policy

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1. PREAMBLE

The policy is broadly based on different notification of central government, national statutory body and some prominent academic institutions. The best practices of different universities are also included in the draft.

This Intellectual Property Right (IPR) Policy document is a guidance document for Pt. Ravishankar Shukla University, Raipur personnel (Faculty members, Researchers and Students), Collaborators and Sponsors regarding Intellectual property dealing with Pt. Ravishankar Shukla University, Raipur, India regarding the rights and obligations dealing with the nature of intellectual property, ownership, Technology Transfer and confidentiality requirements.

This policy document not only safeguard the Intellectual Property(IP) issues but in addition will also allocate a fair share of the benefits to all those involved in the creation of intellectual property. This will motivate other researchers to conduct research, transfer technology and would be benefitted by the outcome of the intellectual property. The policy will encourage an environment of innovation leading to IP in the University. This will be useful in public at large of the University and inventors involved in the IP exercise.

All potential inventors who would participate in a sponsored research project and/or make use of the University supported resources should know about this policy document and shall accept the principles of ownership of Intellectual Property as stated in this policy unless an exception is approved in writing by the University.

2. OBJECTIVES OF INTELLECTUAL PROPERTY RIGHT POLICY

The objectives of IPR Policy are to:

- a. Develop the environment of freedom for research & development, the discovery of new knowledge & innovation in order to achieve the educational mission of the University.
- b. Set up and maintain IPR Cell so that services are provided to the researchers, faculty members, students for effective commercial utilization of intellectual property generated at the University in the interests of all concerned, and to oversee the fair distribution of the returns accruing as an outcome of the patents, designs, copyright, trademarks and other forms of IP in accordance with this policy and its amendments.
- c. To promote and safeguard of the intellectual property interests of all those who are involved in the creation of intellectual property at the University.
- d. Make policy document available to conduct the dissemination of the University's IP for commercial use, so that public could be benefitted at large while safeguarding the interests of the inventors/applicants of IP, and to generate revenue for the University and the inventors.
- e. Provide legal support to the University deems necessary to defend and protect the interests of the University and inventors of intellectual property rights against unauthorized use of such property.



3. MEMBERS OF INTELLECTUAL PROPERTY RIGHT CELL

The University IPR Cell, would comprise the Chairperson, IPR member-secretary and three senior faculty members with expertise in area related to creative work, legal aspects of IPR and technology transfer, as recommended by the chairperson of IPR Cell and approved by the Vice Chancellor. The Chairperson and member secretary will be nominated by the Vice Chancellor. The tenure of the members shall be for five years. Cell should be responsible to administer all decisive issues related to IP Policy and other relevant matters as should be determined from time to time. The services of outside expert personnel or Attorney may be hired time to time as per the need of the cell and name will be finalized by the committee members and approved by the ViceChancellor.

The Constitution of the Cell:

- Chairperson
- IPR Member-Secretary
- Three senior faculty members of the University

4. OWNERSHIP OF INTELLECTUAL PROPERTY

a. Copyrights:

The University will not own the rights in books, book chapters, articles, monographs, lectures, speeches and other communications which are copyrightable works as produced by the University personnel in the course of research and teaching produced using usual University resources. In all other cases the University may accept assignment of the copyright in whole or in part depending on the degree of the University supported resources used in producing the copyrightable work.

Where 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, Raipur for non-commercial educational and research purposes, or to possess a limited number of copies for such purposes, whichever is relevant.

b. Patents and inventions:

The University will own the rights of such intellectual property as is created by inventors through the use of University supported resources and which is in the opinion of the Pt. Ravishankar Shukla University, Raipur commercializable by the University, and intellectual property created through sponsored research where the sponsoring agency does not claim intellectual property rights.

Any type of payment received from the commercialization of the University owned intellectual property will be shared between the University and the inventors (70 % to inventors and 30 % to the University of Net Profit).



The pattern of distribution of the portion designated as Inventors share amongst the staff is to be followed as given below:

	Staff	Share
i.	Inventors	35%
	(Inventor or Principal Contributor/PI/Researcher of the university may comprise scientist and other S&T staff who have provided innovative, developmental, design, experimental, data/information, TKs/GI , testing/analytical, repair/fabrication, training and business development/marketing inputs for the project/activity) shall have equal share.	
ii.	Other members of the team	35%
	S&T and other staff may comprise staffs that have provided direct supporting inputs for the specific project/activity in the ratio of 25 and 10% respectively.	
iii.	IPR Cell	25%
iv.	Welfare Fund	5%

In the event of any legal action/dispute necessitating refund/payment of monies/fees to the client, the amount paid to the staff is recoverable; The maximum amount of money receivable by an employee from licensing of Intellectual Property and intellectual fee from contract R&D will not exceed Rs.1.0 Lakh per financial year or his/her salary for the particular financial year whichever is less.

5. INTELLECTUAL PROPERTY ADMINISTRATION

a. Disclosure:

When the inventors believe that they have generated patentable or commercializable IP using University supported resources, they shall report it in writing along with relevant documents, data and information, to the IPR Cell of the University. The information shall constitute a full and complete disclosure of the nature, particulars and other details of the intellectual property and identification of all persons who constitute the inventors of the property. Where there are different inventors that make up a system, the individual inventors and their contributions must be identified.

Having made the disclosure, the inventor shall maintain confidentiality i.e., refrain from disclosing the details, unless authorized in writing by the University or until the University, has assessed the possibility of commercialization of the intellectual property.

b. Evaluation of Disclosure:

The University IPR committee will evaluate the disclosure made by the inventors, determine whether there is a good prima facie case for believing that the intellectual property is commercializable and will examine any other relevant information and applicable commitments. The University will determine which of the followings condition apply:

The University, if unwilling to commercialize the Intellectual Property:

In this case the University will merely record the fact of the creation of the intellectual property without prejudice to the rights of the inventors and hold all information communicated in this regard by the inventors secret and confidential.

The University wishes to own and commercialize the intellectual property:

In this case, the University will take steps to commercialize the property through patenting or confidentiality. Where a patent is applied, the inventors shall agree to maintain all relevant details of the intellectual property secret and confidential until the patent is sealed. In the case of protection through confidentiality the same information will be kept secret and confidential as long as the intellectual property has commercial value. The inventors shall furnish such additional information and execute such documents from time to time as may be reasonably requested for effective protection and maintenance of proprietary rights of the University in the intellectual property.

c. Acknowledgement:

The inventors of University owned intellectual property shall retain their moral right to be identified as such unless they specifically waive this right in writing.

d. Commercialization:

All expenses for obtaining and maintaining statutory rights in University owned intellectual property will be borne by the University. The University will take steps to commercialize all University -owned property in the manner below:

- The inventors shall disclose the nature and particulars of the intellectual property they have created to the University
- If the property is found to be assignable to the Pt. Ravishankar Shukla University, Raipur and the University wishes to own the property, the University will file the patent, or proceeds directly for commercialization through confidentiality agreements with third parties, whichever is practicable.
- In case intellectual property has been commercialized, the subsequent cost of maintaining statutory protection will be met through receipts from the licensee. If the property has not been commercialized, all rights and responsibilities in it will revert to the inventors unless in the University opinion it stands a good chance of being commercialized within the next year, in that case University opts to pay for another year of protection and retains the rights for the subsequent year.
- After the end of the third year, if the intellectual property is still not commercialized, all rights and responsibilities of the property will revert to the inventors, subject to any contractual agreements with a sponsor if any, and the University will no more be liable to pay for statutory protection of the property.



At any time during the above process, the Pt. Ravishankar Shukla University, Raipur will have the right to revert the rights in the intellectual property to the inventors at a mutually agreeable date. If the property is commercialized subsequently, the receipts will be shared (70 to inventors and 30 to Pt. Ravishankar Shukla University, Raipur of net profit.)

e. Informing inventors of decisions:

The inventors of Intellectual Property will be informed of progress regarding the decision of IP Advisory committee for filing of the patent, commercialization and/or disposition of the intellectual property by the University. The University and the inventors shall maintain complete transparency in sharing information at all stages of the process. The inventors shall keep the University informed of updates or development of the Intellectual Property which lead to tangible effects on the property.

f. Statement by inventors:

The inventors of intellectual property under the terms of this policy shall be required to determine and to state that to the best of their knowledge the intellectual property does not infringe any existing property.

In case an allegation is made regarding infringement by the inventors and the Advisory Committee of IPR Cell of Pt. Ravishankar Shukla University, Raipur finds prima facie that the inventors may have made false claims, the University will take immediate steps to dissociate itself from the said intellectual property. All agreements with inventors should indemnify the University against all damages arising out of such litigation.

g. Consulting agreements:

Since consultancy comes to academic staff through the University channels and is administered centrally, any intellectual property arising from consultancy should be assigned to the University in the interests of transparency and fair negotiation with consulting firms. The University will offer a first refusal option on the licensing of such intellectual property rights to the consulting firm, as with sponsored research. However, in recognition of the fact that a percentage of the consultant's fee is paid to the Pt. Ravishankar Shukla University, Raipur, the royalty arising from commercialization of intellectual property generated through consultancy will be in a ratio of 70% to consultant and 30% to the Pt. Ravishankar Shukla University, Raipur. Inventors engaged in consulting work or business have a responsibility to ensure that agreements governing such work or business are not in conflict with University policy or with the Pt. Ravishankar Shukla University, Raipur's prior contractual commitments. Such inventors should make their University, obligations known to outside parties before they make such agreements and should provide such parties with copies of all applicable University policies.



h. Pt. Ravishankar Shukla University, Raipur Intellectual Property Advisory Committee:

The Committee will administer intellectual property policy and such other relevant matters as shall be determined from time to time. In particular the Committee will decide in cases where

- the issue is in doubt whether the use of a particular resource constitutes Pt. Ravishankar Shukla University, Raipur -supported resources
- inventors are found to have made false claims
- there is a dispute involving sponsored research
- there is a disputes arise regarding the continued extension of statutory protection to technologies assigned to the Pt. Ravishankar Shukla University, Raipur and yet to be commercialized
- There is a complaint or question regarding the matters addressed in this policy, its implementation or interpretation.

i. Responsibilities of departments:

Each department will administer the University policy as defined herein through its Board of Research studies/Board of study. In particular each innovator must maintain in his or her department records detailing his or her activities in generating intellectual property. Such records must be made available on demand to the University Intellectual Property Committee.

j. Authority of Contracts:

All Commitments, Agreements, Memoranda of Understanding etc. relating to commercialization or exploitation of Pt. Ravishankar Shukla University, Raipur - owned intellectual property will be granted in the name of the Pt. Ravishankar Shukla University, Raipur.

k. First-refusal option for sponsors:

Unless the Pt. Ravishankar Shukla University, Raipur decides otherwise on the merits of the case, agreements governing sponsored research shall provide that all intellectual property developed as a result of the sponsored research project shall belong to the University. When the inventors disclose the generation of such intellectual property to the University, the sponsor will receive first refusal on an option to license the resulting intellectual property on terms to be negotiated on a case-by-case basis. The sponsor has to either accept or refuse its first-refusal option within 90 days of the date of offer of the option by the Pt. Ravishankar Shukla University, Raipur to the sponsor. If the University finds that the sponsor has not taken steps to commercialize the property within one year of acceptance of the option, the University will be free to revoke the license. Confidentiality agreements will continue to apply in that event. The University may at its own discretion contract with sponsors to allow them specific rights, whether exclusive or non-exclusive, in the intellectual property whose creation they sponsor, if in the Pt. Ravishankar



Shukla University, Raipur 's opinion the granting of such rights will facilitate the commercialization of t

In all cases the terms of licenses or assignment shall be determined through negotiation he intellectual propertybetween the sponsor and the Pt. Ravishankar Shukla University, Raipur once the sponsor agrees to exercise his or her licensing option. Considerations that must be taken into account are:

- The nature and application of the intellectual property
- The relative contributions of the Pt. Ravishankar Shukla University, Raipur and the sponsor to resources involved in its creation
- The University opinion on the best way to commercialize the intellectual property. If the sponsor refuses to exercise his or her first-refusal licensing option, the Pt. Ravishankar Shukla University, Raipur will proceed to commercialize the intellectual property as it deems fit.

5. RECORD KEEPING PROCEDURE

It will be the responsibility of the Head of Departments or persons authorized by the University, Intellectual Property Committee to ascertain for the purposes of this policy which facilities/resources used for the purpose of generation of intellectual property by a inventors in a given Department should be construed as usual University resources and which should be construed as Pt. Ravishankar Shukla University, Raipur -supported resources, and to maintain records of the course of development of intellectual property involving such resources.

All data and details generated by inventors in the course of creation of intellectual property should be systematically recorded in the concerned department as outlined below:

- a. All laboratory records shall be entered in indelible ink in bound volumes marked "PRIVATE & CONFIDENTIAL" with all pages serially and permanently numbered, without mutilations or insertions.
- b. All blank spaces between successive entries should be cancelled as if they were deletions and authenticated with the inventors' initials and date.
- c. Precise descriptions of all actions and experiments carried out should be provided. Ideas or suggestions should be headlined as such, so as to clearly differentiate them from work actually performed.
- d. No abbreviations or terms, except where their use is standard practice in that particular discipline, should be used, unless clearly explained in a table at the front or back of the book.
- e. Crucial data or descriptions of experiments which relate to valuable inventions or discoveries should be signed and dated by the inventors, supervisor, or Investigators of the project.
- f. 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 inventors with initials and date.

- g. Samples of new products or of products produced by a new method should be preserved if possible and photographed for the record. All photographs should be dated and signed by the inventors on the reverse.

6. CONFIDENTIALITY REQUIREMENTS

The inventors involved in the development of Pt. Ravishankar Shukla University, Raipur -owned intellectual property should maintain strict confidentiality in dealing with all relevant information relating to the intellectual property concerned.

The following guidelines should be followed when dealing with confidential information in the context of third parties such as commercial organizations:

- a. When a third party is interested in commercializing an item of intellectual property on offer after inspecting the relevant Technology Profile, they may apply for transfer of the technology. They will be required to demonstrate their capacity to commercialize the technology to the University's satisfaction. The University will then require the third party to sign contractual confidentiality or secrecy agreements undertaking to maintain the confidentiality of all information disclosed, before any further disclosure is made.
- b. Third parties must obtain express authorization in writing from the Pt. Ravishankar Shukla University, Raipur to commercialize/exploit the intellectual property. Confidentiality agreements will continue in force even if the commercialization process is aborted at any stage. However, it is recommended that no disclosure should be made if there is any doubt as to the outcome of the commercialization process.
- c. Access to areas where Pt. Ravishankar Shukla University, Raipur -owned intellectual property including confidential information is made available, seen or used, and to confidential documents, records, etc. is to be limited only to those who are inventors or are bound by confidentiality agreements.
- d. Inventors and/or Pt. Ravishankar Shukla University, Raipur personnel must take care not to disclose confidential details of the University-owned intellectual property in their publications, speeches, or other communications.

7. DISTRIBUTION OF PROCEEDS

The guideline for sharing the benefits generated from Pt. Ravishankar Shukla University, Raipur -owned intellectual property will be as follows:

- Pt. Ravishankar Shukla University's share - 30%
- Inventors' share - 70%

In case there is a third party (I.e. funding agency), the University's and inventors' respective shares will be calculated on the net receipts after deducting the third party's share. The inventors may opt for his/her personal share to be retained by the University, e.g., to support his/her research. The inventors' share will continue to be paid irrespective of whether the individual continues in the employment of the University.



**8. RIGHT TO REGULATE IPR POLICY OF PT. RAVISHANKAR SHUKLA
UNIVERSITY, RAIPUR**

The Advisory Committee of IPR Cell of University shall have the responsibility for interpreting the policy, resolving disputes concerning the interpretation and the university shall revise the regulation based upon the recommendations of different statutory bodies of government of India notifications time to time.

आदेशानुसार,



कुलसचिव

पृ. क्रमांक 7755 / अका. / 2018
प्रतिलिपि :

रायपुर, दिनांक 27/12/2018

- 01 आयुक्त, उच्च शिक्षा, ब्लॉक-सी.-30, द्वितीय एवं तृतीय तल, इन्द्रावती भवन, नया रायपुर।
02. अध्यक्ष, समस्त अध्ययनशाला, पं. रविशंकर शुक्ल विश्वविद्यालय, रायपुर (छ.ग.)
- 03 प्राचार्य, समस्त सम्बद्ध महाविद्यालय,
04. समस्त विभाग प्रमुख, विश्वविद्यालय प्रशासनिक भवन,
05. उ.कु.स. परीक्षा/उ.कु.स. गोपनीय/विकास/उ.कु.स. सामान्य प्रशासन/वित्त नियंत्रक,
06. कुलपति के सचिव/कुलसचिव के निजी सहायक, पं. रविशंकर शुक्ल विश्वविद्यालय, रायपुर (छ. ग.) को सूचनार्थ एवं आवश्यक कार्यवाही हेतु अग्रेषित।



विशेष कर्तव्यस्थ अधिकारी (अका.)



Fwd: Notification - IPR Policy Cell

1 message

Dr.Swarnlata Saraf

Thu, Mar 7, 2019 at 4:56

<swarnlata-saraf@gmail.com>

PM

To: Sanjay Daharwal <sjdaharwal@gmail.com>

----- Forwarded message -----

From: **Academic2 Section** <academicprsu2@gmail.com>

Date: Thu, 7 Mar 2019 at 16:18

Subject: Notification - IPR Policy Cell

To: <souniv.rb.cg@nic.in>

Cc: <rajbhavan.cg@nic.in>, Commissioner Higher Education

<highereducation.cg@gmail.com>, Hemant Pathak

<hkpathak05@gmail.com>, mitashree mitra

<mitashree.mitra@gmail.com>, Prof. Abha.R. Pal

<profabhpal@gmail.com>, Ravindra Brahme

<ravibrahme@gmail.com>, <profdrclpatel@gmail.com>,

<lawdepartment701@gmail.com>, Subhash Naithani

<naithani_sc@yahoo.co.in>, K.R. Hari

<krharigeology@gmail.com>, <profbsingh57@yahoo.com>,

<debmanas@yahoo.com>, naresh baghmar

<baghmarnaresh15@gmail.com>,

<dubey_vyas@rediffmail.com>, Shail Sharma

<shailshar25@gmail.com>, Priyamvada Srivastava

<priyamvadas1@gmail.com>, Lukeshwar Gajpal

<gajpal14@gmail.com>, Shailesh Kumar Jadhav

<jadhav9862@gmail.com>, Rajeev Choudhary

<choudharyrajee@gmail.com>, <ashish_1k@rediffmail.com>,

Ashok Pradhan <pradhan.akp@gmail.com>,

<stiwari@fulbrightmail.org>, Nameeta Brahme

<namitabrahme@gmail.com>, Preeti Suresh

<suresh.preeti@gmail.com>, <verma_maya64@rediffmail.com>,

<csprsu12@gmail.com>, <sanraipur@rediffmail.com>, Dinesh

Nandini Parihar <dineshnandininp@gmail.com>, <cagash@yahoo.com>, <cwsprsurapur@yahoo.in>, <reetavenugopal@yahoo.com>, <renewable.prsu@gmail.com>, <hrdcprsu@gmail.com>, Principal Gnpcsr <principal.npgcsr@gmail.com>, Cgcollege Raipur <gjycg.college@gmail.com>, Shradhda Girolkar <dbgirls@yahoo.co.in>, <autogdbc@gmail.com>, Sanskrit College <govt.dsrmpvpgscollege7@gmail.com>, <govt.dsrmpvpgscollege@gmail.com>, <govt.dsrmpvgcollege7@gmail.com>, dr radhabai college <drbrbgnkm1986@gmail.com>, <arunapalta@rediffmail.com>, <navingirls.collegeraipur@gmail.com>, Principal Abhanpur <gkhc.abhanpur@gmail.com>, <gcollegedharsiwa@ymail.com>, CTE raipur <ctechhattigarh@gmail.com>, PRINCIPAL ,GDC, KOHKA <gdc.kohka@gmail.com>, Govt College Arang <gbpca1963@gmail.com>, <govt.gnr.college@gmail.com>, <govt.college.birgaon@gmail.com>, <gnckharora.150617@gmail.com>, <srpgovtcollegebhatagaon@gmail.com>, <dk_collegebaloda@rediffmail.com>, <mmgirlsbb@yahoo.com>, Principal P <govt.gnapgcollege@gmail.com>, Govt. Drs <govt.drscollegekasdol@gmail.com>, <govt.drscollegekasdol@yahoo.in>, Dr. M. P. Gupta <rg.govtcollege.simga@gmail.com>, Govt. Brijlal Verma College Pallari <govt.blvcollegepallari@gmail.com>, College Bilaigarh <collegebilaigarh@gmail.com>, <lawancollege_2009@rediffmail.com>, kunjbihari sharma <kbsharma1960@gmail.com>, <govtrnmcollegebhatgaon@rediffmail.com>, firoj sonwani <firojsonwani@yahoo.com>, principal govt. law college <principalgovtlawcollege@gmail.com>, <pgcollege-dmt.cg@gov.in>, PGCOLLEGE DHAMTARI <pgcollegedhamtari@gmail.com>, <girlscollegedhamtari@yahoo.com>, <pgcollegekurud@gmail.com>, Principal Govt SN College Nagri <gcnagri@gmail.com>, <gcbhakhara@yahoo.com>, Govt College Magarlod <gcmagarlod@gmail.com>, <govtcollege_gariaband@hotmail.com>, <govt.collegechhura@yahoo.in>, <govtcollege.deobhog@yahoo.com>, Rajivlochan Rajim

<govtricollegrajim192@gmail.com>,
<govtcollege.mainpur@gmail.com>, FINGESHWAR COLLEGE
<govtcollegefingeshwar2013@gmail.com>,
<pgcollege.mahasamund@gmail.com>, govtcollege basna
<govtcollege.basana@gmail.com>, <govtcollegesaraipali1971@
gmail.com>, gov.college Pithora <govtcollege.pithora@gmail.com
>, govt.college bagbahra <gcollegebgbr@gmail.com>, Govt. Mata
Karma Girls College Mahasamund <govtmatakarmagirlscollege@
gmail.com>, <govtcollegebaloda@yahoo.in>,
<swarnlatasaraf@gmail.com>, Basheer Hasan
<bhasan0293@gmail.com>, Keshavkant Sahu
<skeshavkant@gmail.com>, <daharwalresearch@rediffmail.com>

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