



INTELLECTUAL PROPERTY RIGHTS (IPR)

**INSTITUTE FOR EXCELLENCE IN HIGHER EDUCATION
BHOPAL, M.P., INDIA**

POLICY

IPR POLICY

“Creative India; Innovative India: रचनात्मक भारत; अभिनव भारत”

The Union Cabinet has approved the **National Intellectual Property Rights (IPR) Policy** on 12th May, 2016 that shall lay the future roadmap for IPRs in India. The Policy recognises the abundance of creative and innovative energies that flow in India, and the need to tap into and channelize these energies towards a better and brighter future for all.

The National IPR Policy is a vision document that encompasses and brings to a single platform all IPRs. It views IPRs holistically, taking into account all inter-linkages and thus aims to create and exploit synergies between all forms of intellectual property (IP), concerned statutes and agencies. It sets in place an institutional mechanism for implementation, monitoring and review. It aims to incorporate and adapt global best practices to the Indian scenario. (<https://dpiit.gov.in/policies-rules-and-acts/policies/national-ipr-policy>)

In concurrence of above policy, the Institute of Excellence in Higher education has agreed to have its own IPR Policy

Policy Goals

Institute for Excellence in Higher Education, Bhopal is a premier Institute of Higher Education in Madhya Pradesh and is excellence not only in teaching learning initiative but in research also. The institute is a research-driven institute, it expects its faculty and students to spend significant fraction of its time engaged in research and innovation, while disseminating research outcome in the form of publications of journal articles, books, or conference presentations.

The institute offer quality undergraduate and post-graduate programmes, its curricula, pedagogy and teaching and learning materials are expected to be creative and uniquely different. The institute feel that in time to come significant IP will be generated by the Institute faculty and students. It is, therefore, important for the institute to protect rights to all such IP so that interests of the faculty, students and the institute are adequately protected. This document on Institute's policy on IP rights is in response to that need.

The institute for Excellence in Higher Education (IEHE), Bhopal is known and committed to nurturing students' creative and intellectual abilities. This is best done in an environment that encourages exploration and experimentation and in which artistic and academic freedom are respected and protected. As artists, designers, writers, and scholars, the Institutes's faculty members and students continually produce creative

works in the course of their academic activities. These works constitute Intellectual

Property (“IP”). It is important that the rights to ownership and use of this Intellectual Property are understood by all members of the IEHE community and by those members of the public who support their work. This policy explains those rights. The policy is intended to promote innovation and excellence in educational and artistic pursuits, to encourage the best educational experiences for students, to allow faculty and students to reap the benefits of their own creativity, and to enable the Institute to celebrate the work of its faculty and students in order to and motivate the stakeholders

Policy Overview

This policy will deal with the work created under the aegis of IEHE and applicable for intellectual property rights of faculty, students, staff, of IEHE. It describes the categories of works subject to the policy and specifies the ownership and usage rights for each of those categories. This policy also describes when and how the ownership and usage rights applying to a particular work may be changed, typically by mutual agreement of the relevant parties.

Categories of Works

Several categories of Works that may be subject to Intellectual Property Rights are covered by this policy. “Works” refers to all designs, works of authorship, works of art, literary works, writings, student thesis, dissertation, novel inventions, software, discoveries, and other work products that may be subject to Intellectual Property Rights. The categories include the following:

- **“Scholarly and Artistic Works”**—Works created by faculty or students in the scope of their respective employment or student status at the Institute.
- **“Sponsored Works”**—Works created by faculty or students with the sponsorship or special support of a Sponsor pursuant to a written sponsorship agreement.

General Rules on Intellectual Property Ownership and Usage

The following explains who owns the intellectual property rights in the Works described above:

- Faculty own the IP Rights in their own Scholarly and Artistic Works.
- Students own the IP Rights in their own Scholarly and Artistic Works. However, in a case where the College provides resources in the development of a Work that go beyond what the Institute typically provides to students in their daily academic activities, the Institute may share in the ownership of the IP Rights in that Work.

- Ownership of IP Rights in Sponsored Works is determined by a written agreement between the Institute and the Sponsor.

User Rights

Although the IP Rights in a Work may be owned by an individual, a Sponsor, or the Institute under this policy, others may have the right to make use of that Work or the IP rights to it. These rights are called “User Rights” and are as follows:

- Faculty and Students have the right to make, distribute, display, perform, and otherwise use reproductions of, and make derivative works based on, their own Works for non-commercial educational and scholarly purposes, as examples of their own work, and for purposes of exhibition.
- Faculty also have the right to make photographic or similar representational reproductions of their students’ Works; and to distribute, display, perform, and otherwise use those reproductions for noncommercial educational and scholarly purposes and as examples of their students’ work.
- A Sponsor has the right to make, distribute, display, perform, and otherwise use reproductions of, and make derivative works based on, Works for commercial and non-commercial purposes pursuant to the terms of a written sponsorship agreement.

Academic recognition for generation of IP

- The Institute will evolve a mechanism to grant academic recognition at the time of promotions and tenure decisions for contribution made by faculty members once a patent has been granted, or applied for, in India or abroad.
- It is to be understood that the said recognition will be greater in case the IP is licensed to, or transferred outright, to a third part for commercialization.

Modification of The General Rules with Respect to Particular Works

It is anticipated that members of the Research Development Cell of the Institute may on occasion wish to modify the General Rules of this Policy with respect to specific Works, particularly in cases involving Sponsored Works. Such modification is allowed if all of the parties having an ownership interest in the Work under the applicable General Rules agree in writing to the desired modification. The burden of seeking and obtaining such written agreement is on the party seeking the modification. If all of the parties having rights in the Work under the applicable General Rules are unable to reach a written agreement, then the allocation of ownership and usage rights in the Work provided by the relevant General Rule will remain in effect.

Patent Policy

In a case where the College shares in the ownership of the IP Rights in a student's Work, the institute may, from time to time, at its own initiative or upon request, elect to pursue the registration of a patent on the Work in one or more jurisdictions, and shall do so entirely at IEHE's cost; no creators of a Work shall be charged or assessed any fees or cost in connection with that registration. In furtherance of this policy, the creator(s) of the

Work may be required to execute formal paperwork relating to the registration process, and IEHE shall be responsible for the costs associated with execution. Any third parties interested in licensing a Work for commercialization should consult the Director of the Institute.

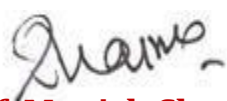
Procedures

This policy will be administered by the Research Ethics Committee of the Institute. The Convener, Research Development Cell will establish procedures to be adopted by IEHE to ensure compliance with this policy, including a procedure for considering in a timely manner any questions, objections, complaints, or other challenges arising from or relating to this policy. We welcome any questions or concerns that you may have concerning this policy or its application.

This policy is complete and effective as of the date set out above, and may be amended from time to time in consultation with the faculty and with the approval of the Director of the Institute. This policy and all amendments thereto will be published on and made available through the IEHE portal. Amendments will be effective as of their date of publication.

Liability of the Institute for infringement of IPR

The Institute will not be liable or responsible in any manner for the violation of the IP rights by its faculty and students or collaborator in the event of any claim or criminal or civil action or suits or proceedings initiated by third parties for infringement of their IP rights.



Prof. Manish Sharma
Convener
Research ethic Committee
IEHE, Bhopal



Dr. A.K. Bhardwaj
Professor, Dept. of Biotech
Coordinator IPR Awareness
Program (NIPAM)



Dr. Pragyesh Kumar Agrawal
Director
IEHE, Bhopal

