

Nirma University  
Ahmedabad

Circular

NU/ACA/ER/IPR/11- 454

May 24, 2011

- Ref. :
1. Note dated 26/12/09 under which the constitution of Committee was approved by Director General, NU for prescribing guidelines for registration of patent under Intellectual Property Right (IPR) by the faculties of the university.
  2. Circular No.2153 dtd. 04/01/2010 constituting the Committee.
  3. Minutes of the first meeting of the Committee held on 07/04/2010.
  4. Minutes of second meeting of the Committee held on 01/02/2011.
  5. Minutes of the Steering Committee meeting of ADR Cell held on 16/03/2011
  6. Approval of Director General, NU on Note dated 17/03/2011,(signed by Director General on 21/03/2011).

3

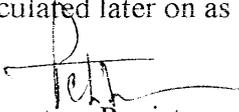
**Sub : Guidelines for registration of Patent under IPR.**

After the establishment of the University in 2003, the University has started functioning on research as one of its important functions besides registering the candidates for conducting research leading to Ph. D.. The faculties of the different institutions have already started conducting research under different kinds of minor and major research projects, either independently or under the sponsored projects. It is also the function of the university to generate knowledge which has economic value. Having this particular object in mind and also that some faculties have started to request the University for allowing them to register the patent, the Director General thought it fit to constitute a committee under reference No. 1 cited above and after having the meetings of the Committee referred to at Sr. No. 3, 4 & 5 above, the report was submitted to the Director General recommending the guidelines for considering the ownership of the Intellectual Property arrived at as a result of research conducted by researcher under the University, so also sharing the royalty/income emerging out of the said research for the purpose of commercial value of the production. The said recommendations have been accepted by the Director General with minor modifications on the note quoted above at Sr. No. 6. Accordingly, a copy of such guidelines is enclosed herewith as Appendix – "A" for the knowledge of all concerned in the University.

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So far as undertaking of the originality of work to be obtained from the researcher is concerned, the same is under consideration of the Committee and the same will be circulated later on as soon as it is finalized.

  
Executive Registrar

Encl : As above.

To,

1. All HoIs
2. All HoDs
3. All Section Heads
4. Dy. Registrar of all Institutes & Dy. R (Exam. & Ph. D.)

Copy to : (1) I/c Accounts Officer (2) Internal Auditors

c.f.w.cs. to : Director General

## Management of Intellectual Property Rights at Nirma University

This document outlines the procedures to be adopted by the faculty members/researchers at the various Institutes under Nirma University for the purpose of managing intellectual property.

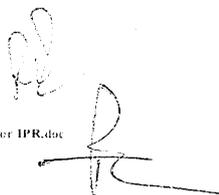
Knowledge creation is one of the most important activities of the University. New knowledge will have economic value and, therefore, procedures for protecting and managing intellectual property rights at the University needs to be codified. The purpose of this document is to codify the procedures to manage the intellectual property at the University. This is done with the idea of encouraging faculty/researchers at the University to generate new knowledge.

For the purpose of managing intellectual property at the University the Academic Development and Research Cell will act as Intellectual Property Management Cell.

When an invention is made in any of the Institutes under the University, the researcher/(s) should submit the following documents to the ADR Cell, through the Dean of the Faculty.

- a. The nature of invention.
- b. The name/(s) of the inventor.
- c. Complete patent search and potential impact of the invention.
- d. Any other relevant material.

On receipt of the details, the ADR Cell will make arrangements to do a patent search using the services of specialized organization after ensuring the invention has economic value and potential for development. The University will also make the required payment for the patent search to the organization concerned on behalf of the inventor/(s).



## Ownership

Any invention made during the course of work / study by the faculty / researcher/(s) / at the University will normally be the property of the University and the inventor jointly. This is irrespective of the fact that the invention is the result of the funded or non-funded research. If an outside funding agency is involved, the outside funding agency will also be a joint owner depending upon the contract signed with the funding agency.

The ADR Cell will inspect all the proposals received, using the services of agency specialized and scrutinize the proposals with the help of an Advisory Committee and then recommend the suitability for final registration.

The ADR Cell including the Advisory Committee and inventors will maintain strict confidentiality. After obtaining the recommendations from the Advisory Committee and the Special Patent Search Agency, researcher/(s) will be informed of the decision of the Committee related to Patentability and about filing of National / International Patents Applications.

If the University decides not to apply for Patent, the individual inventor will be free to file for Patent on his own. In such cases the ownership of patent will be with the inventor(s) only and the cost of filing the patent if the inventor(s) decided to file for patent, will be borne by the inventor/(s) and the revenue, if any on commercialization, will be received by the inventor/(s) only. The University will have no right of ownership of patent or for commercialization of such invention.

If the inventor/(s) and the ADR Cell after examination feel that it is necessary to file the application for patent, the ADR Cell will file for a provisional patent immediately through the University Patent attorney. This will be followed by application for a regular patent.



## **Commercialization**

After patenting, commercialization of the patent will be done by the University and the Agency interested in buying the technology. An agreement by University and the agency will decide the terms of payment, royalty etc. The University while signing the agreement will also seek indemnity while transferring the know-how with regard to manufacturing defects, production problems, up-gradation etc, on these issues have to be taken care of by the commercial organization buying the technology.

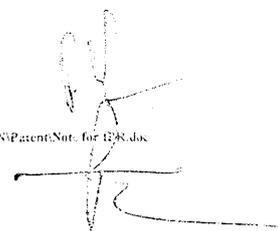
## **The Intellectual Property Management Advisory Committee**

A Committee consisting of (i) The Director General, Nirma University as Chairperson (ii) Dean, FDSR (iii) Patent Attorney of the University (iv) Dean of the Faculty from where the application for Patent is received and (v) the Director ADR Cell as a member secretary to the Committee. This committee will examine all the cases of patents recommended by the ADR Cell. On the basis of the decision of the IPM committee, concerned institute will take further action to process the patent application.

## **The Cost of Filing Patent**

It is expected that when outside funding agency has sponsored a particular research, the funds so received would also include the cost of filing a Patent.

In case the funding agency has not provided the cost for filing the patent or if the invention either results from non funded research, the University will bear the cost of filing the patent. The ADR Cell will also try to obtain funds from UGC to meet the non- recurring as well as recurring costs for the initial period of 5 years. It is expected that, after 5 years, the ADR Cell will be able to operate on self sustaining basis.



## Revenue Sharing

The revenue received from the commercialization will be shared as follows:

Case 1: When IPM Cell is funding the patenting in India and licensing cost

Annual Revenue	Net	University Share (%)	Institute Share (%)	Inventor's share (%)
Upto 10 lacs		10	10	80
>10 lacs upto 1 crore		15	15	70
Above 1 crore		25	25	50

Case 2: When IPM Cell is funding the patenting abroad and licensing cost

Annual Revenue	Net	University Share (%)	Institute Share (%)	Inventor's share (%)
Upto 10 lacs		35	5	60
>10 lacs upto 1 crore		35	10	55
Above 1 crore		35	15	50

Case 3: When the inventor is paying the patenting and licensing cost through his/her research grants

Annual Revenue	Net	University Share (%)	Institute Share (%)	Inventor's share (%)
Upto 10 lacs		5	10	85
>10 lacs upto 1 crore		5	15	80
Above 1 crore		5	20	75

Case 4 : When a funding agency is involved in patenting and licensing cost (if provided in the proposal)

Annual Revenue	Net	University Share (%)	Funding Agency Share (%)	Institute Share (%)	Inventor's share (%)
Upto 10 lacs		5	30	5	60
>10 lacs upto 1 crore		5	30	10	55
Above 1 crore		5	30	15	40

If there is more than one researcher, the inventor's share will be equally divided among the researchers.

