

INTELLECTUAL PROPERTY RIGHTS POLICY (IPR)

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1. PREAMBLE

Apex University, Jaipur (Apex University, Jaipur) is dedicated to research, teaching, and extension of knowledge to the public. One of the missions of the Apex University, Jaipur is to develop the human intellectual capability to its fullest potential. Inherent in this responsibility is the need to encourage the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other intellectual property with commercial value. These activities contribute to the professional development of the individuals involved, enhance the reputation of Apex University, Jaipur, provide additional educational opportunities to students, and promote public welfare. In addition to new machines, compositions of matter, and written materials which traditionally have been the subject of patents and copyrights, computer software, video courses, etc. are now normal outcomes of Apex University, Jaipur activities.

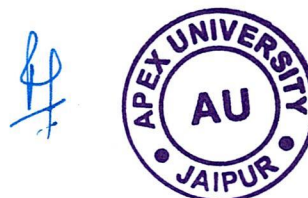
The pace of modern science, resulting in new and useful inventions, initiated a need for a central policy in determining the course of the creation, protection, and commercialization of intellectual property at Apex University, Jaipur. This has resulted in establishment of the Intellectual Property Right (IPR) Cell and the Intellectual Property Policy to encourage creation and protection of intellectual property in the Institute.

2. THE INTELLECTUAL PROPERTY (IP) POLICY

This IP Policy applies to all Apex University, Jaipur employees (regular or contractual) and students. Every member of the academic community, student, non-teaching and teaching staff alike, must be aware of their own rights and to respect the rights of others pertaining to intellectual property.

Apex University, Jaipur IP Policy is intended to provide a healthy atmosphere conducive to research and development through a generous system of rewards and incentives for the creation of intellectual property while at the same time giving proper consideration to the economic rights and responsibilities of the Institute. This document is intended to introduce, regulate, and organize issues related to intellectual property within Apex University, Jaipur. It also reaffirms the University's commitment to scientific endeavors, academic excellence and the dissemination of knowledge. This policy is intended to spell out the responsibilities of the Institute and its employees and to establish a framework for ethical conduct.

This Policy is further intended to protect the respective interests of all participants by ensuring that the benefits of such property accrue to the public, to the inventor, to the Institute and to sponsors of specific research projects in varying degrees of protection, monetary return and recognition, as circumstances justify or require.



2.1 Guidelines:

This IP policy is to be followed in all matters related to IPR Cell at Apex University, Jaipur. In the view of the evolving nature of the IP scenario, this policy may be modified from time to time to suit the emerging needs, or on a case-by-case basis. The IPR committee will address such specified cases by using this IP policy document as the guidelines.

IPR Cell is a nodal agency of the Apex University, Jaipur for processing all IPR related matters, viz., any intellectual property generated out of the intellectual effort of the creator employed temporarily or permanently at Apex University, Jaipur or studying at Apex University, Jaipur.

2.2 Objectives of the IP Policy:

The major objectives of the IP policy of Apex University, Jaipur are:

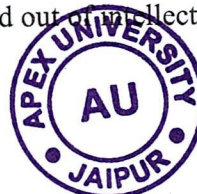
- To impart knowledge about intellectual property rights to faculty, staff, scholars and students.
- To lay down a transparent administrative system for assessing the ownership and assignment of intellectual property.
- Facilitate the faculty members, staff members, research scholars and students to obtain IP.
- To commercialize the IP owned by the University.
- Sharing of the revenue generated by the intellectual property and owned by the University.

3. DEFINITION

The meaning of terms in these rules is as given below, unless the context otherwise requires

- a. **“Copyright”** means the exclusive right granted by law for a certain period of time to an author to reproduce, print, publish and sell copies of his or her creative work.
- b. **“Creator”** means any employee of the Apex University, Jaipur and includes those who are on probation, those who are employed on temporary basis within the University and/or in projects and those who are research workers, research scholars or students who are responsible for the creation of an Intellectual Property, using the facilities of the University.
- c. **“Intellectual Property”** broadly includes any property generated out of intellectual effort of the creator(s). It includes but not limited to

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- i) New and useful scientific and technical advancement in the form of innovations, inventions, products and processes, computer hardware and software, materials, biological varieties etc. which are patentable.
 - ii) Industrial and architectural design, models, drawings, software, creative, artistic and literary works, teaching resource materials generated, records of research etc., which are copyrightable.
 - iii) Trademarks, service mark, logos etc.
- d. **“IPR Committee”** The committee constituted by the Director, IPR Cell, Apex University, Jaipur from time to time to evaluate and make recommendations regarding IP related issues.
- e. **“Patent”** means a patent granted under the provision of the Indian Patent Act, 1970.
- f. **“Patentee”** means the person for the time being entered on the Register of Patents kept under the Indian Patents Act, 2002 as the generator or proprietor of the patent.
- g. **“Revenue”** is any payment received as per an agreement by the University usually for legal use of an Intellectual Property through a license.

4. INTELLECTUAL PROPERTY OWNERSHIP

4.1. Apex University, Jaipur Ownership

- a. Intellectual property of any kind created by faculty, students, staff, project staff, visitors and others, such as trainees from other institutes, participating in Apex University, Jaipur programs or using Apex University, Jaipur funds or facilities, are owned by the institute when at least any one of the following applies:
 - i. The intellectual property was created with the significant use of funds or facilities administered by Apex University, Jaipur.
 - ii. The intellectual property was created (i) as a part of the normal professional duty or (ii) employment contract.
 - iii. The intellectual property was created in the course of or pursuant to a sponsored /consultancy research agreement with Apex University, Jaipur. In such cases, specific provisions related to IP made in contracts governing such activity will determine the ownership of IP.
 - iv. The intellectual property was created as a part of academic research and training leading towards a degree or otherwise.
- b. All copyrights, including copyrighted software will be owned by Apex University, Jaipur when it is created as part of any of the academic programs of the institute or created pursuant to a written agreement with Apex University, Jaipur by any individual, institute or organization providing for transfer of copyright or ownership to Apex University, Jaipur.

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Apex University, Jaipur will not claim ownership of copyright on books and scientific articles authored by Apex University, Jaipur personnel. However, Apex University, Jaipur will have the copyright on books and reports which have been created using funds specifically provided for this purpose by Apex University, Jaipur.

4.2 Inventor/Author Ownership

- i. Inventors/Authors will own intellectual property when it is created outside their assigned /normal area of research/teaching, without the use of significant university resources.
- b. Students and University will own copyright on theses/dissertation created as a part of their academic programme. However, the student must grant to Apex University, Jaipur royalty-free permission to reproduce and distribute copies for teaching and research as well as for dissemination for teaching and research to other academic institutions.

4.3. Third-Party Ownership

- a. Ownership of intellectual property resulting from:
 - i. Funds provided partially or fully by a third-party to Apex University, Jaipur will be governed by specific provisions in the contract between the third party and Apex University, Jaipur.
 - ii. Exchange programs between Apex University, Jaipur and other institutions will be governed by specific provisions in the contract between the third-party and Apex University, Jaipur.
 - iii. In case no such specific contract exists, IPR will remain with Apex University, Jaipur.
- b. In cases where an IP is created by Apex University, Jaipur personnel, during deputation, official leave, or sabbatical leave, the concerned Apex University, Jaipur personnel is free to retain the IP rights generated during such absence. However, he/ she should officially communicate about the creation of such IP to Apex University, Jaipur within one month from the date of filing.



5. IP MANAGEMENT PERSONNEL

5.1 Intellectual Property Committee (IPC): The President shall appoint an Intellectual Property Committee (IPC) to help administer intellectual property and to make suitable recommendations to Dean (R&D) / Director for implementation. **Registrar** will serve as the **Chairman**, Head, IPR shall serve as the Secretary of the IPC. In addition to Director and the Head IPR, the Director shall nominate four more members from among the faculty of the Institute.

The functions of IPC are given below:

- To assist various departments and centers of the Institute in all matters relating to intellectual property.
- To help various departments to secure protection for intellectual property where appropriate.
- To maintain central databases and files of patent applications, issued patents, trademarks and copyrights, licenses and agreements, coordinate with various departments in negotiating and preparing license and other agreements, review and approve all agreements relating to intellectual property.
- To review cases of possible infringements on the University's intellectual property and take action as deemed necessary.
- The legal interests of the University and its staff, faculty and students in any intellectual property, except traditional scholarly works, shall be determined by the IPC.
- To procure necessary goods and services required to review and secure IP rights of Apex University, Jaipur and it also be competent to take such other actions necessary to secure IPR of Apex University, Jaipur.



6. DISCLOSURES, CONFIDENTIALITY AND ASSIGNMENT OF RIGHTS

- a. For sponsored and/or collaborative work, the provisions of the contract pertaining to disclosure of IP are applied.
- b. For all other IP produced at Apex University, Jaipur, the inventors will be required to disclose their IP to the **IPR Cell** at the earliest date using an **Invention and Technology Disclosure (ITD) Form**.
- c. **Earnest Patent Filing Deposit (EPFD)**: An inventor have to submit a demand draft for Rs. 5,000/- (five thousand only) in favor of Apex University, Jaipur as EPFD at the time of submitting ITD form. The deposit is to ensure earnestness in filing and it will be refunded after the application number is granted by the patent office.
- d. In case the inventor is leaving Apex University, Jaipur due to superannuation or other reasons, he/ she shall assign the rights of the disclosed IP to Apex University, Jaipur before leaving the institute and this is a mandatory requirement for obtaining no due certificate. He/ she shall agree to the terms and conditions for the sharing of any financial benefits that may accrue by the institute by commercialization of such IP.
- e. Having made the disclosure, the inventors, both Apex University, Jaipur and non-Apex University, Jaipur personnel, shall maintain confidentiality of the IP during the period when efforts are made for protecting and commercialization of the IP, unless authorized in writing by Apex University, Jaipur.

7. Evaluation of Intellectual Property

- a. Filing of Application in India

Creator is encouraged to file a provisional application for patent as soon as possible in order to protect their rights to the IP. As part of this process, a search report can also be obtained of existing patent that may relate or may be similar to the key contributions of the proposed patent. The permission for the filing of provisional patent may be given by the Dean (R&D) with the recommendation of the Head, IPR Cell. However, if the University after due evaluation decides not to manage the IP, the provisional application will lapse. It is responsibility of the creator to take up the provisional application to the subsequent stages leading to the ownership of the patent rights.

- b. Filing of Application in Foreign Countries

Apex University, Jaipur may consider request for registration of patent in foreign countries, based on the merit of the IP. The creator(s) can pay for the cost of registration (i) the funds of the research project resulting in the IP, or (ii) personal financial resources.

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of the creator(s). Ownership of such foreign IPR will be Apex University, Jaipur. But, the expenses should be managed by the inventor(s).

8. Techno-commercial Evaluation of Invention means:

- a. Assigning ownership of invention.
 - b. Determining whether an IP is innovative and fit for filing an application for patent rights in India.
Determining whether the IP has a reasonable chance for commercialization.
9. After evaluation of inventions, if Apex University, Jaipur decides not to take up the responsibility for the protection of the invention, then it will assign all the rights of the inventions to the inventors.
10. Even in such cases, as in (e), Apex University, Jaipur may take up the responsibility of facilitating protection of the IP on a case by case basis.
11. Apex University, Jaipur will pay renewal fees for the patents which have been decided to exploit commercially where patent is held by the institute. If it is a joint patent with a sponsoring agency the patent costs may be equally shared.

8. AGREEMENTS

All agreements related to IP undertaken by any Apex University, Jaipur personnel and students need to be approved by the University. The Director will be the authorized signatory in all categories of agreements.

9. COMMERCIALIZATION

IPR Cell shall market the IP and identify potential licensee(s) for the IP to which it

(i) has ownership and (ii) for which rights have been assigned to it.

For the IP where exclusive rights have not already been assigned to a third party, the creators may also contact potential licensee(s) on their initiative maintaining confidentiality and taking all necessary care to ensure that the value of the IP is not affected.

Know-how: The inventor is requested to provide the understanding of technology, known-how for commercialization with the interested industry in commercialization of the patent. This includes prototype building, testing and commercial market launch. For providing such know-how, the IPR Cell could negotiate for honorarium for the inventor from the industry.

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10. REVENUE SHARING

The net earnings from the commercialization of IP owned by Apex University, Jaipur would be shared as follows:

Inventor(s) share	Apex University, Jaipur, share
60 %	40 %

The creator(s) share would be declared annually and disbursement will be made to the creator(s), their legal heir, whether or not the creators are associated with Apex University,

Jaipur at the time of disbursement. Co-creators of IP shall sign, at the time of disclosure, an agreement for distribution of IP earnings, which shall specify the percentage of distribution of earnings from IP to each co-inventor.

11. CONFLICT OF INTEREST

The inventor is required to disclose any conflict of interest or potential conflict of interest. If the inventor and/or their immediate family members have a stake in a licensee or potential licensee company then they are required to disclose the stake they and/or their immediate family members have in the company. Under these circumstances, it must be ensured by the inventor(s) that their entrepreneurial activities do not have an adverse impact on inventor(s) teaching, research and any other institutional responsibilities.

12. DISPUTE RESOLUTION

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

13. JURISDICTION

As a policy, all agreements to be signed by Apex University, Jaipur are subject to the jurisdiction of the courts in Jaipur and shall be governed by appropriate laws in India.

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