

NOTE SHEET
(For the approval of IPR Cell)

Date: 17/09/2024

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To nurture creativity and innovation by providing comprehensive support for the protection, management, and commercialization of intellectual property, thereby contributing to society's academic, social, and economic development, fostering innovation, protecting intellectual property, and promoting awareness about the importance of intellectual property rights at the University level, an IPR Cell has been constituted.
This note sheet seeks your kind approval.


Registrar


Registrar
NIILM University, Kaithal


Approved By
Hon'ble Vice Chancellor
NIILM University, Kaithal

Ref. No.

Dated: 17/09/2024

Composition of the IPR Cell

The Intellectual Property Rights (IPR) Cell of NIILM University is established to promote innovation, safeguard intellectual property, and encourage research-driven development among faculty, staff, and students. The composition of the IPR Cell is as follows:

Dr Rajiv Pal, Associate Professor, Department of Mathematics	IPR Cell Coordinator
Dean of All Faculties/ Schools	Advisory Committee Members/ Faculty Representatives
Dr Usha Rani	Legal Advisor
Ms. Mehak Gupta, Assistant Professor, Department of Forensic Science	Technology Transfer Officer (TTO)
Mr. Harinder Dahiya	Industry Representative
All HoDs of Departments	Technical Experts
Ms. Anshika Dalal, BCA-II, Department of Computer Science, NIILM University	Student Representatives
Dr Richa Mor, Assistant Professor, Department of Biotechnology	R&D Cell Representative





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Intellectual Property Rights (IPR) Policy

2024



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Intellectual Property Rights (IPR) Policy

1. Preamble

The Haryana State Legislature founded NIILM University under Haryana Act No. 16 of 2011. NIILM University pledges to become one of India's top research and teaching universities. The University is ready to face the massive transformation happening around it and empower its teachers and students to contribute. Rapid transmission of knowledge in science is a central and complementary function of a higher education institution which impacts national development. In science and technology, research and innovation are the cornerstones helping in the continuous creation of knowledge contributing to social well-being, health, culture, economic development, and the advancement of society. Hence the promotion of research and innovation is one of the key missions of NIILM University. IPR Policy promotes innovation, safeguards creators' rights, and establishes a framework for the ownership, protection, and commercialization of intellectual property developed within the university.

2. Purpose

The purpose of this Intellectual Property Rights (IPR) Policy is to promote innovation, safeguard the rights of creators, and establish a framework for the ownership, protection, and commercialization of intellectual property developed within the university. The policy aims to encourage research, foster collaboration, and ensure that intellectual property serves the public good while providing equitable benefits to creators and the university. The IPR policy provides the mechanism for the preservation and use of intellectual property and procedures through which inventions and discoveries made in the course of university research are disseminated to the public through the transfer of technology. As the scope of intellectual property and the mechanism for the transfer of technology are vast, it is not possible to address all the possibilities in this policy. However, the university aims to generate intellectual property for society's use and benefit while raising income to support research and education.



3. Objectives

The objectives of this policy are:

- To encourage and support innovative research and creative activities within the university.
- To ensure proper recognition and reward for creators of intellectual property.
- To establish clear guidelines for the ownership, management, and commercialization of intellectual property.
- To establish standards for determining the rights and obligations of the university, creator of intellectual property (for example inventions, developers, authors), and their sponsors concerning inventions, discoveries, and works created at the university.
- To foster collaboration with industry and other external partners for the mutual benefit of the university and society.
- To ensure compliance with applicable laws and regulations and enable the university to secure sponsored research funding at all levels of research.
- To evolve an organizational structure and procedures through which inventions and discoveries made in the course of university research may be made readily available to the public through channels of commerce.
- To promote the dissemination of knowledge and technology for public benefit while protecting intellectual property rights.
- To protect the legitimate interests of the University, faculty, scholars, students, and other members of the University and the society at large and to help resolve possible conflicts of opposing interests.

4. Definitions

For this policy, the following key terms are defined:

- **Intellectual Property (IP):** Creations of the mind, including inventions, literary and artistic works, designs, symbols, names, and images used in commerce.



- **Creator:** Any individual or group, including faculty, staff, students, or collaborators, who contribute to the creation of intellectual property.
- **Significant Use of Resources:** Use of university-provided facilities, funding, equipment, or personnel that exceeds incidental or minimal levels.
- **Technology Transfer Office (TTO):** The designated office responsible for managing the evaluation, protection, and commercialization of intellectual property.
- **Commercialization:** The process of developing, licensing, or selling intellectual property for commercial purposes.
- **Net Revenue:** Revenue remaining after deducting costs associated with the protection, management, and commercialization of intellectual property.
- **Conflict of Interest:** Situations where personal or financial interests may compromise or appear to compromise an individual's professional judgment or responsibilities.
- **Copyright:** Legal protection for original works of authorship, including literary, artistic, musical, and other creative works, granting the creator exclusive rights to use and distribute the work.
- **Patent:** A legal right granted for an invention, providing the patent holder with the exclusive right to make, use, sell, and distribute the invention for a specified period.
- **Publication:** The dissemination of research, creative works, or other scholarly outputs in any format, including journals, books, online platforms, or other media.
- **Licensing:** The process of granting permission to use intellectual property rights to a third party, usually in exchange for royalties or other compensation.
- **Educational materials:** These comprise the content and associated tools and technologies for delivery of content, including material developed for traditional face-to-face classroom courses as well as other delivery methods such as through the Internet or other distance learning media. For this policy, educational materials do not normally include works such as textbooks, articles, papers,



scholarly monographs, or artistic works produced in the normal course of academic scholarship.

5. Scope

This policy applies to all faculty members, staff, students, visiting researchers, and collaborators associated with the university. It covers all forms of intellectual property, including but not limited to:

- Patents
- Copyrights
- Trademarks
- Trade secrets
- Designs
- Software and databases
- Plant varieties and other innovations
- Biotechnology inventions

6. Ownership of Intellectual Property

6.1 University Ownership The university shall own intellectual property if:

- It is created using significant university resources, including facilities, equipment, funding, or personnel support.
- It is developed as part of an employee's duties or under a contractual obligation to the university.
- It arises from research funded by the university or external sponsors unless specified otherwise in funding agreements.
- It is created by the research scholars or students of the university as part of their course/ program under the supervision of university faculty.



6.2 Creator Ownership Creators retain ownership of intellectual property when:

- It is created independently without the use of significant university resources.
- It is personal work, such as artistic, literary, or scholarly outputs, unless created under a sponsored research agreement.

6.3 Joint Ownership In cases of collaborative projects involving multiple creators or external entities, intellectual property ownership will be determined through agreements executed before the commencement of the project.

6.4 Sponsored Research Intellectual property developed under sponsored research agreements shall be governed by the terms of those agreements. Typically:

- If the sponsor is an external entity, ownership and commercialization rights may be negotiated and outlined in the agreement.
- The university will retain ownership if no specific terms are stipulated, with the sponsor granted a license to use the results for agreed purposes.
- The creator(s) must ensure compliance with the terms of the agreement, including disclosure and reporting requirements.

6.5 Collaborative Research For intellectual property resulting from collaborative research:

- Ownership will be determined by prior agreements between the university, collaborators, and/or external organizations.
- The university encourages collaborators to enter into agreements that outline the division of rights, responsibilities, and revenues before initiating the research.
- Jointly developed intellectual property may be co-owned, with commercialization strategies and cost-sharing outlined in a separate agreement.

7. Disclosure of Intellectual Property

Creators are required to disclose any potentially valuable or patentable intellectual property to the university through the designated office (e.g., Technology Transfer Office)



or IPR Cell or R&D Cell, as soon as it is identified. The disclosure process ensures proper evaluation, protection, and commercialization.

8. Revenue Sharing

Net revenues generated from the commercialization of intellectual property shall be distributed as follows unless otherwise agreed upon:

- **Creators:** 60%
- **University:** 40% (allocated to support research, innovation, and related activities)

The distribution may vary based on specific agreements with external sponsors or collaborators.

9. Use of University Resources

Significant use of university resources includes substantial funding, facilities, equipment, or administrative support. Minimal or incidental use of university resources does not trigger university ownership of intellectual property.

10. Commercialization of Intellectual Property

The university, through its designated office R&D Cell, will:

- Evaluate disclosed intellectual property for commercial potential.
- Protect the intellectual property through patents, copyrights, or other legal mechanisms.
- Facilitate licensing, partnerships, or spin-offs for commercialization.
- Provide support for creators interested in entrepreneurship.

Creators are encouraged to actively participate in the commercialization process.

11. Responsibilities of Stakeholders



- **Creators:** Ensure timely disclosure of intellectual property, maintain records, and support protection and commercialization efforts.
- **University:** Provide resources for IP protection, manage agreements, and ensure compliance with this policy.
- **Technology Transfer Office (or equivalent):** Act as the primary interface for IP evaluation, protection, and commercialization.

12. Administration and Management of IPR

12.1 Oversight and Governance The university shall establish an IPR Cell to oversee the implementation of this policy. The IPR Cell will:

- Review and approve IP-related decisions, including ownership disputes and commercialization strategies.
- Ensure compliance with relevant laws and agreements.
- Provide strategic guidance for fostering innovation and IP generation.

12.2 Role of the Technology Transfer Office (TTO) The TTO will serve as the operational arm for managing intellectual property. Its responsibilities include:

- Receiving and reviewing IP disclosures from creators.
- Coordinating patent applications, copyright registrations, and other IP protections.
- Facilitating licensing agreements and partnerships.
- Providing training and resources to creators on IP management.

12.3 Record Keeping The university shall maintain accurate records of all intellectual property disclosures, agreements, and revenue-sharing arrangements. These records will be securely stored and periodically reviewed for compliance and updates.

12.4 Training and Awareness The university will organize regular workshops, seminars, and training sessions to enhance awareness of intellectual property rights among faculty, staff, and students.



12.5 Reporting The IPR Cell and TTO will submit annual reports to the university administration detailing:

- Number and types of IP disclosures.
- Status of protection and commercialization efforts.
- Revenue generated and distributed.

13. IP Infringement

The university is committed to addressing cases of intellectual property infringement to protect its rights and those of its creators.

13.1 Identification and Reporting

- Any suspected infringement of the university's intellectual property rights should be reported to the IPR Cell.
- Creators and stakeholders must cooperate in identifying and documenting instances of infringement.

13.2 Action Against Infringement

- The university, through its legal team, will assess the reported infringement and determine the appropriate course of action.
- Actions may include issuing cease-and-desist notices, pursuing legal remedies, or negotiating settlements.

13.3 Support for Creators

- The university will support creators whose intellectual property is infringed upon, provided the IP is owned or co-owned by the university.
- Costs associated with addressing infringement will typically be borne by the university, subject to specific agreements.

14. IPR Registration, Financial Assistance, and Renewal



14.1 IPR Registration Support

- The university will assist with the registration of intellectual property, including filing patents, copyrights, and trademarks.
- Support includes guidance on preparing documentation, accessing legal counsel, and covering partial or full registration fees.

14.2 Financial Assistance

- The university may allocate funds to support the registration and initial maintenance of intellectual property.
- Requests for financial assistance will be reviewed by the IPR Cell, and support will be granted based on the potential value and relevance of the intellectual property.

14.3 Renewal and Maintenance

- The university will monitor the renewal timelines for registered intellectual property and may assist with the renewal process.
- Costs associated with renewals may be shared between the university and the creators, based on specific agreements.

14.4 Creator's Role

- Creators are expected to actively participate in the registration process, providing necessary documentation and cooperating with the university.

15. Filing of Applications in Foreign Countries

15.1 International Protection The university recognizes the importance of protecting intellectual property in foreign jurisdictions to maximize its global impact. For filing applications in foreign countries:

- The IPR Cell will assess the commercial potential and strategic value of pursuing international protection.
- Decisions on foreign filings will be based on factors such as market potential, collaboration opportunities, and cost implications.



15.2 Support for International Filings

- The university may provide financial and administrative support for filing intellectual property applications under international frameworks such as the Patent Cooperation Treaty (PCT).
- Creators will collaborate with the IPR Cell to ensure timely filing and compliance with international requirements.

16. Transfer of Intellectual Property

16.1 **Transfer Mechanisms** The university may transfer its intellectual property through:

- Licensing agreements that grant rights to external entities in exchange for royalties, milestone payments, or other benefits.
- Assignment agreements transferring ownership to third parties, typically for negotiated compensation.
- Collaborations with industry partners or other academic institutions that include provisions for IP sharing or joint ownership.

17. Confidentiality

17.1 Confidential Information

- All parties involved in intellectual property creation, protection, or commercialization must maintain the confidentiality of proprietary information.
- Confidential information includes unpublished research data, invention details, financial arrangements, and legal documentation.

17.2 Non-Disclosure Agreements (NDAs)

- NDAs must be executed before disclosing confidential information to third parties.
- The IPR Cell will provide standard templates and review customized agreements as needed.

17.3 Breach of Confidentiality



- Any breach of confidentiality may result in disciplinary actions and/or legal proceedings, depending on the severity of the breach.

18. Dispute Resolution

18.1 Internal Dispute Resolution

- The university will establish a process to resolve disputes related to intellectual property ownership, revenue sharing, or other policy matters.
- Disputes will initially be reviewed by the IPR Cell, which will recommend solutions.

18.2 Appeals Process

- If parties are dissatisfied with the IPR Cell's recommendations, they may appeal to a designated university committee or authority.
- The decision of this committee or authority will be final and binding.

18.3 External Arbitration

- In cases where internal resolution fails, disputes may be referred to external arbitration, subject to applicable laws and agreements.

19. Miscellaneous

19.1 Policy Amendments

- This policy may be reviewed and amended periodically to ensure alignment with legal, technological, and institutional developments.

19.2 Effective Date

- The provisions of this policy shall come into effect from the date of its approval by the university's governing body.

19.3 Conflict with Other Policies

- In case of any conflict between this policy and other university policies, the provisions of this policy shall prevail concerning intellectual property matters.



19.4 Severability

- If any provision of this policy is found to be invalid or unenforceable, the remaining provisions shall continue to be valid and enforceable.

19.5 Logo and the Emblem of the University

The logo and Emblem of the University are the exclusive identity and property of the University and no person shall without prior permission of the University utilize the logo and/or emblem of the University for any commercial purpose.

