



SAHRDAYA

COLLEGE OF ENGINEERING & TECHNOLOGY

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INTELLECTUAL PROPERTY RIGHTS

(POLICY AND GUIDELINES)

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SAHRDAYA COLLEGE OF ENGINEERING AND TECHNOLOGY, KODAKARA

LETTER OF PROMULGATION

Sahridaya College of Engineering and Technology is committed to its Vision "Evolve as a leading technology institute to create high caliber leaders and innovators of global standing with strong ethical values to serve the industry and society".

We have over the past two decades with the aim of becoming one of the top centers for teaching, research, and extension in engineering and technology, have been working tirelessly to develop high-quality scientific and technical manpower and offer solutions to a variety of difficult technological problems that may arise in various fields. It has consistently pushed for academic quality, research, and innovation.

We are glad to promulgate the "Intellectual property right policy" of the institute, which we hope will serve as a collection of information and guidance and will be useful for our faculty, staff, research scholars, and students in discharging their duties.

Fr. Dr. Anto Chungath

Executive Director



1. Preamble

The SAHRDAYA COLLEGE OF ENGINEERING AND TECHNOLOGY is aware that intangible assets, such as inventions, copyrights, know-how, designs, and other innovative and creative products produced during the intellectual and scientific pursuits of its faculty, staff and students, give the institute a competitive edge. In order to guide its faculty, staff, students, and research scholars on the practices and rules of the Institute regarding intellectual property rights (IPR) and obligations, including its ownership, commercial exploitation, technology transfer, and end confidentiality requirements, it has developed its intellectual property policy. The goal of the policy is to foster an environment at the institute that is favorable to both market- and curiosity-driven research and development activities as well as the production of original works of literature.

In light of how the country's IPR policy is evolving, it is important to emphasize that this IPR policy should be viewed more as a guideline than a strict legal norm. As a result, revisions may be made as necessary.

2. Purpose

The purpose of the IPR policy is to:

- I. Foster scientific inquiry, research endeavors, and the academic independence of its faculty, staff, researchers, and students.
- II. Establish a culture of innovation at the institute that encourages the development of IP
- III. Provide a clear understanding of the rights and responsibilities of the faculty, staff and students
- IV. Create a procedure for managing intellectual property rights and a policy to turn the wealth created by the Institute into knowledge
- V. Enabling the institute to utilize intellectual property (IP) in a way that benefits the institute, the inventors, and society at large.

3. Objectives

The IPR policy of the Institute aims to

- I. Facilitate the protection and valuing of intellectual properties created by the institute's teachers, employees, and students as a result of their research and intellectual endeavors while they were employed or otherwise engaged there.
- II. Usher in prudent IP management practices within the institute so as to promote IPR awareness and culture among its faculty, staff and students.
- III. Establish responsible IP management procedures within the Institute to encourage faculty, staff, and students to understand and value intellectual property rights.

4. Scope

This policy applies to all intellectual property rights resulting from inventions, creations, or generation by faculty, staff, students, research scholars, persons employed in sponsored research and consultancy projects, visiting scientists, professors, and professionals who participate in teaching and research work being conducted at the institute either on a full-time basis or on a part-time basis, regardless of the eligibility of these rights for any other legal protection.

5. Policy Statement

The institute is dedicated to promoting, protecting, maintaining, and commercializing intellectual property in accordance with the understanding that among its primary purposes and functions are teaching, research, and addressing community and societal needs. It encourages the commercialization and use of IP, which can bring the institute new sources of income and be advantageous to both staff and students. The institute also acknowledges conventional academic principles and aspirations. At the same time, the institute recognizes traditional academic values and expectations.



6. Definitions:

I. Intellectual Property (IP) is an intangible knowledge product and shall mean and include –all results, conclusions, deductions, inventions, ideas, improvements, discoveries, enhancements, solutions, processes, modifications, know-how, data, and information of every kind and description conceived, generated, made, or reduced to practice as the case may be, designs, software programs, genetically engineered microorganisms, business models and copyrightable work resulting from the intellectual output of the faculty, staff, students, research scholars and other employees of the Institute

IP is, thus, an outcome of institute-supported research or sponsored research, industrial consulting, or other forms of joint research and development work.

II. Intellectual property Rights (IPR) means the rights derived from the IP e.g. Patents, registered designs, copyrights, etc.

III. Background information means technical information and know-how owned or controlled by the partners of a Collaborative Research and Development program before the start of the program, in the same field as the subject matter of the programmer, or in related fields as necessary for the execution of the program.

IV. Background intellectual property means the intellectual property owned or controlled by the partners of a collaborative Research and Development program before the start of the program, in the same field as the subject matter of the program, or in related fields necessary for the execution of the program.

V. Foreground intellectual property means the intellectual property generated during the course of a collaborative Research and Development program.

VI. Institute Personnel in this policy document includes all the faculty members, students, research scholars (Internal and External), visiting scientists, professors, and other professionals who are hired either on a full-time basis or part-time basis.



7. Ownership of Intellectual Property

- I. In all the applications filed by the institute for the ownership of intellectual property rights, the persons who have directly contributed intellectual inputs shall be mentioned as inventors or creators

II. Copyrights

- a) The institute shall be the owner of the copyright on all teaching and instructional materials developed by the employees of the institute as a part of any of the academic programmes or activities at the Institute. However, the author shall have the right to use the material in his/her professional work.
- b) Books, articles, monographs, speeches, and other communications produced by the staff members in the course of research and teaching using institute resources will be outside the purview of this clause. The institute recognizes faculty ownership of copyright in such traditional works of authorship.
- c) In cases where the copyrightable works including software are created by the employees of the institute with significant use of the institute's resources, the Institute may demand assignment of the copyright of such works either in full or in part depending on the extent to which the Institute's resources have been used to produce the copyrightable work.
- d) The Institute shall be the owner of the copyright of works produced by non-institute personnel associated with or engaged in any activity of the Institute either with or without the intellectual contribution of the Institute personnel.
- e) If any copyrightable work is produced during the course of any sponsored /or collaborative activity, the ownership of copyright will be determined either according to the terms and conditions (related to IP) specified in the contract, if any, governing such activity or through mutual consultations and agreement with the sponsoring/collaborating agency.
- f) In the case of a thesis/dissertation/project report written by a student, the ownership of copyright shall rest jointly with the student and his/her guide. However, in such cases, the institute may demand the assignment of the ownership of the copyright in full. Where the institute does not demand such assignment or where the copyright has not been assigned to the institute, the institute will be entitled to a non-exclusive, non-transferable license to use the work within the



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institute for non-commercial educational and research purposes and to possess a limited number of copies for such purposes.

- g) Any copyrightable work generated as a work-for-hire will normally belong to the Institute unless otherwise specified in the original contract for the work.
- h) If the foresees a gainful return from the copyrights, it may initiate steps to file and protect such copyrights and share the financial benefits with the creator on terms and conditions of the institute.

III. Institute- Supported Research

All rights in respect of the intellectual property generated out of investigations carried out at the institute making use of the institute's resources shall vest in and be the absolute property of the institute except in cases where such investigations are carried out either jointly with other institutions and agencies or under sponsorship by an outside agency

IV. Sponsored Research

The IPR of inventions arising out of research projects undertaken on behalf of and entirely funded by a sponsoring agency shall be registered jointly in the name of the institute and the sponsoring agency if the sponsoring agency bears the cost of securing and maintaining the IPR registration equally. Where the sponsoring agency is not forthcoming for filing joint IPR application, the Institute, at its discretion, may file the application with the absolute ownership and will meet the entire cost of securing and protection of IPR. If the sponsoring agency funds the research projects only partially or if there are multiple sponsors for the same project, the sharing of IPR will be decided through mutual consultations and appropriate agreements.

If the sponsoring agency is an industry, the industry may opt for one of the following arrangements for sharing the IPR with the institute:

- a. The ownership of IPR will rest with the industry but the industry has to pay the institute an initial lump sum and subsequently reasonable annual royalties for a specified period in recognition of their contribution to the project. The terms of

ownership of the IPR will be governed by a specific a priori agreement between the institute and the sponsoring industry. The ownership of IPR rested in the sponsoring industry may be exclusive or non-exclusive. In case of exclusive ownership, if the industrial sponsor fails to exploit within a mutually agreed time limit, the institute may permit a third-party exploitation of the IPR.

- b. The ownership of the IPR will rest with the institute but the exploitation rights will rest with the industrial sponsor either exclusively or non-exclusively, in return for an initial lump sum payment and subsequently annual royalties for a specified period or other benefits to the Institute. In case of exclusive rights (i) Third-part exploitation will be permitted if the industrial sponsor fails to exploit the IPR within a mutually agreed time limit. ii). The Institute will retain user rights for the purposes of further research and development.

V. Joint Research

If the intellectual property is an outcome of joint research undertaken by the institute personnel with external organizations/agencies/individuals, the IP will be owned jointly by the Institute and the collaborators. The cost of filing and maintain the IPR and the revenue generated by its commercial exploitation will be shared by the Institute and collaborators according to an agreed formula. If the collaborators are not either forthcoming or agreeing to share the cost, the Institute, at its discretion, may decide to file and maintain the IPR at its cost. In this case, the sharing of revenue accruing out of the commercial exploitation of the IPR will be solely decided by the Institute.

8. Technology Transfer:

- I. The institute shall take all necessary steps for the commercial exploitation of the IPR obtained either in its name or jointly with other agencies, to the fullest possible extent that is reasonably practicable, without undue delay. The marketing of the IPR will be done under the agreements involving technology transfer, licensing (exclusive or non-exclusive) and revenue sharing models.



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- II. The institute shall try to identify the potential licensee(s) for commercial exploitation of the IP to which it has absolute ownership. In case of joint ownership, the Institute will offer the first right to commercially exploit the joint IP, whether or not the same has been formally protected by patent(s). The licensing in this case would involve payment of a lump sum in the beginning as technology transfer fee and payment of royalty from the first date of the commercial exploitation for mutually agreed period. If the collaborator refuses to exercise this option, the Institute will proceed to commercialize the IP in a manner that it deems fit.
- III. In the event of the other collaborating organization/industry not undertaking the commercial exploitation within a period of two years from the first date of development of technology, the institute reserves the right to license the use of IP to a third party.
- IV. To promote and encourage entrepreneurial activities by its staff, the institute may reassign, under an agreement, its ownership of an intellectual property to the inventor(s) or creator(s) of the property, who opt to market, protect and license it on their own with minimal involvement of the Institute.

The fees to be paid to the Institute by the assignee consist of all patenting and licensing expenses and the appropriate amount of royalties, equity or other value received by the inventor(s) or creator(s).

- V. The institute would endeavor to exploit the IP either by itself or by commissioning a Technology Management Agency to bring to fruition the IP produced by its personnel.

The inventor(s)/creator(s) may seek the institute to assign the rights to them after a certain holding period.

9. Conflict of Interest:

The inventor(s) are required to disclose any conflict of interest or potential conflict of



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interest, if the inventor (s) and/or their immediate family have a stake in a licensee or potential licensee company, then they are required to disclose the stake they and/or their immediate family have in the company.

A license or an assignment of rights for a patent to a company in which the inventor(s) have a stake shall be subject to the approval of the IPR Cell.

10. Revenue sharing

The income generated by licensing/assigning of IPR or on receipt of royalties associated with technology transfer / specific innovation programs shall be divided as follows:

- (a) 60% (Sixty percent) of the revenue will go to the Inventor(s); the share of each an inventor may be decided by the Lead Inventor.
- (b) 20% (Twenty percent) would go to Sahrdaya College of Engineering and Technology
- (c) 20% (Twenty percent) to IPT cells for promotion of IPR activities;

11. Dispute Resolution:

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

12. Application of Policy:

This policy shall be deemed a part of the conditions of employment for every employee of the institute and apart of the conditions of enrolment and attendance of students at the Institute, students on enrolment, and to all existing staff and students.

Further, the Institute reserves the right to amend the IPR Policy as and when such a need arises/deemed fit.



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All potential creators who participate in a sponsored research project and/or make use of institute –sponsored resources shall abide by this policy and shall accept the principles of ownership of intellectual property as stated in this policy unless an exception is approved in writing the Institute.

13. Right to Regulate Policy:

The IPR Cell shall have the responsibility for interpreting the policy, resolving disputes, the application of the policy, and recommending changes to the policy from time to time. The IPR policy may be reviewed after three years or earlier if a major change in the same takes place at the National Level.



**INTELLECTUAL PROPERTY RIGHTS POLICY OF
SAHRDAYA COLLEGE OF ENGINEERING AND
TECHNOLOGY**

(Operating Guidelines)

1. Introduction

The SAHRDAYA COLLEGE OF ENGINEERING AND TECHNOLOGY is a prestigious institution that specializes in undergraduate and graduate engineering education. With the intention of fostering an atmosphere that allows for the open distribution of research findings and the unrestricted interchange of information among academicians and academics, Sahridaya has consistently encouraged scholarship, research, academic excellence, and innovation. Along with serving as a facilitator for the creation of essential scientific and technological knowledge, Sahridaya also runs projects with social and economic significance.

2. Intellectual Property Rights Cell (IPR Cell) as per KAPILA

The IPR Cell is set up to create the rules and regulations that Sahridaya will adopt after receiving the proper permission from the Institute's executive committee and to execute the necessary operational steps to put those rules and regulations into effect. The Intellectual Property Rights Cell makes arrangements for the expeditious processing and completion of patent applications as well as the successful implementation of the Institute's policy and standards for intellectual property rights. The cell will have the following structure as per KAPILA guidelines.

The application for patent filing should be submitted to a minimum five-membered committee consisting of two faculty members (having developed sufficient IPR and translated to commercialization), two of the institute's alumni/ industry experts (having experience in technology commercialization), and one legal advisor with experience in IPR, will examine the patent application. Institutes can use alumni/ faculty of other institutes as members if they cannot find sufficiently experienced alumni/faculty of their own.



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1. One Legal member
2. Two faculty member (having developed sufficient IPR and translated to commercialization)
3. Two Alumni (having experience in technology commercialization)

I. The cell shall inter-alia have the following responsibilities

- IP COUNSELLING: IPR cell will counsel and interact with inventors of potential intellectual products and assist the institute in identifying the IPR potentials.
- IP MANAGEMENT: Filing, maintaining monitoring, and managing patents
- IP TRANSACTIONS: Advising, drafting, and monitoring of all IP-related MOUs of SAHRDAYA.
- IP POLICY FORMULATION: Framing of IP policy and amendments from time to time for consideration of the Institute authorities.
- PROMOTING IP-AWARENESS: The IPR cell will undertake such measures that promote awareness of IP rights and strive to develop an IP culture within the SAHRDAYA fraternity.
- UPLOADING TO AICTE PORTAL: The IPR cell will undertake necessary measures to upload patent data to the portal whenever necessary
- KEEPING CONFIDENTIALITY: IPR cell will keep the confidentiality of the whole process

3. IP Protection-Some Explanatory Notes

The Intellectual Property could be protected in the form of patent, Industrial design, Trademark, Copyright, confidential information, Technical know-how, Mask works, process, plans, specifications, guidelines, graphics, training materials, software programs, records, drawings, instruction guides, student materials, new techniques, algorithms, concepts etc. The intangible product of the intellect must have potential for industrial application or potential for augmenting the S&T knowledge base if it must be protected by the SAHRDAYA COLLEGE OF ENGINEERING AND TECHNOLOGY.



A Patent is granted for any invention capable of commercial application. For it to meet the requirements of patentability there has to be Novelty, Utility, and Non-obviousness. There must be an inventive step, which under the law, is one, which is not obvious to the person skilled in the art. The invention may relate to a new product, an improvement of an existing product or a new process of manufacturing an existing or a new product.

4.Procedure for IP Protection:

All applications for patents and copyrights will be forwarded to the Convener, IPR Cell through the respective head of the departments irrespective of whether the inventions have resulted from the in-house projects, or sponsored projects.

5.Record Keeping Procedures:

All data and details generated by a creator in the course of the creation of intellectual property should be systematically recorded in the concerned Department, with particular reference to the following:

- a) No abbreviations or terms, except their use is a standard practice in that particular discipline, should be used, unless clearly explained in a table at the front or back of the book.
- b) Crucial data or descriptions or experiments, which relate to valuable inventions or discoveries should be signed and stated by the creator, supervisor, or coordinator of the project.
- c) Modifications, if any, should be made by drawing a line through the deleted matter and writing canceled beside it. The corrected data (clearly marked as such) should be entered immediately below, authenticated by the creator with his / her initials and date.
- d) Samples of new products or of products by a new method should be preserved, if

possible, and photographed for the record. All photographs should be dated and signed by the creator on the reverse.

6. When Should Faculty Approach IPR Cell To Discuss A Possible Patent?

Any faculty, who believes to be in possession of a potential intellectual property generated while in service of the Sahrdaya IPR cell may approach and set up discussions with the IPR Cell advisor at any mutually convenient time. In any case, the chosen time for discussion should be sufficiently in advance of the maturation of the idea into a process or product. When the invention is only at the conception stage, it is still possible to file a provisional specification, which has to be followed up with a complete specification within 12 months. If it is not done, the patent application is deemed to have been abandoned. On the other hand, if the inventor has at his hand an inventive product that can be marketed immediately, then complete specification can be lodged straight away.

7. Filing of Applications for IPR and Support

- I. All applications for IPR shall be filed in the name of the institute as owner of the IPR. Inventors name will be filled in the application at appropriate places. All applications will be filed in India.
- II. If an inventor decides to abandon or withdraw the application for a patent at some mid- stage of processing, prior approval of the IPR Cell is required.
- III. Filed applications may be submitted for various schemes of central government/state government for reimbursement of the charges



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