



**MANIPAL UNIVERSITY
JAIPUR**

MUJ/REGR/1467/IPR/2019/12

Feb 11, 2019

CIRCULAR


POLICY ON INTELLECTUAL PROPERTY RIGHT

To facilitate applications of faculty members / researchers to file IPR Intellectual Property Disclosure Form (IPDF) and Financial Claim Form has been prepared as well as minor change in constitution of IPR Cell.

In view of the above, IPR Policy has again been revised and forwarded for your information, records and for notifying to all concerned (faculty members, staff, research scholars, students, visiting scholars, fellows, etc.). Applicability of the policy will remain same i.e. from May 01, 2018.

This supersedes earlier policy issued vide MUJ/REGR/1567/IPR/2018 dated May 03, 2018 and MUJ/REGR/1567/IPR/2018 dated Dec 13, 2018.

Encl: Revised IPR Policy


Dr H Ravishankar Kamath
Registrar

To:

President

Pro-President

All Deans, All Directors, All HoDs, CoE,

Chief Coordinator Entrepreneur Cell,

Coordinator Research Projects,

Coordinator PhD,

Deputy Registrar,

Head HR, CF&AO & L&CO



Policy on Intellectual Property Rights

The contemporary and stated Intellectual Property Rights (IPR) Policy of Manipal University Jaipur (MUJ) endeavors to facilitate the protection and upliftment of intellectual properties generated during the scientific pursuit (of knowledge/resource) in the university and offer scope for ingenuity and commercialization. It targets the provision of unbiased intercession between the various interests involved.

In order to lessen the possibility of adopting a specification or other technology which might infringe on a patent or other IPR, MUJ will, in the course of carrying out its program of work, and in accordance with such Policies and Procedures of the University as may be in place from time to time, issue calls to its staff and faculty to disclose patents or other IPR ("patent calls") which are owned by them, or of which they might be aware, which might be infringed by the implementation of a specification proposed for adoption. Such a patent call shall be made at such times as the MUJ's policies and procedures shall provide.

1) Applicability:

The Policy on Intellectual Property Rights (IPR) is applicable to following personnel:

- 1.1 Employees, faculty members, staff (permanent and temporary) visiting scholars, fellows, research scholars and students associated with MUJ and include, but is not limited to, those who are directly under the University payroll and/or receive assistance in the form of fellowships, scholarships, honorarium, either from MUJ or from outside government and private institutions/agencies.
- 1.2 Employees, faculty, staff, research scholars, visiting scholars, fellows or students who are making use of MUJ facility and resources, and include financial support to generate, file and prosecute any form of intellectual property and invention related issues.
- 1.3 Various forms of intellectual property under this policy include, but does not limit to, Patent, Copyright, Trademark / Service Mark, Design Registration, Trade Secret, Confidential Information, Integrated Circuit Layout and Plant Varieties.





2) Ownership of IP:

- 2.1 An invention for which an intellectual property application is filed where in the University resources like space, equipment, facilities, are utilized and when the applicant(s) receive financial support towards professional and statutory fees for acquiring such intellectual property, the assignee of such intellectual property will be MUJ.
- 2.2 Individual (s) who obtains a patent or any other form of intellectual property or introduces an invention into public domain without use of resources from the University or outside their regular assigned duties during official hours under terms of their appointment with the university, and without substantial involvement by university personnel, shall retain full IP rights.

3) Copyrights:

- 3.1 Any original work of intellectual nature can be protected under copyright law. Ideas per se are not copyrightable but only in their expressed form.
- 3.2 When the copyrightable pedagogical scholarly, computer software, integrated circuit layouts, designs, films, cassettes and other such literary and artistic works, specified as copyrightable works under relevant Copyrights Act as amended from time to time by the government, which are created for Manipal University Jaipur, the author shall retain ownership of their original work, while at the same time granting Manipal University Jaipur and all implementers of its specifications full rights to revise, modify, and create derivative works based on that original work, under the Manipal University Jaipur's own copyright.
- 3.3 If the University foresees a gainful return from copyrights it may initiate steps to file and protect such copyrights and share the financial rewards with the inventor on terms and conditions of the university as specified from time to time.
- 3.4 When the copyrightable work is generated for an external sponsor/ university/company of foreign country/India then ownership will be jointly shared according to the agreement between external sponsor and the university.
- 3.5 In case of copyrightable work created by non-Manipal University Jaipur personnel without absolute intellectual contribution of Manipal University Jaipur personnel and Manipal University Jaipur resources, the respective author shall retain his/her ownership.



3.6 Copyrights on books and publications authored by Manipal University Jaipur personnel shall be in the name of the respective authors.

4) Trade Secrets:

MUJ employees are expected not to reveal trade-secret information of the University to commercial entities or any third party, nor shall they sign non-disclosure agreements. MUJ shall take relevant measures to ensure that the trade-secret of the University is protected. If outside entities or third party asks employees of MUJ to sign non-disclosure agreement, employees / staff / research scholars and students shall communicate all such requests to Intellectual Property Rights Cell (IPR Cell) for discussion and legal approval before signing these agreements.

5) Inventions and Patents:

5.1 An idea when manifested in tangible form is patentable provided it fulfills the below criteria for patentability:

- (i) Non-obviousness (the invention should be non-obvious to the person skilled in the art)
- (ii) Utility (it should be commercially applicable) and
- (iii) Novelty (invention may relate to a new product or an improvement of an existing one or a new process of manufacturing an existing or a new product)

5.2 If such a patentable invention is developed at MUJ, and qualifies for protection under the relevant Acts of government related to patents, then patent belongs to MUJ. It can be in the form of know-how, solutions, processes, genetically engineered microorganisms, scientific or technological developments, business models and other forms as the need arises. The filing of a patent application shall be with the researcher as named inventor.

5.3 In such instance or instances where the patent is owned by the university, the inventor or inventors have the right on such form of intellectual property till the time protection of such intellectual property is agreed upon by the University and inventor(s) or the life of such intellectual property according to relevant Acts has expired. The university also reserves the right to initiate discussions on sale/license or technology transfer of patents or other forms of intellectual property, as the case may be, and which are deemed suitable for such activity. In an event of successful outcome through sale/license or technology transfer, the revenue sharing from either sale/license or transfer of technology shall be as specified in the royalty sharing clause mentioned below.





- 5.4 Whenever there is any patentable invention obtained under research or a related activity between an external sponsor and the University, then it is subject to agreement between the involved parties.
- 5.5 Party shall grant to each of the other parties and their respective affiliates, a nonexclusive, worldwide, perpetual, irrevocable, non-sub licensable license under any (if any) of such party's claims in its contributions, solely to make, have made, use, import, offer to sell, sell and otherwise distribute and dispose of compliant portions as agreed upon; provided that such license need not extend to any part or function of a product in which a compliant portion is incorporated that is not itself part of the compliant portion. Such license shall be granted on a royalty-free basis or will be subject to otherwise reasonable and nondiscriminatory terms.

6) Royalty Sharing:

- 6.1 Net revenue received by the University through sale / license or technology transfer of intellectual property of such inventions or creative works, royalty shall be distributed as follows, unless otherwise specified in arrangements for commissioned works.

	Royalty sharing percentage	Policy for sharing Royalty
Inventor	70%	This will be reviewed after three years
Inventor(s) department	10%	
*Inventor(s) school	10%	
University (MUJ)	10%	
Total	100%	

*In case, the inventor(s) is/are not associated with any school, royalty sharing of the university (MUJ) will be 20% of the total amount.

- 6.2 In case of an Intellectual Property jointly held by the constituent institutions (schools/departments) of Manipal University Jaipur, the distribution of share to inventor(s) department and inventor(s) school have to be communicated by the lead investigator to the University. In no case such share should cumulatively exceed 20% of the allotted share.





- 6.3 In an event when more than one inventor contributes for the generation of the intellectual property then the percentage of royalty shall be equally shared among the inventors, contingent upon such invention being sold, licensed or transferred under technology transfer agreement with third party(ies). No royalty shall be claimed by the inventor(s) for patents which fail to generate interest for sale, licensing or technology transfer.

7) Technology Transfer:

- 7.1 MUJ reserves the right to initiate and commercially leverage intellectual property of the university or jointly owned with other institute/university/industry under the agreements dealing with technology transfer, licensing and revenue sharing models in consultation with the named inventors.
- 7.2 In the case of sponsored activity, the sponsored industry/organization will have the first right to commercially leverage the intellectual property or products originating from the collaboration activity, whether or not the same have been formally protected by patent(s).
- 7.3 In the case of sponsored activity, if the sponsored industry / organization fails to commercially leverage the intellectual property or products within **one** year from the first date of development of the technology, then MUJ shall reserve the right to transfer the said know-how to a third party for its commercial advantage. However, Manipal University Jaipur shall share the net revenues derived henceforth with the sponsored organization/industry as per the agreement regarding technology transfer.

8) Conflict of Commitment and Interests:

- 8.1 To manage and minimize conflict over intellectual property rights, all potentially patentable inventions created or discovered by faculty in the course of their University activities, or with use of University resources, must be disclosed to the University on a timely basis ("Patent calls").
- 8.2 The inventor(s), to the respective Heads of Institutions, should disclose any conflict of interest or any potential conflict of interest.
- 8.3 MUJ discourages its employees, faculty members, staff (permanent and temporary), visiting scholars, fellows, research scholars and students against any legal recourse. In case of any disputes regarding the implementation of intellectual property policy, efforts shall be made to address to the concerns of the





inventor(s) by developing and incorporating an arbitration mechanism and arrangement, or any other suitable mechanism as agreed upon by the parties and arrive at an amicable solution. The decision taken in this regard by the competent authority of MUJ or through arbitration shall be final and binding to all the parties under dispute.

9) Infringement:

- 9.1 MUJ shall retain the right to engage in or abstain from any lawsuit concerning patent and license infringements.
- 9.2 MUJ shall ensure that Manipal University Jaipur personnel have an insurance clause built into the agreement with the licensee(s) while transferring technology or copyrighted material to licensees.

10) Modus Operandi:

- 10.1 All applications for patents should be dispatched to Head of Institution, irrespective of whether the inventions have resulted from the in-house research/project, or projects under sponsored activity. The Head of Institution must ensure that the foreseeable intellectual property under discussion is not revealed in public domain or discussed with people not connected with the research pertaining to intellectual property.
- 10.2 The application for patent or any other form of intellectual property shall be analyzed / inspected by the Intellectual Property Rights Cell (IPR Cell), comprising the following:

Sl.#	Names of persons	Designation
1	President, Manipal University Jaipur	Chairman
2	Pro President, Manipal University Jaipur	Member
3	Registrar, Manipal University Jaipur	Member
4	Director (Research), Manipal University Jaipur	Member
5	Deputy Director (Research), Manipal University Jaipur	Member
6	Invited Member(s)	Member

- 10.3 The inventor(s) are required to make a brief presentation of their invention to the IPR Cell of the University. Based on the outcome reached through discussion by the Board members with the research team, reimbursement of application fees may be approved by DoR, leading to commencement of further processing of the application through the approved attorney or agency.





10.4 If the inventor(s) decide to abandon or withdraw the application for a patent at any stage after filing of application, prior approval of the IPR Cell is mandatory.

11) Incentive Awards for Granted Patents:

- 11.1 18 points or INR 18,000 shall be awarded for each granted patent.
- 11.2 All the members listed as inventors in granted patent shall receive 18 points each or INR 18,000 each.
- 11.3 The points are awarded to the inventor(s) affiliated to Manipal University Jaipur only for the granted patents, filed through IPR Cell, Manipal University Jaipur.
- 11.4 The certificate of grant of patent must be submitted along with the evaluation form to claim incentive award. (Annexure III)
- 11.5 No incentive shall be awarded for filed patent applications.

12) This policy supersedes earlier policy issued vide MUJ/REGR/1467/IPR/2018 dated May 03, 2018 and MUJ/REGR/1467/IPR/2018 dated December 11, 2018.

Manipal University Jaipur reserves the right to modify the above policy as deemed fit from time to time. The Policy will be effective from May 01, 2018.

File No.: MUJ/REGR/1467/IPR/2019

Dated: February 11, 2019

Registrar

Manipal University Jaipur



Enclosures

- Annexure-I : Financial Claim Form for Intellectual Property Rights (IPR) Applications
- Annexure-II : Intellectual Property Disclosure Form
- Annexure-III : Evaluation Form to Claim Incentives for Patent
- Annexure-IV : Bank Account Details of Students



Financial Claim Form for Intellectual Property Rights (IPR)
Applications

Personal Details:

1.	Full Name of Inventor(s)	
2.	E-mail ID	
3.	Contact Number	
4.	Employee ID	
5.	Designation	
6.	Department	
7.	School/Faculty	

IPR Details:

1.	Type of Intellectual Property Rights (IPR) (Patent/Copyright/Trademark/Design/Others)	
2.	Filing Status (Provisional/Full)	
3.	Area of Invention	





9.	Attached Intellectual Property Disclosure Form	
10.	Attached Search Report by IPR Attorney	
11.	Any Other Relevant Documents (If any)	

Declaration:-

The undersigned hereby declare that,

(a) The data mentioned above are correct to the best of my knowledge.

(b) The invention is original and has not been previously submitted, filed or claimed.

(Name of the First Inventor)

(Signature with date)

Comments of the Deputy Director of Research with signature:-

Recommendation from Directorate of Research:-

Recommendation from Pro-president:-

Comments from finance office :-

Amount transferred:

Date of transfer:

(Signature with date)

DoR for information and record:-

Enclosures:-

1. Duly signed IPR Search Report from IPR Attorney.
2. Filing Quotation/Receipt.
3. Intellectual Property Disclosure Form.



Annexure-II**Intellectual Property Disclosure Form**

This form should be used by Researchers/Inventors of Manipal University Jaipur and completed with a view to securing and obtaining intellectual property protection for the same. This form is essentially designed to help the Researchers/Inventors to organize their thoughts about their invention in a structured manner. The Inventors are encouraged to explain their invention in an extremely simplistic manner and in complete terms so as to allow a person not familiar with the relevant technology to easily understand the disclosed invention. The disclosed invention would enable IPR Attorneys in assessing its novelty and drafting an intellectual property application on the same.

This invention disclosure form contains information that is proprietary and highly confidential. Unauthorized possession, viewing, or distribution of the form is strictly prohibited.



GUIDELINES TO FILL THE INTELLECTUAL PROPERTY DISCLOSURE FORM

Following are some guidelines that would help you in disclosing your invention in this intellectual property Disclosure Form (IPDF):

- Please consider IPR Attorneys as people who do not have any understanding of the technology in which your invention has been made, while disclosing the invention. Kindly disclose your invention to the fullest possible.
- Please do not limit yourself only to the specific method/process, formulation/ composition, product/device or prototype that you have invented, while disclosing your invention but also consider identifying all the possible modifications/alternatives of your invention. Kindly explain all the identified modifications/alternatives in detail as well.

Note:

- *Please remember your competitors could easily design around your invention and come up with alternatives/modification, which when not properly disclosed in the IDF may provide your competitors with competitive advantages over your invention.*
- *The best way you could think of the alternatives/modifications is to consider yourself as your own competitor!!*
- Inventors are encouraged to use ordinary and known technical terms to describe their invention. In case, some unusual terms are used then their appropriate definition must be provided.
- The invention must be explained with reference to the properly labeled drawings and flowcharts.
- The IPDF is divided into following sections:

Sections	Purpose
Section- I	For disclosing details on the Applicant/Assignee and Inventor
Section-II	For disclosing details on invention
Section-III	Miscellaneous information





SECTION-I: DETAILS OF THE ASSIGNEE/APPLICANT AND INVENTORS

Please provide below complete details of the Assignee/Applicant to which the invention is assigned by the inventors.

Name of the Assignee/Applicant	MANIPAL UNIVERSITY JAIPUR
Registered address of the Assignee	
Name of the Department and School/Faculty from where the invention is originating	
Name of the Head of Department (HOD)	
Contact details of HOD	
Email ID of HOD	

Please provide details of all the inventors who have contributed to the invention. Feel free to add details of any additional inventors if required.

Name of the first inventor (surname followed by first and middle names)	
Nationality	
Address for communication	
Permanent address	
Contact details	
Email ID	

Name of the second inventor (surname followed by first and middle names)	
Nationality	
Address for communication	
Permanent address	
Contact details	
Email ID	





Name of the third inventor (surname followed by first and middle names)	
Nationality	
Address for communication	
Permanent address	
Contact details	
Email ID	

Name of the fourth inventor (surname followed by first and middle names)	
Nationality	
Address for communication	
Permanent address	
Contact details	
Email ID	





SECTION-II : INFORMATION OF THE INVENTION

1. Please provide a short title of the invention in not more than 15 words. The title should be clear and succinct.
2. Please write a brief background of the technology on which the invention has been made.
3. What are the existing problems of the technology that your invention proposes to solve? Have any previous attempts been made to solve these problems? Yes/No
If YES, how and by what means and what are their drawbacks/deficiencies?
4. How your invention proposes to overcome the above noted problems?
5. Have you conducted any prior art search¹ at your end on your invention? If YES, please provide us details of the prior art patents, published literature, catalogues, articles, etc. Please list down any competitor's patent or non- patent literature if you are aware of.
6. Does your invention relate to an Apparatus/Device/System; Method/Process; Formulation/Composition; or a combination of the above or others? Please specify.



¹ Prior art search- This is a kind of search that inventors may conduct/undertake at their end to ascertain whether their invention is new and inventive over existing technologies.

SECTION-III: MISCELLANEOUS INFORMATION

Attestation:

I/We hereby verify that the foregoing information and details are true and correct. I/We understand that in accordance with my/our terms of employment and associated agreement (s), the intellectual property rights to this invention belong to Manipal University Jaipur.

Full name of the first inventor	
Signature	
Date	

Full name of the second inventor	
Signature	
Date	

Full name of the third inventor	
Signature	
Date	

Full name of the fourth inventor	
Signature	
Date	

Full name of the HOD	
Signature	
Date	

Full name of the Deputy Director (Research)	
Signature	
Date	





Full name of the Director (Research)	
Signature	
Date	

Remarks by the Director (Research): Provide views on the invention (if possible)

Remarks by the Pro-President: Provide views on the invention (if possible)



Annexure-IV**Bank Account Details of Students****(In case of student inventors named in the granted patents)****Registration Number:****Details of Account Holder:**

Name of Account Holder	
Account Number of above account	
Bank Name	
Branch name & Code	
Branch Address	
MICR Code	
IFS Code No. of the Branch	
Complete Contact Address of the student	
Handheld/Telephone No.	
E-Mail	

