



ਗੁਰੂ ਨਾਨਕ ਦੇਵ ਇੰਜੀਨੀਅਰਿੰਗ ਕਾਲਜ

GURU NANAK DEV ENGINEERING COLLEGE

An Autonomous College u/s 2(f) and 12(B) of UGC Act, 1956

Institute accredited by NAAC (A Grade) & TCS

Institution of Engineers (India) Accredited UG Programmes

AICTE Approved, Affiliated to IKG Punjab Technical University, ISO : 9001:2015 Certified

IP POLICY 2020

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PREAMBLE

GURU NANAK DEV ENGINEERING COLLEGE (hereinafter referred to as GNDEC) is an educational and research based College of national importance with a mission "Removal of Economic Backwardness through Technology" which is realized by providing thrust on practical learning and the empowerment of the disadvantaged sections of Society. Our focus is to create knowledge ecosystem with an endeavor to impart learning by invigorating innovations and research to facilitate scholars to achieve academic excellence. Our activities, centered on faculty/students//project staff/ supporting staff/visitors are based on knowledge and intellectual exercise. College has been constantly endeavoring to train high-quality scientific and technical manpower and provide solutions to a variety of challenging technological problems that may arise in different fields, through its well qualified faculty, trained students and highly skilled supporting staff, with the goal of becoming one of the leading centers of teaching, research and development in Engineering and Technology.

As a responsible academic institution GNDEC is continually encouraging industrial research, academic excellence and innovation in the campus. With the focus on research and technology GNDEC recognizes that intangible assets like inventions, copy right, know-how, designs and other creative and innovative products generated during the scientific and intellectual pursuits of its faculty and its students provide a competitive edge to the College.

Acting as responsible academia and research driven College, GNDEC, therefore, has formulated its second intellectual property policy in year 2020 to provide guidance to its faculty, staff, students, research scholars and outside agencies on the practices and rules of the college regarding intellectual property rights (IPR) and obligations which include its ownership, commercial exploitation, technology-transfer and end confidentiality requirements. The policy is expected to promote a conducive environment for both innovations driven and industry-driven research and development activities at the college and creation of original works of authorship. The Policy has been revised time to time based on amendment and changes made by IP office Indian or suggestions provided by MHRD.

This IP Policy should be treated more as a guideline than as rule and regulations and seeing to the evolutionary scenario in Indian IP Policy, this policy will be amended as and when required.

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SCOPE OF THE POLICY

The policy will cover all the all institutions of GNDEC comprising of all College personnel including the faculty, students, staff or visiting faculty, researchers and scientists. The policy shall be deemed to be a part of the **conditions of employment** for every employee of the college and a part of the **conditions of enrollment** of students at the college, and shall be made available to the faculty and staff prior to appointment, to scholars and students on enrollment and to all the existing staff and students. It is also the policy of the college that all potential creators who participate in a sponsored research project and/or make use of college-supported resources shall be informed of this policy and shall accept the principles of ownership of intellectual property as stated in this policy unless an exception is approved in writing by the college. All the creator/inventor/researcher of intellectual property shall also execute appropriate documents as may be required to set forth effectively ownership and rights as specified in this policy. Further, this policy itself shall be amended as and when needed to effect changes deemed to be fit in the best interest of this college.

OBJECTIVE

The objective of the Policy is to create an enabling environment that helps in recognition and valuation of research, creativity and innovation by the faculty, scholars, supervisors and researchers in the college and simultaneously assists in translating the outcome of such creativity, research and innovation in an orderly fashion into products, processes and technology useful to the industry and commerce, which ultimately transform in to service for the widest public good. It will deal with the ownership, protection and commercialization of intellectual property and know how created by the employees of the college. The policy will ensure that any intellectual property arising from the works of its creator/inventor/researcher/employees is managed effectively throughout its life cycle. The policy is intended to serve as set of guidelines for College faculty, staff, students and the partners/sponsors.

The objectives of this Intellectual Property Policy Document of the College are:

- (a) To foster, stimulate and encourage innovation and creativity in science and technology;
- (b) To encourage and motivate the faculties/researchers and students for focused and technology driven research;

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- (c) To provide appropriate incentive to intellectual effort by faculty, staff, students, and others associated with the College;
- (d) To enable college to identify, Protect and commercialize its novel research and inventions;
- (e) To establish principles for determining the interests of the college, inventors, and sponsors in regards to inventions and/or discoveries;
- (f) To provide a transparent IP Protection system for the ownership, control and transfer of Intellectual Property created and owned by GNDEC;
- (g) To recognize the right of the inventor to financial benefits from the invention or discovery;

POLICY STATEMENT

GNDEC is committed to promoting, protecting, managing and commercializing Intellectual Property consistent with the recognition that among its primary objects and functions are teaching, research and meeting the needs of the community and society. It supports the commercialization and exploitation of IP, which can provide an additional source of revenue to the college and also accrue benefits to staff and students. At the same time, the college recognizes traditional academic values and expectations.

APPLICABILITY

- It applies to all faculty, staff and student employees, graduate students and postdoctoral fellows, as well as to non-employees who participate in or intend to participate in teaching and /or research, scholarship or creative activities at the College and covers different classes of Intellectual Property -- Patent, Copyright, Trade Mark / Service Mark, Design Registration, Trade Secret, Confidential Information and Integrated Circuits Layout, Traditional knowledge and geographical indication.
- It applies to the funding parties and the collaborative research partners of the College.

DEFINITIONS

For the purpose of this policy the terms would be interpreted as defined below, unless the context otherwise requires.

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Intellectual Property Rights ("IPR") means generally patented or potentially patentable inventions, trademarks, service marks, trade names, copyrightable subject matter, trade secrets or any other forms of statutory or common law protection of any kind in all jurisdictions, where applicable.

"Assignment" means the transfer of rights or title in the intellectual property in writing

"Creator(s)" mean the faculty, staff, and other persons employed by the College whether full or part-time; visiting faculty and researchers; and any other persons, including students, who create intellectual property using College resources

"Invention Disclosure" means a written description of an invention that is confidentially made by the inventor to the College.

"Know how" means the knowledge, innovation, practices, expertise, process or procedures and secrets of individuals regarding the use of a material, product or resource, or the practice of a method, for a practical purpose.

"Publication" means a public enabling disclosure of an invention, and may be verbal or printed. Printed publication includes abstracts, student thesis, and in certain circumstances grant proposals.

"Patent and Patentable material" are as defined in Indian Patent Act 1970. These include invention of novel product and processes that have industrial applicability.

"Revenue" is any payment received as per an agreement by the College usually for legal use of an intellectual property through a license.

"Inventor" An individual or a group of individuals responsible for creating or inventing product or process (as an IP) in the College. In case, creation of IP is associated with more than one inventor, one of them, from College, would function as a Principle Inventor.

"Patent" is an exclusive right granted for an invention (technology), which is a product or a process that provides an innovative way of doing something, or offers a new technical solution to a problem.



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“Copyright & Related Rights” is an exclusive right given to the author of the original literary, architectural, dramatic, musical and artistic works; cinematograph films; and sound recordings. Related rights means rights that protect the interests of certain groups of right holders, whose activities in most cases relate to the reproduction and dissemination of works.

“Trade/Service mark” means a mark/logo capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging, combination of colors, music, 3D& 2D shapes.

“Industrial Design” means only the features of shape, configuration, pattern, ornament or composition of lines or colors applied to any article/product whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device. Industrial design solely refers to the outer/physical appearance of the product.

“IC Layout Designs” means a layout of transistors and other circuitry elements and includes lead wires connecting such elements and expressed in any manner in a semiconductor integrated circuit.

“Faculty” means the professors, Associate professors, Assistant Professors, teachers and lecturers of GNDEC. Generally, the faculty is responsible for designing and disseminating the plans of study offered by the institution and subject knowledge to the students and research scholars. (Note this definition of faculty is meant only for the purposes of this document and is not intended to replace the definition of faculty in the statutes or other documents of GNDEC)

“Student” means a person who has registered or enrolled as full-time or part-time student, or students through exchange from other universities/colleges.

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OWNERSHIP

a. Inventions (Patents), design, Integrated circuit layout, and any other work that is patentable

- (i). IP created as a result of college research or by substantial use of college resources shall be owned by the GNDEC. In case of commercialization of the IP the GNDEC will share in ratio 60:40 (60% to GNDEC and 40% to inventor).
- (ii) If the IP is created as a result of collaborative research or has been funded by external funding agency then it shall be jointly owned by the College, the creator and the funding agency, provided the external funding agency has provided more than 5 lakhs.
- (iii) Any IP Created by inventor during the his/her tenure in GNDEC has to be filled through GNDEC IP cell. Inventors are not allowed to file or protect IP through outside agency without prior informing GNDEC IP cell.
- (iv) In case of startup incubated in GNDEC Incubator the college will give full right to startups to file their IP through IP cell of college. If GNDEC is applicant than same rights and ratio will be applicable as mentioned in clause amended clause (i) but it can be transferred to startups if required in future. Otherwise college will give IP facilitation support in most cost effective way and startups can file their IP on their own.

b. Copyrightable material

- (i) Works of art, literature and music recordings are owned by their creators despite the use of College resources so long as such works are not the products of college research, neither created under the direction and control of the college, nor developed in the performance of a sponsored research or other third party agreement.
- (ii) Student shall be the owner of the copyright on all papers, thesis and dissertations written to earn credit in college courses or otherwise to satisfy College degree requirements.
- (iii) College shall be the owner of the copyright on all teaching material developed as a part of any of the academic/ distance learning programs of the College. However, the creator shall have the right to use the material in his /her professional capacity.



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c. Trademarks/ service marks

The ownership of the trademark (s), service marks(s), logos created for the college shall be with the college.

CREATION OF INTELLECTUAL PROPERTY

Intellectual Property consisting of Patentable or Copyrightable material can be created in the college in the following three ways:

- (a) college undertaking an assignment either from an external agency or by its own decision to take up creation of a specific Copyrightable or Patentable material and assign a team of its researchers to accomplish it.
- (b) Individual researchers or a team of researchers may develop copyrightable or patentable material during the course of their research or as a specific Project.
- (c) An external funding agency, be it a Foundation, Trust, Industry, Commercial undertaking or a company may enter into a specific agreement with the college and research/team of researchers to develop some specific Copyrightable or patentable material.

EVALUATION/MANAGEMENT OF IP

The IP cell at the college shall be responsible for evaluating, marketing, licensing and managing of the IP generated at the College. The creators of IP shall make the invention disclosure in a thorough and timely manner to enable the IP cell to evaluate its patentability. An invention will typically be patented by the IP cell of the College if it is commercially viable, even if it is not in the immediate future. If the college decides not to own or manage the IP, it shall permit the creator to file patent and protect the IP on their own.

CONFIDENTIALITY OF IP

Every inventor/creator in the research group as well as everyone involved in the protection process will not disclose the details of research/IP to any person / organization without written permission of the college.



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In case of thesis and other such written documents containing details of patentable matter, all measures to prevent the public disclosure of IP shall be taken.

TECHNOLOGY TRANSFER

(i) The college shall take all essential steps for the commercial exploitation of the IP 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 IP will be done under the agreements involving technology transfer, licensing (exclusive or nonexclusive) and revenue sharing models.

(ii) The IP Cell shall identify potential licensee(s) for the IP to which the college has ownership. In case of joint ownership, the Organization/Industry which has sponsored the activity, will have the first right to commercially utilize and exploit Intellectual Products emanating from the collaboration activity, whether or not the same have been formally protected by patent(s). The licensing to commercially exploit would involve technology transfer fee and also royalty payment from the first date of such commercial exploitation for a period that will be as mutually agreed upon.

(iii) In the event of the other collaborating organization/industry not undertaking the commercial exploitation within a reasonable period of two years from the first date of development of the technology the college reserves the right to transfer the said know-how to a Third Party for its commercial exploitation and use.

REVENUE SHARING

The revenue arising out of licensing of IP and royalty would be shared in the appropriate ratio (currently, this ratio is 60:40) between the College and the inventor(s).

Whereas if the inventor shows interest in commercializing the IP on his/her own than the College reassigns the right of the IP to its inventor(s), the inventor(s) shall reimburse all the costs incurred by the college, which include protection, maintenance, marketing and other associated costs involved. This decision will solely be taken by College management.


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INFRINGEMENTS, DAMAGES, LIABILITY AND INDEMNITY

- (i) As a matter of policy, college shall, in any contract between the licensee and College, shall seek indemnity from any legal proceedings including this, but not limited to manufacturing defects, production problems, design guarantee, up- gradation and debugging obligation.
- (ii) GNDEC shall also ensure that staff has an indemnity clause built into the agreements with licensee(s) while transferring technology or copyrighted material to licensees.
- (iii) GNDEC shall retain the right to engage in or desist from or not in any litigation concerning patent and license infringements.

CONFLICT OF INTEREST

- (i) The inventor(s) are required to disclose any conflict of interest or potential conflict of interest.
- (ii) If the inventor(s) and/or their immediate family have a stake in a licensee-company, then they are required to disclose the stake they and /or their immediate family have in the company, and license or an assignment of rights for a patent to the licensee - company in such circumstances, shall be subject to the approval of the IP cell.

DISPUTE RESOLUTION

In case of any disputes between the college and the Inventor(s) regarding the implementation of the IP policy, the inventor(s) may appeal to the IP Cell of the college. Efforts shall be made to address the concerns of the inventor(s) by developing and instituting an arbitration mechanism and arrangement. The IP Cell decision in this regard would be final and binding on both college and inventor.

JURISDICTION

As a policy, all agreements to be signed by College will have the jurisdiction of the courts in Ludhiana, PUNJAB and shall be governed by appropriate laws in India.

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DISCLAIMER

THE IP POLICY IS INTENDED SOLELY AS A GUIDE. THE LANGUAGE USED IN THE HANDBOOK SHALL NOT BE CONSTRUED AS CREATING A CONTRACT OF EMPLOYMENT BETWEEN COLLEGE AND ANY OF ITS EMPLOYEES, STUDENTS OR ANY EXTERNAL FUNDING AGENCY/ COLLABORATOR. COLLEGE EXPRESSLY RETAINS THE RIGHT TO UNILATERALLY MODIFY OR AMEND THIS CODE CUM POLICY ON THE RECOMMENDATION OF THE IP CELL

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