

Intellectual Property Rights Policy



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Khanpur Kalan (Sonipat)

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1. Preamble

Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur (hereinafter referred to as BPSMV). BPSMV is established with the motto 'empowering women with education'. BPSMV is making transformation in the life of rural women with aim to making them empower economically, socially and technologically by providing education from KG to Ph.D. under one roof. BPSMV recognizes its responsibility to produce and disseminate knowledge. The university has established the Centre for Society-University Interface and Research (CSUIR) which offers innovative programmes like Integrated Energy Resource Management, Micro Finance Practices, and Folk Medicine etc. The university has proven to be a distinct institution that is a juxtaposition of tradition with modernity, driven by core Indian Values. Since BPSMV is situated in rural settings, it has collaborated with the farmers of neighboring villages for developing modern techniques of farming. The university with the assistance of Haryana Government's Indo-Israel Project has set up Front Line Demonstration Centre (FLDC) which is engaged in growing fruits and vegetables with modern techniques. As a result, the farmers are trained in getting maximum yield from their fields. BPSMV offers a vast range of programmes in almost all domains of knowledge. The BPSMV IPR Policy is implemented in the university in accordance with national IPRs policy with motive 'Creative India, Innovative India'. As the University is pious land of Bhagat Phool Singh Ji, the aim of IPR policy is to dissemination of knowledge vis-a-vis commercialization of knowledge. The BPSMV is committed to serve the society with recognizing the role of IPRs in modern era by providing conducive environment to researchers so that research can flourish.

2. Definitions

- i. **Assignment** means transfer of rights or title in the intellectual property in writing.
- ii. **Intellectual Property** is property which is intangible or incorporeal in nature which can be protectable by Patents, Copyright, Trademarks, Industrial Designs, Geographical Indications, IC Lay-out Designs, New Plant Varieties and Trade Secrets

or as provided under Article I of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS),

- iii. **'Licensing'** is the practice of renting the intellectual property to a third party.
- iv. **Patent** is the monopoly right granted to the inventor by the state for limited period of time or as defined under Section 2(m) of the Patents Act, 1970.
- v. **Copyright** is the exclusive right granted to the author in literary, artistic, music, cinematographic, architecture etc. for limited period of time. Copyright is a right given to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings or Works are as defined under the Copyright Act, 1957.
- vi. **Trade mark** is mark which distinguishes the goods and services of university which is capable to represent in graphical representation. or As defined under Section 2(zb) of the Trade Marks Act, 1999.
- vii. **Design** is outer appearance of the product which can be copyrightable under design Act or As defined under Section 2 (d) of the Designs Act, 2000.
- viii. **Geographical Indication** of Goods are the natural or artificial goods which can be produces in university or surrounding or owned by the communities.
- ix. **Researcher** includes faculty members, scholars, students, technical staff etc. of the university.
- x. **Author** is as defined under Section 2(d) of the Copyright Act, 1957. 1 (In relation to a literary or dramatic work, the author of the work; In relation to a music work, the composer; In relation to artistic work other than a photograph, the artist; In relation to photograph, the person taking the photograph, the artist; In relation to a cinematograph film or sound recording, the producer; and In relation to any literary, dramatic, musical or artistic work which is computer- generated, the person who causes the work to be created).
- xi. **Moral rights** are enshrined under the aegis of Section 57 of the Copyright Act, 1957. These are the author's or creators special rights other than economic rights which include: the right to paternity and the right to integrity.

3. Application and Scope of the IPR Policy

This IPR Policy shall apply to all Intellectual Property created by the BPSMV faculty staff, students, researchers and supporting staffs as well as all IP rights associated with

the intellectual property, from the date of implementation of these guidelines. All must protect IP of BPSMV and respect the IP of others also.

4. Objectives of the IP Policy

- i. First and foremost object is to foster, stimulate and encourage different departments such as Engineering, Science, Ayurveda, Pharmacy, environmental science for innovation.
- ii. is to protect the inventions or creations made by the university faculty or any other member
- iii. To translate clean energy in rural area by inventing latest technology in energy and water conservation whether it is fuels or households works which are hazardous in nature to rural people, women in particular. To advise the Different departments of the university on policy issues related to Science & Technology.
- iv. To provide conducive environment and help the researcher or creators, inventor to register their IP with the government Office.
- v. To promoting academic freedom and safeguarding the interests of inventor in creation and commercialization of intellectual property
- vi. To make an efficient, accountable and transparent administrative process for registration , ownership control and assignment of IP rights created by BPSMV
- vii. To make collaboration between BPSMV and industries for IP related matters
- viii. To promote more University Society Interface by providing innovative technology which can be used in agricultural fields, household works in rural areas.
- ix. To collaborate with the other technical and research institutes of repute such IITs, IISc and NITs to find out the equitable solutions to the rural problems at ground level.
- x. To Collaborate with Haryana State Council for Science and Technology for suggestion, advise and registration of IPRs.
- xi. To spread awareness on IPR by organizing workshops, seminars, conferences, lectures, and training programs for the BPSMV faculty and researchers.
- xii. To generate IP fund which will be used for creator and generation of IPRs

5. BPSMV IPR Cell

The BPSMV shall establish IPR cell for spreading awareness of IPRs and administrative work to be done for the registration, ownership and licensing of Intellectual Property. Organizational Structure of IPR Cell of BPSMV shall be

- i. Nodal Officer (To be nominated by the Vice-Chancellor)
- ii. Two Members – (at least one faculty member from Basic Sciences/Engineering/Pharmacy).
- iii. Dean, Research and Development
- iv. University Finance Officer
- v. Two research scholars (one must be from engineering/science/pharmacy stream)

6. Registration of IP

Filing of IP Application –When any faculty members. Research scholar, student or supporting staff shall invent or create something new; She/he has to submit the application before the IP Cell related to his/her Invention/creativity. All IPRs application shall be filled with BPSMV as applicant. The researcher has to enter into agreement with BPSMV for joint application or revenue sharing agreement prior of registration. Written consent shall be taken from the researcher. She/he has to provide all the the necessary information for the registration. There should not be publication of paper /thesis related to the same before registration of that IP. BPSMV IPR Cell will help him/her in registration of that original copyright work or new or useful invention or any other IP which fulfills the criteria of the Indian IPR Legislations. BPSMV IPRs Cell shall also try to fill the registration fee to own that IP with the researcher. BPSMV IPRs Cell shall also take help of Patent Information Centre, Haryana State Council for Science and Technology, Department of Science and Technology for the same.

7. Ownership of Intellectual Property

The ownership rights of all creative work or inventive work whether developed by Researcher by utilising the resources of BPSMV, or with BPSMV funds, shall ordinarily be vested with BPSMV. The BPSMV shall be the owner of all intellectual properties including inventions, Literary work, Lectures, question papers, designs etc., created by creators/inventors as a result of University research or created by substantial use of University facilities/funding.

Ownership of copyright on any work may be claimed by putting the symbol © for example, ©BPSMV. Copyright shall vest in institutional materials including Ph.D. thesis, Dissertations, course syllabi, curricula, audio or visual recordings, exam questions papers, exam instructions, and papers/ reports, university website, computer programme/ software database shall vest with the university.

BPSMV shall free to license its IP to any other third party for commercial purpose for consideration after consultation with joint owner if any.

8. Use of University IP

If the third party is using the Trademarks/Copyright/Patent of BPSMV, she/he has to take permission from the BPSMV. The logo and Emblem of the BPSMV are the exclusive property of the BPSMV and third party cannot use these for any commercial purpose without prior permission of the BPSMV. But BPSMV may allow third party in public interest or national interest or for research purposes.

9. Intellectual Property Infringement and Remedies

When any of infringement of BPSMV Intellectual Property shall take place, BPSMV will take appropriate action against infringer as per law if prima facie evidence of infringement is there.

10. Revenue Sharing

The BPSMV is free to enter into revenue sharing agreements with the researchers, in cases of commercialization of innovations, as per the advice of the IPR Cell. The revenue generated from the Intellectual Property for commercial purpose shall be distributed as 50:50 between the BPSMV and researcher if the researcher has used the facility of the BPSMV. If the Researcher or faculty members invented or created some work Independently, BPSMV will not claim in that work. BPSMV shall right to provide license to third party in case of need. BPSMV will decide the sharing of revenue in case of invention/patent out of funded project, as per time and circumstances of the case. The BPSMV may waive its right in special cases supported by reasons keeping in view of interest of the BPSMV.

11. **Moral Rights of the Author**- BPSMV recognizes the moral rights of author.

Although economic right is based on agreement entered between the BPSMV and researcher but no one can distort/ translate/abridge/altered which is harmful to the author or BPSMV.

12. **Dispute Resolution** – In case of dispute arise between researcher, Third Party and IPRs Cell of BPSMV related to claim/revenue sharing, the Vice-Chancellor try to resolve the matter by amicable means such as mediation or by way of formation of committee for the resolving the dispute.

13. **Jurisdiction** - Any disputes arising from the terms and conditions of any IP-related agreement entered into by the university shall be subject to the jurisdiction of the Sonipat Court which has territorial jurisdiction over the place in which BPSMV is located.