

**Office of Dean Research and Consultancy
National Institute of Technology, Srinagar**

Intellectual Property Rights Policy

1. Objectives:

The objectives of the policy are as following:

- a. To provide an encouraging environment for research and development for generation of Intellectual Property (IP) to the faculty, students and other researchers associated with the Institute.
- b. To provide support in every possible way to the inventors of the IP associated with the Institute and safeguard the IP developed.
- c. To formulate the regulations and guidelines regarding ownership of the IP and revenue sharing upon commercial exploitation of the IP.
- d. To provide legal support to the inventors against any case of unauthorized use of IP.
- e. To create awareness among the students, staff and faculty likewise about the IP.

2.1. IP Evaluation:

An institutional review committee for timely assessment and evaluation of intellectual property shall be constituted by the Dean R&C. The committee would constitute of Dean R&C as chairman along with faculty experts from the field of invention and an IP expert. The IP expert can be a person from the state nodal agency who has expertise in evaluation and filing of IP. In certain cases, external members from the institute can also be included in the review committee. The inventor can also suggest the names of members of required expertise that can evaluate the creativity, originality and innovativeness of the invention. The objectives of the committee would be following:

- a. To determine and assign the ownership of the IP. It is up to the committee to decide whether the ownership would be restricted to an individual, institute (institute projects) or a joint ownership in case of externally funded project.
- b. To evaluate the IP on the scale of originality, usefulness, and practicability of the invention.

- c. To decide whether or not the invention has commercially applicability
- d. The evaluation process of the IP should be completed within a maximum time limit of four months.
- e. Upon the evaluation, if the committee decides against the application of the IP to support, then the institute shall claim no ownership of the invention and all the rights shall automatically go to the inventor/s.

2.2. IP Ownership

- a. NIT Srinagar (NITSRI) would hold the ownership rights when the IP is developed by the students, faculty, staff, or any external personnel not related to NITSRI by using the funds or facilities available with the institute.
- b. However, in case a payment has been made by the individual to the institute for utilization of facilities, NITSRI cannot claim the exclusivity in the ownership and hence an agreement on mutual accord can be reached that provides joint ownership rights to the inventor and NITSRI.
- c. In case when an IP is developed as a part of work that has been funded by external agencies or consultancy, then a joint ownership must be established with proper rights to license the innovation.
- d. In issues of copyrightable material such as software, lectures (video lectures), books, circuit designs, images developed by NITSRI personnel for use by external agency or industry, the institute shall claim the rights for the ownership of the IP. However, the developers shall be free to use the IP for research and teaching purposes by reverse license agreement with NITSRI. The institute shall not claim any copyrights on the books and research scientific articles authored by individuals of NITSRI. It is, nevertheless expected from the authors to gratefully acknowledge the institute for any assistance. Also, NITSRI reserves the right to use the IP for academic purposes.
- e. Additionally, the developers shall hold the ownership rights if the IP is developed outside their area of regular assigned work of research and teaching or without any significant use of institute's resources and facilities. For theses and dissertation reports related to academic activity, the students will hold the ownership rights. However, the students should give a royalty-free right to NITSRI to use the reports for academic purposes, as and when required. An

agreement for the same must be included in the theses properly signed by the student, department head and Dean R&C. Moreover, in case an application has been made for grant of IP and not yet granted, an agreement for thesis confidentiality at the time of thesis submission should also be included.

2.3. Obtaining Rights:

In case the review committee decides in favor of protecting the IP, the institute shall follow the following to ensure IP protection:

- a. The institute should appoint and provide an attorney to draft the IPR application as appropriate for the invention.
- b. The institute shall bear all the costs related to access of IP databases, for IP search, prior art etc.
- c. The institute shall also bear the expenses for drafting and filing the IP application. This also includes the cost for filing overseas applications. In any case, if the institutional committee decides against the IP evaluation, all these costs have to be borne by the inventor personally.

3. Disclosures and Confidentiality

Following procedure should be followed for disclosure of the IP by the inventors.

- a. For all the IP produced and developed at the institute, i.e. NITSRI, the inventors have to disclose the IP to Dean (R&C) in a proper format (IP disclosure form) at the earliest. With this disclosure, the inventors would assign the rights of the IP to the institute. Similarly, the students of the institute are expected to submit their IP disclosure form along with their thesis work (B.Tech, M.Tech or PhD) properly signed and forwarded by their supervisor. It would be the responsibility of the institute to maintain the confidentiality of the IP once it has been submitted to the committee for evaluation for assessment for filing and possibility of commercialization.
- b. For all the IP generating from the externally funded projects and collaborative project, the IP disclosure shall be done as per the contract terms and conditions.

4. Revenue Sharing

- a. Upon commercialization of the intellectual property developed at the institute, the revenue generated by the royalty payments would be shared between the institute and the inventors with a respective percent sharing of 40% by the institute and 60% by the inventor.
- b. In case of multiple owners of the IP other than the institute, the owners shall come to an agreement before filing the IP as to how to share the revenue.

5. Conflict of Interest and Jurisdiction

It is the responsibility of the inventors to disclose any conflict of interest or potential conflict of interest prior to applying for evaluation to the institute's committee. In case of any dispute, the aggrieved party may contact the Director NITSRI. In all circumstances, the decision taken by the Director NITSRI would be final and abiding by all. All the agreements or contracts signed by NITSRI will be under the Srinagar jurisdiction.