

Intellectual Property Policy, 2017

1.1 TERI School of Advanced Studies objective and ethos

- 1.1.1 TERI School of Advanced Studies (TERI SAS) work is underscored by its mission to build and share knowledge and information responsibly and openly for the larger purpose of public good. TERI SAS aims to share its body of work as openly as possible, for the benefit of people at large.
- 1.1.2 Any private benefits or commercial gains of its work are incidental to its purpose of creating public good.
- 1.1.3 The students, employees and consultants, (hereinafter to be collectively referred to as personnel) engaged by TERI SAS as well as its collaborators under the provisions of the collaboration agreements produce Intellectual properties as part of their work. This Intellectual Property policy is applicable to all TERI SAS personnel, as well as non-TERI SAS personnel associated with any activity of TERI SAS such as, but not limited to, Continuing Education Programme and covers different classes of Intellectual Property -- Patent, Copyright, Trade Mark / Service Mark, Design Registration, Trade Secret, Confidential Information and Integrated Circuits Layout.

1.2 Definitions

- 1.2.1 Intellectual Property: The term “intellectual property” used herein broadly means any property/asset generated out of and/or emerging from the intellectual effort of human brain, either having proprietary value or protected by statute.
- 1.2.2 Intellectual property includes Patents, Copyrights, trademarks, service marks, logos, design, trade secret, confidential information and Integrated Circuits Layout etc.
- 1.2.3 Copyright: Copyright as explained under Section 13 of the Indian Copyright Act 1957. It broadly includes copyright in software, industrial and architectural designs, models, engineering drawings, integrated circuit layout designs; animations and visualizations, information technology products and processes including hardware and software features, original innovative or creative or artistic works and their derivatives or adaptations, whether dramatic, musical, literary works, works of graphic or plastic art and cinematographic and animated films, teaching material for classroom and online courses such as courseware for distance education, original data and records of research,
- 1.2.4 Patents: Patent’ as defined under section 2(m) of the Patents Act 1970. It includes a new product or process involving an inventive step and capable of industrial application;
- 1.2.5 Usual University Resources: Usual University resources mean facilities such as standard laboratory facilities, office space, normal access to software, library, computers standard secretarial services, and networks.
- 1.2.6 University-Supported Resources: University-supported resources mean distinct facilities and apparatus, precise funding, intellectual property already owned by the University, demanding the time and effort of personnel or at the University’s instance and expense, and diminution by the University of any or all of the standard responsibilities of personnel to offer time or resources for the purpose of

creating intellectual property. The authority designated by the Vice Chancellor (herein after mentioned as appropriate authority) must assess the use of resources for the creation of intellectual property and decide whether substantial use of University-supported resources has happened.

When the creator believes that their work encompasses more than the regular usage of University resources, they must report to the appropriate authority.

In particular the following University resources will constitute University supported resources as contemplated by this policy.

Financial Resources

- a. Financial support provided by the University over and above the regular salary/perks as per employment/enrolment/sponsorship contract or over and above the scholarship provided to students/research scholars.

Exception: Awards, honour fellowships, prizes, assistantships and scholarships, grants, and facilities manufactured with such funds, will not constitute University-supported resources. Infrastructure established by creator's personal funds will not constitute use of University-supported resources

- i. Funds given by the University to protect, preserve and implement rights in intellectual property;
- ii. Funds given to exploit and/or commercialize intellectual property;
- iii. Fees exemption by the University for the usage of any Particular facility or apparatus.

Intellectual Property Resources:

- i. intellectual property already in existence and owned by the University;
- ii. Usage of the name, logo, or trademark of the University in the creation and marketing of intellectual property.

1.3 Ownership of the IP

1.3.1 Copyrights –

Ownership of copyright of all copyrightable work shall rest with the author(s) with the following exceptions:

- a. If the work is created in the course of sponsored and/or joint activity, specific provisions related to Intellectual Property made in contracts governing such activity shall decide the ownership of Intellectual Property.
- b. TERI SAS shall be the copyright owner of the work, including software, created by TERI SAS personnel with use of University supported resources. The University may demand assignment of the copyright in whole or in part depending on the degree of University supported resources used in producing the copyrightable work.
- c. TERI SAS shall be the copyright owner of all teaching material developed by TERI SAS personnel as part of any of the academic programs at TERI SAS. However, the authors shall have the right to use the material in her/his professional capacity for an academic or research purpose only.

- d. TERI SAS shall be the copyright owner of work created by Non-TERI SAS personnel related with any activity of TERI SAS with the intellectual input of TERI SAS personnel. However, the authors shall have the right to use the material in her/his professional capacity, for an academic or research purpose only.

1.3.2 Patents –

- a. For any intellectual property pertaining to any idea/innovation/inventive concept generated by ‘personnel’ also known as inventor with the use of usual University resources during the tenure of his engagement/employment with the university, the inventor will be required to assign the invention to the University.
- b. The inventor is also required to assign to the University any such intellectual property that emerges/emanates from the intellectual inputs of the inventor during the course of his/her engagement/employment :
 - i. With the use of University-supported resources. In such a case, the University will undertake procedures to commercialise the property through licensing or other agreements. Until the patent application is made the creator shall agree to keep all pertinent facts of intellectual property secret and confidential.
 - ii. With the use of funding from sponsored research where the sponsor does not claim intellectual property rights.

1.3.3 Sponsored Research

For Intellectual Property created/generated during the course of sponsored and/or collaborative activity, definite provisions related to Intellectual Property specified in contracts dealing with the collaborative activity shall regulate the ownership of Intellectual Property.

1.4 **Disclosures, Confidentiality and Assignment of Rights**

The provisions of the contract pertaining to disclosure of work will have to be followed for sponsored and/or collaborative work

For an inventor(s) who wish to protect the invention(s) they create, other than through sponsored and/or collaborative work, the inventor(s) shall disclose the creative work to the appropriate authority at the earliest date.

Disclosure is an important process of the Intellectual Property protection and it properly documents claims of inventorship, the date of the invention and other details of the invention. The inventor(s) shall assign the rights of the disclosed invention to TERI SAS.

All TERI SAS personnel and non-TERI SAS personnel affiliated with any activity of TERI SAS shall treat all Intellectual Property related information and/or technical knowhow which has been disclosed to the appropriate authority and/or whose rights are assigned to TERI SAS, or whose rights rest with TERI SAS personnel, as ‘confidential’.

The term "Confidential Information" shall mean:

- i. all information, analyses, compilations, studies, documents or other material (in any form and whether communicated orally, in written form or through other media) obtained directly or indirectly by the 'personnel' during the period of his engagement with the university and/or the Transaction, together with any analyses, compilations, studies, documents or other material (written or otherwise) prepared by the personnel, which reflects or incorporates such information that may be associated with any intellectual activity carried out by personnel in the tenure of engagement;
and
- ii. the possible Transaction, the proposed terms of the Transaction, the existence and contents of this subject, the fact that discussions are or may be taking place with respect to the Transaction and the fact that the personnel may have requested or received this the said subject or Confidential Information.

1.5 Guideline for Students & Undertaking

All students while working at the TERI SAS must agree to abide by the IPR Policy 2017 and IPR guidelines of the University. At the time of admission, all students are to sign a certificate stating that they have read the policy and will abide by the IPR guidelines of the University. An undertaking on the guideline placed at Annexure to be obtained from the students at the joining of the institution.

1.6 Royalty Sharing

Royalty accruing or any type of payment received from the commercialization of University-owned intellectual property will be shared between the University and the creator according to the revenue sharing model promulgated by the University from time to time in broad conformity and accordance with the prevalent laws of the land.

1.7 Resolution of disputes

- 1.7.1 In case of disputes between the inventor and the University regarding the implementation of Intellectual Property Policy, the aggrieved party may approach the appropriate authority.
- 1.7.2 If the aggrieved party is not satisfied with the decision of the appropriate authority, the party may appeal to the Vice Chancellor of TERI SAS. The Vice Chancellor's decision will be final and binding.

1.8 Jurisdiction

All dispute(s) arising with respect to the implementation of Intellectual Property Policy, will be subject to the legal and territorial jurisdiction of the Courts of Delhi only.

Guideline for Students

Intellectual Property Right determined by third party agreement

Whenever there is a possibility that an externally funded project will result in intellectual property, the ownership of that property will be determined between the University and the funding organization.

If the funding agency is a government (central/state) or TERI then the standard practice of that agency will determine the ownership rights.

In case of collaborative projects, modalities of sharing of intellectual property would be elaborated in the MoU.

Responsibilities of students

Record Book

Students (Ph.D) will be given record books which are non-consumable items and which will have to be handed over to the University on finishing their research activities at the University. The record book will have numbered pages and students would be required to sign the book at the end of each day. The signature of the student would have to be countersigned by his/her supervisor or any other witness at least once every two weeks.

Confidentiality

The students shall not remove from TERI SAS premises nor prepare any copies of any documents, files, drawings, articles, correspondence, notes or other papers relating to proprietary technology except to the limited extent which the nature of research of the student may require, and in such cases, the student shall promptly after completion of such work return all such items to TERI SAS.

During the course of his research, the student will acquire and have access to proprietary technology which is confidential in nature and of value to TERI SAS, such as research and development projects and funding details about microbial consortium, formulae, designs, processes, methods of manufacture etc. It is the student's responsibility to ensure that he/she does not disclose any such proprietary technology at any time even after leaving TERI SAS, unless

such proprietary technology comes within public domain by an act other than that of the student.

Potentially patentable innovations/inventions

As soon as the student recognizes that there is a possibility of patentable products/processes or inventions, and before disclosing it to any party outside TERI SAS, the student must notify his/her supervisor, the Head of his/her Department and the Dean, Research and Relationships* .

Property not subjected to patent law

If the student recognizes that there is any possibility of intellectual property rights being created, even if not patentable, the student must immediately discuss the idea with, his/her supervisor, the Head of his/her Department or Dean, Research and Relationships* .

Other responsibilities

If funding was provided by an external agency that requires notification when intellectual property develops, the Dean, Research and Relationships* would be responsible for notifying the agency. The Principal Investigator of the project will assist the Dean by providing the necessary information and completing the formalities as required by the funding agency.

The Dean, Research and Relationships* /PI is responsible for decisions regarding all IPR issues which include patenting, copyrighting, licensing, loaning, selling, or otherwise controlling the marketing or disposition of intellectual property that is owned by the University. If a copyright/patent is pursued, the student concerned is expected to cooperate in filing the necessary paper work.

Distribution of benefits derived from Intellectual Property

The University may enter into an agreement with the originator(s) of intellectual property regarding the division of revenue between the University and the originator(s) where any intellectual property owned by the University is to be assigned, licenced, or otherwise commercially exploited by the University.

Appeals

The sponsored Research and Development Board would be responsible for resolving any disputes including, but not limited to, disagreement regarding:

- Ownership of intellectual property rights
- Transfer of the intellectual property rights
- Marketing of intellectual property

The decisions of the Board may be appealed in writing to the Vice Chancellor who is the final authority in resolving the issues.

IPR Undertaking

I.....registration no..... certify that I have read and understood the IPR Policy-2017 and IPR guidelines of the TERI SAS. I undertake to abide by the IPR Policy & guidelines of the University while working on any research project at TERI SAS.