



[Approved by the E.C. in its 345 Meeting
held on 23 & 24 March, 21 vide Resol.
No. 18]

DIBRUGARH UNIVERSITY :: DIBRUGARH – 786004

INTELLECTUAL PROPERTY RIGHTS (IPR) POLICY, 2020

I. Preamble

Dibrugarh University was established in 1965 consequent upon the provisions of the Dibrugarh University Act, 1965, enacted by the Assam Legislative Assembly. It is a leading research and innovation-driven University that acts as a spatial slot to configure North East India's socio-cultural dynamics. The University encourages myriad enterprises that harbour on a constellation of thinking, theorising, and reflection. The University has a prolific and productive industry-academia interface. With its strong global links in teaching and research programmes, the University offers dynamic educational experiences that prepare the next generation to lead and make a difference and thus contribute to society at large.

Being true to its mission of widening the wings of holistic education and instilling a passion for research and development among generations of learners, the University has significantly contributed to the academic, cultural, and economic development of not only North-East India but also of the country. The University receives funds for infrastructure, research, and other activities from the state and the central governments and other funding agencies. Therefore University's research outputs are expected to be used for the development of the country as a whole, and it should not be kept unutilised through an unfair monopoly of ownership.

The University is committed to providing an atmosphere where innovation can flourish, and innovators can be duly rewarded for their efforts. To enable the proper utilisation of innovations and recognition of the innovators' efforts and to give justifiable ownership of such innovations, University is adopting this Intellectual Property Rights (IPR) Policy for implementation.

This policy shall govern the Intellectual Property Rights of the University, faculty members, employees, students, and others for their work, product, ideas, and innovations developed in connection with the activities of the University, for the furtherance of its goals and objectives.

The University has framed the Policy for the management of the Intellectual Property to:

- a. Promote, preserve, encourage and support scientific investigation and research;
- b. Frame guidelines for making the inventions and discoveries generated through activities in the University readily available in public through commercial channels;
- c. Set up criteria for determining the rights and obligations of the University, authors/proprietors/assignees/licensees, of intellectual Property and their sponsors concerning inventions, and original works/applications where necessary and admissible;
- d. Assist, encourage, and provide mutually beneficial rewards to the University and members of the University and others who transfer to the University intellectual property through commercial channels for utilisation of public;
- e. Enable the University to secure sponsored research grants at all levels of research and ensure compliance with applicable laws and regulations;
- f. Enhance University's reputation as an academic research institution and by conferring the benefits of the scholarship and teaching of the University to the public; and



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- g. To facilitate GI Registration of items having regional ethnocultural importance so that the deserving community may be given their due recognition and benefits.

II. Commencement of the Policy

This policy shall come into effect from the date of approval granted by the Competent Authority to this policy.

III. Definitions

(i) Copyrightable Materials

These materials are as defined in the Indian Copyright Act. That includes the following in original: (1) books, texts, journal articles, glossaries, study guides, bibliographies, laboratory manuals, syllabi, tests, and synopsis/ proposals; (2) lectures, compositions, unpublished scripts; (3) films, filmstrips, charts, transparencies, and other visual aids; (4) video/audio tapes or e-contents; (5) audio and video broadcasts; (6) instructional materials; (7) research notes, research data reports, and research logbooks; and (8) other materials or works other than software which qualifies for protection under the Indian Copyright Act, 1957.

(ii) Author(s)/ Proprietor(s)

mean the faculty, employees, and other persons employed by the University, whether full or part-time; visiting faculty and researchers; and any other persons, including students, who will create Intellectual Property using University resources during the course of employment.

(iii) Confidential Disclosure

means an agreement between the parties to the disclosure and the receiver, or a phrase in a research contract or licence agreement.

(iv) Direct expenses

costs associated with Intellectual Property development, security, preservation, and licencing. These expenses do not include the daily payment of University employees or other operating costs.

(v) Educational materials

includes curriculum and related content delivery platforms and technologies, including materials produced for conventional face-to-face classroom classes, as well as other distribution models such as web-based distribution or other distance learning media. For this Policy, Educational Materials do generally not include works such as textbooks, articles, papers, scholarly monographs, or artistic works produced in the ordinary course of academic scholarship.

(vi) Geographical Indications

means the Geographical Indications (GI) tags that are given as per the Geographical Indications of Goods (Registration and Protection) Act, 1999. It is a sign used on products that



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- have a specific geographical origin and possess qualities or a reputation due to that origin. Geographical Indication is primarily granted to agricultural, natural, manufactured handicraft originating from a definite geographical territory. The University IPR Cell may facilitate the GI registration of certain items that are having regional ethnocultural importance.
- (vii) Invention Disclosure** means a written description of an invention made to the University by the inventor confidentially. It shall include legitimate claims and specifications of the invention.
- (viii) Intellectual Property** Intellectual Property shall include patents, copyrights, trademarks, geographical indications, trade secrets, and other things such as printed documents, computer software for any new and useful process, the machine, material composition, life type, manufacturing document, software, patented work, such as new or improved machines, circuits, chemical compounds, drugs, genetically engineered biological organisms, data sets, software, musical processes, or unique and innovative uses of existing inventions. For this policy, Intellectual Property may or may not be patentable or copyrightable.
- (ix) Know-how** means the information, inventions, methods, skills, processes, or procedures and secrets of individuals relating to the use for a specific purpose of material, commodity, or resource or to the application of a system.
- (x) Publication** means a disclosure of an innovation that may be verbal or written. Written materials contain abstracts, theses submitted by the students, and, in some cases, proposals for grants.
- (xi) Patent and patentable material** Patent and Patentable materials are as defined in the Indian Patent Act, 1970 (as amended) These include inventions of new products and processes or substantial improvement of efficiency or efficacy.
- (xii) Substantial use of University facilities or resources** means the regular utilisation of University facilities, equipment, personnel, or other resources owned by the University.
- (xiii) University research** means any research or development operation conducted by the University, or related to duties and responsibilities for which the University pays an individual, or which is carried out with significant use of University facilities or resources.



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- (xiv) **University resources** means all tangible resources offered by University to Creators, including office, laboratory, studio room, and equipment; computer hardware, software, support; secretarial service; research, teaching, and laboratory assistants; supplies; utilities; funding for research and teaching, travel, and other funding or reimbursement activities. "University resources" do not include payment of regular salary, insurance, or retirement plan contributions paid to, or for the benefit of, author(s)/proprietor(s) of the work.
- (xv) **Policy** Policy means the provisions of this policy unless otherwise mentioned.

IV. Scope of the Policy

These Intellectual Property Policy Policies refer to teachers, staff, graduate students, post-doctoral fellows, and non-employees (including visiting teachers, associate and adjunct faculty, industrial personnel, fellows, etc.) who are engaged in different research projects in the university.

V. OWNERSHIP OF INTELLECTUAL PROPERTY

- a) General Statement of Ownership:** All Intellectual Property (including laboratory notebooks and other tangible intellectual property) created as a result of university research or produced by extensive use of university facilities or services shall be jointly owned by the University and the author/proprietor of Intellectual Property and where there has been external Corporate, Foundation, Trust or Industrial funding the university shall own the IP, Creator of Intellectual Property and Corporate funding agency, if any, jointly for a particular invention/intellectual creation under a specific agreement with the University. As described below, intellectual property rights shall be handled by the Intellectual Property Cell of which the University is the co-owner.
- b) Exceptions to the General Statement of Ownership:** The Developer may maintain ownership of the following subject to review by the IPR Cell: I All intellectual property produced without the use of the resources of the University during the course of employment. (ii) All rights relating to literary, dramatic, musical, artistic, cinematography works, musical recordings and computer works will be protected by the author despite use of university resources, unless sponsored/patronised and financed by the university, or under the guidelines of the sponsoring agency for the same or in agreement with a third party. (iii) Copyrights of the authors in research works/review articles shall be protected by the individual author(s) / proprietor(s) unless expressly given effect in writing to the contrary.
- c) Other Ownership Options:** Upon mutual agreement, the author/proprietor may assign intellectual Property, he or she would otherwise own to the University to be managed by the Intellectual Property Cell. If the University cannot or does not wish



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to act immediately to secure and/or licence intellectual property belonging to the University, it shall grant ownership to the author/proprietor or other interested person upon request to the extent allowed by this policy and third party agreements if any.

d) Publication: Faculty, employees, and students at the University could publish their research findings freely provided that such research does not result in infringement of copyrightable/patentable intellectual property.

VI. CREATION OF INTELLECTUAL PROPERTY

At the University level, patent of copyright of any product/process or contents may be claimed in the following ways:

a) University undertakes an assignment either from an external entity or through its own decision to undertake the development of a particular Copyright or Patentable Material and to assign to a team of researchers to develop it.

b) In the course of their research or as a particular project, individual researchers or a team of researchers can create copyrightable or patentable content.

c) An external funding agency that could be a Foundation, Trust, Business, Commercial Undertaking, or Company may enter into a contractual agreement with the University and researchers/team of researchers to create some particular copyrightable or patentable content.

VII. RESPONSIBILITIES OF THE UNIVERSITY

The University Administration shall:

a) Create awareness among faculty members, staff and others regarding University's Intellectual Property. Provide necessary support to obtain legal protection of Intellectual Property in which University has a stake/share. Facilitate the transfer of such Intellectual Property for commercial use;

b) Provide legal protection to defend the University's and Intellectual Property creators' rights from lawsuits by third parties or unlawful use; share profits, equity or other income generated from Intellectual Property in which the University has a stake/share;

c) Report to research sponsors as required by Research and Licensing agreements, and applicable laws and regulations on time.

d) Provide oversight of Intellectual Property management and technology transfer to ensure adherence to this policy.

e) Take necessary steps to protect the Intellectual Property in which the university has an involvement/share. The University recognises the value of safe, timely, and cost-effective transfer of its Intellectual Property. To that end, the University shall establish efficient Intellectual Property assignment mechanisms to maximise the Intellectual Property value for the creator/funding agency, if any and/or the University.

f) Provide the IPR Cell with the requisite resources to promote GI Registration of objects of regional and ethnocultural significance in order to obtain due recognition for the deserving group.

VIII. RESPONSIBILITIES OF THE AUTHORS/PROPRIETORS OF INTELLECTUAL PROPERTY

The author/proprietor of the Intellectual Property shall



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- a) disclose promptly of an invention and original intellectual work that is patentable/copyrightable and in which University has stake/share.
- b) provide the necessary support throughout the process to protect and accomplish the transfer of the Intellectual Property;
- c) arrange for the holding of all documents that are necessary for protecting the Intellectual Property;
- (d) follow the commitments made in the license, sponsored research, and other agreements made per this policy.
- (e) have to consider, manage, and disclose any conflicts of interest that may arise while commercialising the inventions.
- f) to manage, including bearing patent/copyright, assigning it for commercial use or licensing it similarly on terms to be finalised jointly by the head of IPC, inventor/creator, and financing agency, if any, for the research project which leads to such an invention/creation.

IX. INTELLECTUAL PROPERTY RIGHTS CELL (IPR CELL)

i) University shall constitute an Intellectual Property Rights (IPR) Cell for the management of the Intellectual Property in which the University has stake/share, technology transfer activities and for the implementation of the IPR Policy. The IPR Cell shall consist of the following:

- a) Dean (R&D) as the Chairperson
- b) A competent person having due academic qualification and experience in the field of IPR as a Member, to be nominated by the university authority in consultation with the cell.
- c) Distinguished Academicians/Scientists/Industrialists as External Member (Minimum 2 nos.)
- d) Law Officer, D.U. as Member
- e) One member from State Nodal Agency for IPR (ASTEC)
- f) Minimum four teachers of the University as members, one of which will act as Secretary

Six members shall constitute the quorum.

ii) Secretary, in consultation with the Chairperson of the Cell, shall convene the meeting of the IPR Cell from time to time. (At least once every six months). The term of the IPR Cell will be three years.

iii) The University shall provide necessary support and secretarial assistance for the smooth functioning of the cell.

The budget of the Cell

The IPR Cell shall work as per accepted annual budget for its activities.

X. TECHNOLOGY TRANSFER ACTIVITIES

- i) The creator will make a confidential disclosure in detailed and written form about the item that comes under the IPR Policy.



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- ii) The IPC shall analyse inventions and other intellectual property reported to the IPC to determine, where appropriate, the type of protection of intellectual property that should be considered, and also the potential for commercial exploitation.
- XI.** The University, Creators/inventors, and Funding agency will agree on sponsored research leading to invention/discovery and its economic use. For intellectual property generated by sponsored research, the funding agency shall have the right of first and share of the university, and the creator shall be decided by the IPC and shall be specified in the agreement.
- XII. SHARING OF BENEFITS**
The net earnings from the commercialisation of IP owned by the University would be shared as per the schedule to this policy or as decided or adopted in the University.
- XIII. DISPUTE RESOLUTION**
- i) Disputes, if any, that cannot be resolved with IPC's assistance shall be referred to a tribunal of Arbitration at the instance of the University or at the request of the inventor or funding agency.
- ii) The Vice Chancellor shall nominate one member to the tribunal. There will be one member of the other party(s). The Board of arbitrators shall award this decision after following due process.
- iii) **Jurisdiction:** The District Court of Dibrugarh or Gauhati High Court shall be the competent court, as necessary to hear and settle any dispute.
- iv) Notwithstanding anything contained in this policy or any decision/action taken incidental to the execution of the policy, if found to be repugnant to the context, purview, and Provision of the Indian Copyright Act 1957, Indian Patent Act 1970 (as amended), Indian Design Act 2000, GI (Registration and Protection) Act 1999 etc. shall be applicable.
- XIV. MISCELLANEOUS**
- i) The University reserves the right to amend/change this policy at any time as may be required.
- ii) The University may grant a waiver from the provisions of the policy on a case-by-case basis.
- iii) The Logo and Emblem of the University are the exclusive identity and property of the University, and no person shall without prior permission of the University can utilise the logo and/or emblem of the University for any commercial or any other purpose without legitimate authority.
