



YENEPOYA INSTITUTE OF TECHNOLOGY

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In association with



KARNATAKA STATE COUNCIL FOR SCIENCE AND TECHNOLOGY
,BENGALURU- 560 012

“YIT-KSCST IPR POLICY”

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VISION

YIT will set the standard for Engineering Sciences education in the Twenty-First century. We are committed to creating new milestones and standards for students to experience an unparalleled educational journey that is intellectual, socially and personally transformative

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PREFACE

Effective management and protection of intellectual property rights (IPR) is a critical aspect of YIT commitment to fostering innovation, promoting creativity, and maximizing the value of our intellectual assets. This Intellectual Property Rights (IPR) Policy establishes the framework and guidelines for the responsible creation, ownership, disclosure, and utilization of intellectual property within our organization.

At YIT we recognize that intellectual property is a valuable and intangible asset that contributes significantly to our competitiveness, growth, and long-term success. Our IPR Policy is designed to create an environment that encourages the generation of novel ideas, discoveries, inventions, and creative works while ensuring that the rights and interests of our employees, contractors, and stakeholders are appropriately protected and respected. This policy serves as a comprehensive guide for understanding the principles, procedures, and responsibilities associated with intellectual property rights throughout the organization. It outlines our commitment to complying with relevant laws, regulations, and ethical standards governing intellectual property, as well as promoting a culture of awareness, respect, and adherence to these rights.

This IPR Policy is a dynamic document that will be periodically reviewed and updated to reflect changes in legal requirements, industry practices, and organizational needs. We encourage all members of YIT to familiarize themselves with this policy and actively participate in its implementation and enforcement.

By adhering to this IPR Policy, we affirm our commitment to protecting and managing intellectual property rights in a manner that promotes innovation, fosters creativity, and upholds the highest standards of integrity and respect.

YIT-KSCST IPR CELL

For Whom Is This Meant?

This policy covers all staff, faculty members, students and also persons engaged in sponsored schemes and projects, from Government and Private funding agencies and any other initiatives of the Institute as well as visiting scientists/professors/personnel who participate in the research work being carried out at the Institute.

1. The major objectives of the IP policy:

The Intellectual Property (IP) policy of an engineering college outlines the guidelines and principles related to the creation, management, and protection of intellectual property within the institution. The major objectives of such a policy can vary from one college to another, but some common objectives include:

1. **Encouraging Innovation:** One of the primary objectives of an IP policy is to foster a culture of innovation within the engineering college. By providing a framework that recognizes and rewards innovative ideas, the policy motivates students, faculty, and researchers to engage in creative and original work.
2. **Protection of Intellectual Property:** The policy aims to safeguard the intellectual property rights of individuals and groups associated with the college. It defines the ownership and usage rights of the intellectual property created within the institution, ensuring that creators are appropriately credited and their work is protected against unauthorized use.
3. **Commercialization and Technology Transfer:** Another significant objective is to facilitate the commercialization of innovative technologies and research outputs. The policy may outline procedures for technology transfer and collaboration with industries to bring the inventions to the market and contribute to economic development.
4. **Promotion of Research and Development:** The IP policy seeks to support and promote research and development activities within the college. By offering a clear framework for IP ownership and management, it creates an environment conducive to conducting research and encourages researchers to pursue projects with commercial potential.
5. **Collaboration and Partnerships:** The policy may encourage collaborative research efforts both within the college and with external entities. It may specify guidelines for managing IP in joint research projects and partnerships to ensure fair distribution of rights and benefits.
6. **Education and Awareness:** Educating students, faculty, and staff about intellectual property rights, policies, and procedures is essential. The IP policy should aim to raise awareness about IP issues and best practices, fostering a responsible and ethical approach to intellectual property management.
7. **Compliance with Legal and Ethical Standards:** The policy should align with relevant national and international laws regarding intellectual property, ensuring that the college and its members adhere to ethical and legal practices.
8. **Long-term Institutional Growth:** By supporting a strong IP policy, the college can enhance its reputation as a center for innovation and research, attracting talented students and faculty, as well as potential industry partners and investors.
9. **Benefit Sharing:** The policy might address how the benefits arising from the commercialization of intellectual property will be shared among the creators, the college, and other stakeholders involved in the process.

It's important to note that the specifics of an engineering college's IP policy will depend on the institution's goals, resources, and legal requirements. Therefore, each college may have its own tailored policy to suit its unique needs and objectives.

2. Ownership:

- **In-House Research:** All rights in respect of investigations carried out at the college shall vest in and be the absolute property of the college except in respect of the activities carried out jointly with other institutions or agencies or under a sponsorship by an agency, in which case the ownership will be decided and agreed upon mutually.
- **Sponsored Research:** Intellectual Property Rights (IPR) of inventions arising out of research projects undertaken on behalf of the sponsoring agencies shall be taken jointly in the name of the college and sponsoring agencies, when the sponsoring agencies bear the cost of filing and maintaining of the IPR equally. If the sponsoring agencies are not forthcoming, the college at its discretion may file the application with absolute ownership and college will meet the entire cost of filing and protection of IPR.
- **Collaborative Research:** All intellectual property jointly created, authored, discovered, invented, conceived or reduced to practice during the course of collaborative research undertaken jointly by College with Collaborating Institutions, shall be jointly owned; and the Collaborating Institutions will be requested to bear the cost of filing and maintenance of the IPR. In case the Collaborating Institutions are not forthcoming to bear fully the cost of filing and maintenance, if considered expedient by the Institute, the College will share the cost equitably with the Collaborating Institutions. Where the Collaborating Institutions are not forthcoming for filing joint IPR application, the College at its discretion may file the application with absolute ownership and College will meet the entire cost of filing and protection of IPR.

3. Provisions of IPR policy for Staff, Students and Visitors

The provisions of an Intellectual Property Rights (IPR) policy for staff, students, and visitors in an engineering college generally address the ownership, management, and rights related to intellectual property created by these different groups. Below are some common provisions that could be included in such a policy:

- **For Staff (Faculty and Researchers):**

Ownership of Intellectual Property: The policy should clarify the ownership of intellectual property created by staff during the course of their employment or using the college's resources. In many cases, the college may assert ownership of intellectual property developed as part of their duties, but there could be provisions for shared ownership or individual ownership in certain cases.

1. **Disclosure Obligations:** Staff should be required to promptly disclose any inventions, innovations, or other intellectual property they create that may have commercial potential or academic significance. The policy should outline the procedures for disclosure and evaluation of such intellectual property.
2. **Technology Transfer and Commercialization:** The policy should address how the college will handle the commercialization of intellectual property created by staff. It may include provisions for licensing, startup creation, and revenue-sharing mechanisms to incentivize innovation.
3. **Rights and Benefits:** The policy should define the rights and benefits that staff members will receive in relation to their intellectual property. This could include financial rewards, recognition, and opportunities for further research and development.
4. **Collaboration and Joint Projects:** If staff members engage in collaborative research or joint projects, the policy should outline how intellectual property rights will be managed and shared among the participating parties.
5. **Conflict of Interest:** The policy may include guidelines to manage potential conflicts of interest between staff members' personal interests and the college's interests related to intellectual property.

- **For Students:**

1. **Ownership of Student Work:** The policy should clarify the ownership of intellectual property created by students during their studies. In some cases, the college may assert ownership, but there could be provisions for student ownership in certain scenarios, such as independent projects.
2. **Academic Projects and Research:** The policy should outline how the college will handle intellectual property developed as part of academic projects or research conducted by students. It may also address how student contributions to faculty-led research projects will be recognized and credited.
3. **Student Startups:** If students create intellectual property with commercial potential, the policy should provide guidelines on how the college will support student startups and entrepreneurship initiatives.
4. **Disclosure Requirements:** Students should be informed of their obligations to disclose any inventions or innovations with commercial potential to the college for evaluation and potential protection.

- **For Visitors:**

Use of College Resources: The policy should address the use of college facilities, equipment, and resources by visitors in the context of intellectual property creation. It may specify conditions under which visitors may have access to such resources for collaborative projects.

1. **Ownership and Collaboration:** The policy should outline the ownership of intellectual property created by visitors during their stay at the college and any collaboration arrangements involving the college's staff or students.
2. **Confidentiality and Non-Disclosure:** The policy should include provisions to safeguard any confidential information exchanged between the college and visitors during collaborative projects.

It's important to note that the specific provisions of an IPR policy for staff, students, and visitors will depend on the college's goals, legal requirements, and internal practices. The policy should be communicated clearly to all relevant stakeholders to ensure a transparent and productive intellectual property environment within the institution.

6. Grants, Sponsored Works, and Specially funded works

In the event a grant from a government agency or private sponsor contains provisions governing intellectual property and/or rights to the property, these provisions take precedence over this policy.

Faculty and staff should understand any such provisions before agreeing to a different allocation of rights than set forth in this policy.

The ownership of commissioned work done by faculty for the College will be governed by the contract agreement.

7. Application of policy

This policy applies to Staff, Students and Visitors of the College. This Policy constitutes an understanding which is binding on the College and on the Staff, Students and Visitors to whom this Policy applies, as a condition for participating in research programs at the College, for the use of College funds or facilities, or for commencing employment or studies with the College. This Policy shall be incorporated in all employment contracts for Staff joining the College after this Policy has been implemented.

8. Transparency of IP Administration

The College will inform the creators of Intellectual Property of progress regarding filing of the patent, commercialization and/ or disposition of the intellectual property. The College and the creators shall maintain

complete transparency in sharing information at all stages of the process. The creators shall keep the College informed of updates or development of the Intellectual property, which lead to tangible effects on the property.

9. Confidentiality

It is important that any information about a potentially patentable Invention is not prematurely disclosed. Telling a third party about the information generated by a research project could constitute a disclosure and may mean that the invention loses the necessary quality of novelty, resulting in the Invention becoming un-patentable. In the event that Staff and/or Students need to discuss the details of an Invention with outside academics or potential developers, they should ensure that a non-disclosure agreement has been executed before disclosing any information about the Invention.

DEFINITIONS

Certain terms are used in this document with specific meanings, as defined in this section. These definitions do not necessarily conform to customary usage.

1. **“Yenepoya Institute of Technology”** means the engineering college affiliated to Visvesvaraya Technological University.
2. **“Faculty”** means persons employed or engaged by the YIT, including full-time and part-time employees, consultants, visiting researchers and emeritus professors, adjunct or visiting appointees, student employees and technical staff appointed as per the YIT appointment procedure.
3. **“Researcher”** means and includes all Faculties, Students Staff and/or Visiting individual who use the YIT resources and who performs any research task at YIT or otherwise participate in any research project administered by the YIT, including those funded by external sponsors.
4. **“Student”** means any full-time or part-time pupil including school, pre-university students, graduate, diploma students, undergraduate, post-graduate, Research Scholars or doctoral student regardless of whether the student is housed inside the campus or outside; an employee of an external organisation registered for doctoral or post-graduate studies; a Faculty or Staff registered as a post-doctoral or doctoral student with an external organization or students under student exchange program.
5. **“Staff”** means any employee of YIT other than students and faculty as defined above. If a student is also a part-time YIT employee, he is considered as staff with regard to intellectual property developed as a result of his employment, and as a student with regard to other intellectual property. Visitors to the university who make substantial use of YIT resources are considered as staff with respect to any Intellectual Property arising from such use.
6. **“Patent Cell”** means the office established by YIT to handle all the matters pertaining to the Intellectual Property of YIT.
7. **“Visiting individual”** means individuals having an association with the YIT without being either employees or students and includes academic visitors, individuals with honorary appointments in YIT and emeritus staff.
8. **Intellectual property (IP)** refers to creations of the intellect for which a monopoly is assigned to designated owners by law. Intellectual property rights (IPRs) are the rights granted to the creators of IP, and include trademarks, copyright, patents, industrial design rights, and in some jurisdictions trade secrets. Artistic works including music and literature, as well as discoveries, inventions, words, phrases, symbols, and designs can all be protected as intellectual property.
9. **Copyright** is a legal right created by the law of a country that grants the creator of original work exclusive rights for its use and distribution. This is usually only for a limited time. A copyright is a legal device that gives the creator of a literary, artistic, musical, or other creative work the sole right to publish and sell that work. Copyright owners have the right to control the reproduction of their work, including the right to receive payment for that reproduction. An author may grant or sell those rights to others, including publishers or recording companies. Violation of a copyright is called infringement.
10. **Database** is a collection of information that is organized so that it can be easily accessed, managed and updated. Data is organized into rows, columns, and tables, and it is indexed to make it easier to find relevant information. Data gets updated, expanded, and deleted as new information is added. Databases process workloads to create and update themselves, querying the data they contain and running applications against it. Database right is considered to be a property right, comparable to but distinct from copyright,

that exists to recognize the investment that is made in compiling a database, even when this does not involve the "creative" aspect that is reflected by copyright.

11. **Patent** is an exclusive right or rights granted by a government to an inventor for a limited period in exchange for the public disclosure of an invention. Examples of classes of patents include business method patents, software patents, biological patents, and chemical patents. In general, the granting of a patent is dependent on passing tests of patentability, patentable subject matter, novelty (i.e., new), inventive step or non-obviousness and industrial applicability (or utility).
12. **Design rights** There are two types of design rights: the registered design right (Registered Design Act 1949) and the unregistered design right.
 - I. A registered design protects the visual appearance of a product or item and gives you exclusive rights for that appearance to the extent that, if necessary, there is a legal right to stop an unauthorized party from producing or using your design. Design right protects the shape of a three-dimensional design. It subsists if the design is recorded on paper, or if an Article has been made according to that design. It does not subsist in designs made before the commencement of part of the 1988 Act relevant to design right. It has rules on qualification for protection by both citizenship of the designer and place of the designing. Qualifying countries include the United Kingdom, the rest of the European Economic Area and British overseas territories. The registered design right provides up to 25 years protection.
 - II. The unregistered design right is similar to copyright in that it attaches automatically when a new design is created. However, its length is much more limited, since it only lasts for 10 years after it was first sold or 15 years after it was created whichever is earliest. It was introduced into British law by the Copyright.
13. **Trade Marks** Distinctive design, graphics, logo, symbols, words, or any combination thereof that uniquely identifies a firm and/or its goods or services, guarantees the item's genuineness, and gives it owner the legal rights to prevent the trademark's unauthorized use. A trademark must be:

(1) distinctive instead of descriptive,

(2) affixed to the item sold, and

(3) Registered with the appropriate authority to obtain legal ownership and protection rights.

Trademark rights are granted usually for 7 to 20 years and, unlike in case of patents, are renewable indefinitely. These rights are protected worldwide by international intellectual property treaties and may be assigned by their owner to other parties.

14. **Assignment** The intellectual property assignment is a transfer of an owner's rights, title and interest in certain intellectual property rights. The transferring party ("assignor") transfers to the receiving party ("assignee") its property in intellectual property rights, such as patents, trademarks, industrial designs and copyrights.

The owner of the intellectual property rights may transfer all or part of his rights e.g. the copyright owner could assign only some of his economic prerogatives. The transfer of intellectual property rights is made upon a payment of a lump sum or royalties.

Unlike license agreements, which grant permission to use intellectual property under certain conditions, as a rule assignments are transfers of property rights, with no conditions under which the rights will be used.

For Trademarks: An assignment is a transfer of ownership of a trademark application or trademark registration from one entity to another.

For Patents: An assignment involves the sale and transfer of ownership of a patent by the assignor to the assignee.

For Copyright: An assignment is a transfer of the copyright owner's economic rights. In contrast to the economic rights under copyright, moral rights cannot be sold or assigned to another person (moral rights are the right to be identified as the author of the work or to object to derogatory treatment or to a distortion or mutilation of the work, to protect the personality and reputation of authors).

