



**GALGOTIAS
UNIVERSITY**
— Uttar Pradesh —
CREATING KNOWLEDGE

IPR Policy

Galgotias University

Plot No. 2, Yamuna Expressway,
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1. Objective

An intellectual property rights policy is the cornerstone of innovation and creativity for academia. It provides structure, predictability, and a framework for talented minds to do what they do best: create and innovate.

Intellectual property (IP) refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce. IP is protected in law by, which enable people to earn recognition or financial benefit from what they invent or create.

Objectives:

- i) To provide a framework to foster innovation and creativity in the areas of technology, sciences, and humanities by nurturing new ideas and research by an ethical practice.
- ii) To protect intellectual property (IP) rights generated by faculty/ personnel, students, and staff of Galgotias University.
- iii) To lay down an efficient, fair, and transparent administrative process for ownership control and assignment of IP rights and sharing of revenues generated by IP, created and owned by GU.
- iv) To promote more collaborations between academia and industry through better clarity on IP ownership and IP licensing.
- v) To create a mechanism for knowledge generation and its commercial exploitation.

2. Ownership of IP

IP generated from research conducted by utilizing resources of the Galgotias University

I. PATENTS

- i. All inventions whether made by student/ researcher/ faculty by utilizing the resources of the Galgotias University, or with the mix of funds, resources and/or facilities of the Galgotias University, shall ordinarily be vested with the Galgotias University.
- ii. If the Galgotias University determines that an invention was made by an individual(s) on his/her own time and unrelated to his/her responsibilities towards the Galgotias University and was conceived or reduced to practice without the use of resources of the Galgotias University, then the invention shall vest with the individual(s)/ inventor(s).

II. COPYRIGHT

- i. The ownership rights in scholarly and academic works generated utilising resources of the Galgotias University, including books, articles, student projects/dissertations/ theses, lecture notes, audio or visual aids for giving lectures shall ordinarily be vested with the author(s).
- ii. The ownership rights in lecture videos or Massive Open Online Courses (MOOCs), films, plays, and musical works, institutional materials including, but not limited to, course syllabi, curricula, exam questions, exam instructions, and papers/ reports

specifically commissioned by the Galgotias University, shall ordinarily be vested with the Galgotias University. The moral rights shall continue to vest with the author(s) wherever applicable.

III. TRADE MARKS

- i. The ownership rights in all trademarks involving the Galgotias University shall ordinarily be vested with the Galgotias University. The Galgotias University may formulate necessary guidelines regarding the usage of the name of the Galgotias University through their trade mark.
- ii. If the Galgotias University determines that the creator of the trade mark was created by an individual(s) on his/ her own time and unrelated to his/ her responsibilities [e.g. name of a company/ start-up venture by the student(s)], then the right to the same shall ordinarily be vested with the said individual(s).

IV. INDUSTRIAL DESIGNS

- i. All industrial designs whether made by student/ researcher/ faculty (in furtherance of their responsibilities with the Galgotias University) developed by utilising the resources of the Galgotias University, or with the mix of funds, resources and/or facilities of the Galgotias University, shall ordinarily be vested with the Galgotias University.
- ii. If the Galgotias University determines that the industrial design was created by an individual(s) on his/her own time and unrelated to his/her responsibilities towards the Galgotias University and was conceived or reduced to practice without the use of resources of the Galgotias University, then the industrial design shall vest with the individual(s).

3. Commercialization and Benefit Sharing

Encouraging Entrepreneurship and Start-ups

To promote and encourage entrepreneurial activities by its staff, the Galgotias University, may reassign, under an agreement, its ownership of an intellectual property to the inventor(s) or creator(s) of the property, who opt to market, protect and license it on their own with minimal involvement of the Galgotias University. The fees to be paid to the Galgotias University by the assignee consist of all patenting and licensing expenses and appropriate amount of royalties, equity or other value received by the inventor(s) or creator(s).

The Galgotias University would endeavour to exploit the IP either by itself or by commissioning an agency to bring to fruition the IP produced by its personnel. The inventor(s)/creator(s) may seek the Galgotias University, to assign the rights to them after a certain holding period.

To promote a start-up/ venture set up by a researcher, it may be exempted from any upfront fee and/or royalty accrued to the Galgotias University for a certain period.

Licensing Agreements and Revenue Sharing

Research outputs generated as a result of utilisation of resources of the Galgotias University

- i. The Galgotias University is free to enter into revenue sharing agreement(s) with the researcher(s), in cases of commercialisation of innovation(s), creation(s), etc., as per the advice of the IP cell. The details of revenue sharing may be decided, based on the type of IP and the nature of commercialisation. The Galgotias University may adopt various models for royalty sharing amongst creator(s)/ inventor(s) and institution/ organization; a suggestive arrangement is given below:
 - a) 60:40 ratio of revenue sharing: 60% of the royalty/ technology transfer amount with the researcher and 40% with Galgotias University.
 - b) Deciding the division of royalty/ technology transfer amount on fixed slabs:

Case	Net earnings	Inventor(s)	Institution's Share*	Service Account**
1.	For the first amount Q	65%	25%	10%
2.	For the next amount Q	45%	45%	10%

*Q = 50 Lakh

Service Account – Money may be used for the promotion and upgradation of the invention. Unused funds from the service account will be used for promotion of commercialization, IP protection and any other related activities.

- ii. In case the IP filing costs were not borne by the Galgotias University, the researcher may be allowed to first deduct the costs incurred for filing of applications and maintenance of such IP, from any income accruing from the commercial exploitation of the IP. This is particularly relevant, as provisional patent applications may have to be filed by the innovators before any disclosure of the innovation. Only the income beyond such costs needs to be shared with the Galgotias University.
- iii. The researcher's share may continue to be paid, irrespective of whether or not the individual continues as a researcher at the Galgotias University.
- iv. If more than one researcher is involved in the generation of IP, all the researchers who qualify for benefit sharing in that IP may sign at the time of filing the application (for example, at the time of filing of patent application), an agreement outlining the proposed distribution of any IP-related earnings based on their contribution. The agreement should specify the proportional percentage of distribution of earnings from

IP to each of the researchers. The researcher(s) may, at any time, by mutual consent, revise the distribution of IP earnings agreement, and the Galgotias University, may approve the revised agreement, subject to the advice of the IP cell.

- v. With regard to the IP-related revenues earned by the Galgotias University, 50% of the revenue may be used for creating the Galgotias University IP management fund. This fund may be utilized for any activity relating to commercialisation and maintenance of IPR or obtaining IPR in any other country, or for capacity building in the area of IP protection. Further, 10% of the share may be paid to the Galgotias University as administrative charges, and 40% may be made available to the concerned department for the purchase of equipment or materials, including Annual Maintenance Contracts (AMC), or for any other academic/research activity, including promotion of science and innovation.
- vi. In the case where the copyright vests with the author(s) [as mentioned under “IP generated from research conducted by utilising resources of the Galgotias University>II. Copyright”], the Galgotias University shall have a non-exclusive, royalty free, irrevocable, and worldwide license to use the IP for research, non-commercial and educational purposes. Additionally, in cases where the Galgotias University is the owner of copyright in lecture videos and/or MOOCs, the author(s) shall have a non-exclusive, royalty free, irrevocable, and worldwide license to use the IP for research, non-commercial and educational purposes.

Research outputs generated in collaboration with external partners

- i. The revenue sharing on any IP generated from a partnership between the Galgotias University and external partners may be based on the agreement signed between the Galgotias University and the external partner at the beginning of such collaborations.
- ii. In circumstances wherein, the assignee or the licensee has not taken adequate steps for the commercialisation of the Galgotias University – owned intellectual property, the Galgotias University may consider revocation of the license and assigning it to another party, after following due process. It is important to add this as a clause in any agreement entered into by the Galgotias University, with regard to commercialisation of technologies.

Waiver of IP rights by the Galgotias University

1. Subject to any associated agreements, or any other agreement thereof, the Galgotias University may waive its rights, if the Galgotias University decides not to pursue the protection of IP within a period fixed by the Galgotias University, from sufficient disclosure by the researcher(s) to the Galgotias University (for example: nine months).

2. The Galgotias University shall take all efforts to convey the decision to the researcher, whether to pursue or not pursue the protection of IP, within a stipulated time period, after sufficient disclosure by the researcher, to the Galgotias University. Under all such circumstances, unless explicitly agreed to, the Galgotias University, shall retain a non-exclusive, royalty-free, irrevocable, and worldwide license to use the IP for research and educational purposes.

Dealing with IP rights owned by third parties

Use of technology protected by IPRs like patents and designs

It is possible that researchers may have to use diverse technology/ design/ software, as part of their research. Under all such circumstances, due care and attention must be given, for not infringing the IP rights of third parties. Some of the licenses may have restrictions with regard to kind of usages permitted. It is important to ensure that due and necessary permissions are obtained from IP owners prior to engaging in any use which moves beyond the terms of license or as permitted under the relevant statute(s) in India.

Use of copyrighted materials

Whenever researchers use copyrighted material for teaching or research purposes, it needs to be ensured that the use is within the permission obtained from the concerned copyright holder(s) or is within the boundaries of exceptions provided under the Indian copyright law. The scope of different educational use-related exceptions under Indian copyright law have been interpreted by different courts in India.

- i) The Galgotias University may create an Institutional Repository and a link to the same may be provided on their official website. This repository shall include dissertations, theses, papers, publications, and other in-house publications. In the absence of an institutional repository, the researchers may submit such works in other open repositories in the relevant subject area.
- ii) The researchers may be encouraged to license their works under an open license so that other researchers can also use the research outputs by providing appropriate attribution to the researchers.